

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 29 February 2016 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sandra Rhule (in the chair)  
Councillor Stephanie Cryan  
Councillor Sunny Lambe

**OTHERS PRESENT:** Mohamad Sajid Khan, designated premises supervisor, Organic Village Market  
Flora Raymond, licensing representative, Organic Village Market  
Kaleem Dad, premises licence holder, Pricecutter  
Debra Silvester, licensing representative, Pricecutter  
P.C. Graham White, Metropolitan Police Service  
Councillor Charlie Smith, ward councillor

**OFFICER SUPPORT:** Debra Allday, legal officer  
Wesley McArthur, licensing officer  
Sarah Bradbury, public health authority representative  
Andrew Weir, constitutional officer

### 1. APPOINTMENT OF CHAIR

In the absence of the chair, Councillor Sandra Rhule was nominated by Councillor Stephanie Cryan to chair the sub-committee. This was seconded by Councillor Sunny Lambe.

### 2. APOLOGIES

There were none.

### 3. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

**4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

There were none. The chair announced at this point that the order of business would be varied to hear item 7 first.

**5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**6. LICENSING ACT 2003: ORGANIC VILLAGE MARKET, 18 LORDSHIP LANE, LONDON SE22 8HN**

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The ward councillor objecting to the application addressed the sub-committee. Members had questions for the ward councillor.

The public health authority representative addressed the sub-committee. Members had questions for the public health authority representative.

All parties were given five minutes for summing up.

The meeting went into closed session at 1.03pm..

The meeting resumed at 1.58pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application by Muhammad Sajid Khan for the variation of the Premises Licence issued under the Licensing Act 2003 in respect of Organic Village Market, 18 Lordship Lane, London, SE22 8HN is granted as follows:

- Sale and Supply of alcohol (off the premises):  
Sunday to Thursday between 07:00 and 02:00  
Friday & Saturday between 07:00 and 03:30
- Operating hours of premises:  
Monday to Sunday between 00:00 and 00:00 (24 hour opening)

**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, and the conditions agreed between the applicant, the environmental protection team and the Metropolitan Police Service during the conciliation process.

## **Reasons**

The reasons for the decision are as follows:

The Licensing sub-committee heard evidence from the applicant and their representative who informed the sub-committee that the premises licence was transferred to the applicant in September 2015 and with the exception of one occasion they had been fully compliant. The premises was an off licence that sold organic food and high end organic wine and that the application to extend the hours was driven by customer demand. The concerns raised by the public health authority and the ward councillor had all been addressed during the conciliation with the police and the environmental protection team. They felt that there was no evidence specific to the premises that warranted the outstanding concerns.

The licensing sub-committee heard submissions from the local ward councillor who advised that the extended hours were not in keeping with the surrounding residential area and it may have an effect of attracting people from outside of the area who would buy and consume alcohol in the surrounding streets, causing disruption to local residents.

The licensing sub-committee heard submissions from the public health representative who advised that the increased hours of alcohol sales were associated with an increase in alcohol related harm and that people who buy alcohol at later times during the night would be likely to drink in excess that night. On that basis, the proposed extended hours should be refused.

Given that the application was made when the old licensing policy was in place, in addition to there being no statistical evidence of crime and disorder in the area and no specific issues with the premises, the sub-committee felt that it would promote the licensing objectives in granting the application in the terms provided.

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 to modify the conditions of the licence; and

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

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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.

**7. LICENSING ACT 2003: PRICECUTTER, 145 CAMBERWELL NEW ROAD, LONDON SE5 0SU**

The licensing officer presented their report. Members had no questions for the licensing officer.

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

The public health authority representative addressed the sub-committee. Members had questions for the public health authority 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 10.58am..

The meeting resumed at 11.48am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application by Mukhtar Ahmed and Kaleem Dad for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Pricecutter, 145 Camberwell New Road, London SE5 0SU is granted as follows:

- Sale and Supply of alcohol (on the premises):  
Sunday to Thursday between 00:00 and 02:00  
Friday and Saturday between 01:30 and 03:00
- Operating hours of premises:  
Monday to Sunday between 00:00 and 00:00 (24 hour opening).

**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, and the following condition agreed by the sub-committee:

1. That outside of the hours authorized for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers or staff.

## **Reasons**

The reasons for the decision are, as follows:

The Licensing sub-committee heard submissions from the applicant and their representative. The representative informed the sub-committee that prior to making the application they had liaised with both the Metropolitan Police Service and the licensing responsible authority, both of whom said that they would not oppose the application. The application was submitted on 31 December 2015 at 12.45pm and was sent to all responsible authorities. It was made in good faith and therefore the application should be considered under the old licensing policy (2011-2014).

They advised that the applicant and his business partner had run this business for two years and other similar businesses for 15 to 20 years and there had been no issues with the premises.

The licensing sub-committee heard submissions from the public health representative who advised that the increased hours of alcohol sales were associated with an increase in alcohol related harm and that people who buy alcohol at later times during the night would be likely to drink in excess that night. On that basis, the proposed extended hours should be refused.

The licensing sub-committee heard submissions from the Metropolitan Police Service representative who agreed that the application was made prior to the new licensing policy (2016 to 2020) and therefore withdrew part of his representation concerning the policy. However, the police maintained that the premises was in a residential area and a window service would encourage individuals to loiter in the area and cause a disturbance to local residents. If the premises was to open 24 hours then a condition should be imposed to lock and secure all alcohol outside the licensable hours for the sale of alcohol.

Given that the application was made when the old licensing policy was in place, in addition to there being no statistical evidence of crime and disorder in the area and no specific issues with the premises, the sub-committee felt that it would promote the licensing objectives in granting the application in the terms provided.

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 to modify the conditions of the licence; and

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

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of 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 2.02 pm.

**CHAIR:**

**DATED:**