

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 17 February 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Jon Hartley
Councillor Eliza Mann

OTHERS PRESENT: Fernando Ramos, applicant
Simon O'Toole, applicant's representative
P.C. Graham White, Metropolitan Police Service

OFFICER SUPPORT: Rebecca Millardship, legal officer
Dorcas Mills, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: LAS CONGAS, 1ST FLOOR, 516 OLD KENT ROAD, LONDON SE1 5BA

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicants and their legal representative.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 11.32am..

The meeting resumed at 12.56pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by Las Congas Club Ltd for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Las Congas, First Floor, 516 Old Kent Road, London SE1 5BA is granted as follows:

Licensable Activity	Hours
Live music (indoors)	Sunday to Tuesday from 11.00 to 01.30 Wednesday and Thursday from 11.00 to 02.30 Friday and Saturday from 11.00 to 04.30
Recorded Music (indoors)	Sunday to Tuesday from 11.00 to 01.30 Wednesday and Thursday from 11.00 to 02.30 Friday and Saturday from 11.00 to 04.30
Late night refreshment	Sunday to Tuesday from 23.00 to 01.30 Wednesday and Thursday from 23.00 to 02.30 Friday and Saturday from 23.00 to 04.30
Sale and supply of alcohol (on the premises)	Sunday to Tuesday from 11.00 to 01.30 Wednesday and Thursday from 11.00 to 02.30 Friday and Saturday from 11.00 to 04.30
Opening hours	Sunday to Tuesday from 11.00 to 02.00 Wednesday and Thursday from 11.00 to 03.00 Friday and Saturday from 11.00 to 05.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the

application form, the conditions conciliated with the environmental protection team and the police during the conciliation process and the following conditions agreed by the licensing sub-committee:

1. That no spirits (alcohol containing more than 20% ABV) shall be sold in bottles with greater volume than 37.5cl. Furthermore, bottled spirits will not be sold in the final hour of opening.
2. That on Sunday to Tuesday after 00.30, on Wednesday and Thursday after 01.30 and on Friday and Saturday after 03.00 there shall be no new entry to the premises, other than those who leave the premises for the purpose of smoking a cigarette. Those persons shall be subject to a further search on the re-entry to the premises.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard evidence from the applicant and their legal representative who advised the sub-committee that the applicant recognised the unhappy history associated with the venue. They relied on their 16 years experience of running a similar venue called Tito's in the vicinity of London Bridge. The applicant advised that bottles and half bottles of spirits are currently sold at Tito's without significant concern. They planned to port the current best practice from Tito's to Las Congas should the licence be granted. They justified their intention to sell bottles and half bottles of spirits for cultural reasons.

The applicant confirmed that they were no longer applying to have off-sales as part of the licence. They also confirmed that they had agreed to the conciliated conditions with the environmental protection team and the police apart from the proposed condition limiting the sale of spirits in bottles or half bottles.

They referred to a temporary event notice that had been applied for and granted in December 2015. Following an allegation relating to the initial event a meeting was held with the police and on the recommendation of the police the applicant agreed to withdraw the second temporary event notice.

In summing up the applicant gave the sub-committee assurances that they recognised their responsibilities and they were equipped within the existing management structure to allay any concerns the sub-committee may have.

The licensing sub-committee heard from the Metropolitan Police Service representative who advised that there had been constructive conciliation with the applicant. The only sticking point related to the sale of spirits by the bottle or half bottle. The police raised concerns regarding the ability of staff to monitor the consumption of alcohol and prevent excessive intoxication once a bottle was sold. The police supported this with details of offending rates in the area.

The licensing sub-committee noted that the environmental protection team had conciliated with the applicant.

The licensing sub-committee noted that the public health authority had withdrawn their representation on the basis that they were satisfied with the conditions conciliated

between the applicant and the environmental protection team and the Metropolitan Police Service.

The sub-committee carefully considered the representations of both parties and were reassured by the applicant's success at the other venue within the borough. The sub-committee were made aware and were receptive to the cultural expectations of the clientele and conditioned the sale of half bottles as above.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Meeting ended at 1.02 pm.

CHAIR:

DATED: