

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 29 July 2016 at 10.00 am at Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (in the chair)
Councillor Eliza Mann
Councillor Sandra Rhule

OTHERS PRESENT: Ismail Demir, manager, River Supermarket
Emine Demir, River Supermarket
Das Beaumont, owner, Voodoo Ray's
Andrew Woods, solicitor, Voodoo Ray's
Pippa Beazley, local resident
Suzannah Sandhu, local resident
Ian Clements, Metropolitan Police Service
Katherine Barnes, legal advisor to the sub-committee

OFFICER SUPPORT: Alexander Lisowski, licensing officer
David Franklin, licensing responsible authority
Andrew Weir, constitutional officer

1. ELECTION OF CHAIR

In the absence of the chair, Councillor David Hubber was nominated by Councillor Eliza Mann to chair the meeting. This was seconded by Councillor Sandra Rhule.

1. 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. At this point the chair advised that the order of business would be varied to hear Licensing Act 2003: Voodoo Ray's, Ground Floor, 285 Rye Lane, London SE15 4UA first.

5. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

6. LICENSING ACT 2003: RIVER SUPERMARKET, 208 JAMAICA ROAD, LONDON SE16 4RT

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

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

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

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

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

All parties were given an opportunity for summing up.

The meeting went into closed session at 11.13am. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 11.30am and the chair advised all parties of the summary of the decision.

RESOLVED:

That the application by Ismail Demir for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as: River Supermarket, 208 Jamaica Road, London SE16 4RT is granted as follows:

Licensable activity	Hours
Supply of alcohol (Off) the premises	Monday to Sunday between 08:00 and 01:00
Opening Hours of premises	Monday to Sunday between 07:00 and 01:00

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 trading standards and the following additional conditions agreed by the licensing sub-committee:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage will be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
2. That all staff shall be trained in respect of the Licensing Act 2003 and the terms and conditions of this licence. A record of such training shall be kept and be accessible at the premises at all times and will be made immediately available to council or police officers on request.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that this was a family run small business and that they had been managing it since December 2015. The applicant informed the sub-committee that they wished to amend the application and now sought operating hours and licensable activities till 01:00 instead of the original 03:00 applied for.

The applicant stressed that they had never experienced any problems concerning the premises and that no local residents had objected to the application.

The public health authority representative addressed the sub-committee and advised that the late night supply of alcohol tends to encourage anti-social behaviour. She also said that longer hours of serving alcohol result in greater incidents of alcohol related harm.

The licensing officer representing the council as a responsible authority addressed the sub-committee and advised that their representation was on the basis that the hours sought were greater than the hours suggested in the Southwark licensing policy for residential areas. However, he recognised that the sub-committee could deviate from the suggested hours in the policy where appropriate.

The licensing sub-committee noted that the trading standards officer had conciliated with the applicant and had agreed conditions concerning the adoption of a Challenge 25 policy.

The Metropolitan Police Service representative addressed the sub-committee and advised that their representation was also on the basis that the hours sought were greater than the hours suggested in the Southwark licensing policy for residential areas. The police representative confirmed that there was no record of any negative incidents connected to the premises.

The licensing sub-committee considered all of the oral and written representations before it and were satisfied that the applicant was a responsible operator with a good track

record. This was supported by the police evidence that there is no record of any negative incidents relating to the premises. The sub-committee was also pleased to note that the application had been significantly revised to reduce the hours sought for licensable activities. The sub-committee noted that a similar premises in the vicinity was licensed on a 24 hour basis and there was no evidence presented to suggest that this was a source of anti-social behaviour or public nuisance. The sub-committee were satisfied that the licensing objectives would not be undermined by granting the application.

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: VOODOO RAY'S, GROUND FLOOR, 285 RYE LANE, LONDON SE15 4UA

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

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

The licensing sub-committee heard from two local residents objecting to the application. Members had questions for the local residents.

All parties were given an opportunity for summing up.

The meeting went into closed session at 10.44am. Prior to going into closed session the chair informed the parties that they would be informed of the full decision in writing.

The meeting resumed at 10.59am and the chair advised all parties of the summary of the decision.

RESOLVED:

That the application made by DMD Capital Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Voodoo Ray's, Ground Floor, 285 Rye Lane, London SE15 4UA is granted as follows:

Licensable activity	Hours
Recorded music, anything similar to recorded music	Sunday to Thursday from 10:00 to 23:00 the following day Friday and Saturday from 10:00 to 00:00 the following day
Supply of alcohol	Sunday to Thursday from 11:00 to 23:00 the following day Friday and Saturday from 11:00 to 00:00 the following day
Late night refreshment	Friday and Saturday from 23:00 to 00:00 the following day
Opening hours	Sunday to Thursday from 10:00 to 23:30 Friday and Saturday from 10:00 to 00:30 the following day

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 agreed with the responsible authorities during the conciliation process and the following additional condition agreed by the sub-committee:

1. That a direct telephone number for the management at the premises shall be publicly available at all times. This telephone number is to be made available to residents and businesses in the vicinity.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant and their representative who informed the sub-committee that they had seven years of experience running similar premises and that this would be their fourth branch. They explained that the business is focussed on serving pizzas and that based on current experience from their other branches, 75% of the products sold are food.

The applicant advised that they were a responsible operator and that this was demonstrated by the fact that they had significantly reduced the hours sought and

produced a substantial list of conditions to address the licensing objectives in line with suggestions from the responsible authorities.

The sub-committee noted that the police, the environmental protection team, the public health authority and the licensing responsible authority had all conciliated with the applicant on the basis of the amended operating schedule.

The licensing sub-committee noted the written representation from the planning authority who advised that the planning permission for the premises was pending. They were also concerned about the excessive hours applied for in the original application.

The licensing sub-committee heard from two local residents who raised the issue of noisy waste collection during anti-social hours. They sought clarification that the conditions would prevent this issue. They also raised concerns about patrons congregating outside the premises and pointed out that other similar premises in the area close by 23:00.

The licensing sub-committee considered all of the oral and written representations before it and were satisfied that the applicant was a responsible operator based on the fact that they had agreed to significantly reduce the hours sought and had produced a substantial list of conditions designed to address the licensing objectives. This conclusion was endorsed by the fact that almost all of the responsible authorities had conciliated with the applicant on the basis of the revised application and conditions. The sub-committee were of the opinion that this would address the issues raised by the local residents and the planning authority (in terms of lengthy opening hours). The sub-committee felt that the above condition relating to a telephone number being made available would ensure that local residents were empowered to raise any issues should they arise.

The sub-committee noted that the planning permission was outstanding and observed that this was a separate matter to be decided by the planning authority.

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 11.32 am

CHAIR:

DATED: