

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 4 August 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Charlie Smith

OTHERS PRESENT: Muhammad Nadeem, owner, Chick Chicken
Muhammad Naveed, manager, Chick Chicken

OFFICER SUPPORT: Rebecca Millardship, legal officer
Bill Masini, trading standards officer representing licensing responsible authority
Carolyn Sharpe, public health authority officer
Wesley McArthur, 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: B.D. WINES, 1 BRAGANZA STREET, LONDON SE17 3RD

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

The licensing officer advised that the applicant had informed them that they and their legal representative would not be present.

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 trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

All parties were given an opportunity for summing up.

The meeting went into closed session at 11.23am. 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 11.47am and the chair advised all parties of the summary of the decision.

RESOLVED:

That the application by Bahader Mahil for a variation of a premises licence issued under the Licensing Act 2003 in respect of the premises known as B.D. Wines, 1 Braganza Street, London SE17 3RD granted as follows:

Licensable activity	Hours
Supply of alcohol (on) the premises	Sunday from 10:00 to 12:00
Opening Hours of premises	Monday to Sunday 24 hours

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 conciliated conditions agreed with trading standards.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee considered the application in the absence of the applicant and their legal representative. The licensing officer advised that they had spoken with both the applicant and their legal representative and had been informed that neither would be in attendance.

The public health authority representative addressed the sub-committee and advised that the early morning supply of alcohol tends to encourage those with alcohol dependency and 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 was not available and as such the trading standards officer adopted his representations. They informed the sub-committee that the representations were on the basis that the hours sought were greater than the hours suggested in the Southwark licensing policy for residential areas. However, they recognised that the sub-committee could deviate from the suggested hours in the policy where appropriate.

The licensing sub-committee heard from the trading standards officer who advised that they had conciliated a number of conditions relating to CCTV and Challenge 25 policy with the applicant. However, they sought a condition to control the types of alcohol that would be sold in the premises, namely high strength beers, lagers and ciders over 6.5% ABV.

The sub-committee noted the written representation from the ward councillor objecting to the application.

The licensing sub-committee considered all of the oral and written representations before it and noted the difficulties that had been caused by the failure of the applicant and their representative to attend and support their application. Without the contribution and clarification from the applicant as to why they sought an extension of early hours for the sale of alcohol, the sub-committee were in difficulty to justify the extension sought.

The licensing sub-committee felt that the conciliated conditions ensured that the premises would promote the licensing objectives. They were of the opinion that 10.00 was a reasonable time for this premises to start supplying alcohol and as such they agreed to vary the hours on Sunday to reflect this.

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.

6. LICENSING ACT 2003: CHICK CHICKEN, 117 PECKHAM HIGH STREET, LONDON SE15 5SE

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

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

The trading standards officer, representing the licensing responsible authority officer addressed the sub-committee. Members had questions for the trading standards officer.

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

All parties were given an opportunity for summing up.

The meeting went into closed session at 12.33pm. 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 1.30pm. The chair did not read out the decision as none of the parties were present.

RESOLVED:

That the application made by Nadeem Muhammad for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Chick Chicken, 117 Peckham High Street, London SE15 5SE is granted as follows:

Licensable activity	Hours
Late night refreshment	Sunday to Thursday between 23:00 and 00:00 Friday and Saturday between 23:00 and 02:00
Opening hours	Sunday to Thursday between 11:00 and 00:00 Friday and Saturday between 11:00 and 02:00

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 agreed with the police and environmental protection team, during the conciliation process and the following additional condition agreed by the sub-committee:

1. That all staff shall be trained in respect of the terms and conditions of this licence and in respect of the operation and management of the premises. A record of such training shall be kept / be accessible at the premises at all times and will be made immediately available to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who informed the sub-committee that they had operated these premises without being required to obtain such a licence for a period of 2 ½ years without any issues. They also have two separate premises within the London Borough of Lewisham, both with late night refreshment licences, which they have run for 15 years.

They relied on this experience to assure the sub-committee that they were responsible operators who were able to promote the four licensing objectives. They informed the sub-committee that they had already adopted the conciliated conditions with specific reference to the CCTV conditions and the use of signage to reduce public nuisance and anti-social behaviour.

The sub-committee noted that the police and the environmental protection team had conciliated with the applicant on the basis of the amended operating schedule.

The licensing officer representing the council as a responsible authority was not available and as such the trading standards officer adopted his representations. They observed that the hours sought were outside those recognised in the licensing policy.

The licensing sub-committee heard from the public health authority representative. They also observed that the hours sought were outside those recognised in the licensing policy.

The licensing sub-committee noted the written representations from the ward councillors.

The licensing sub-committee considered all of the oral and written representations and decided that the variation should be granted in part and allow the premises to serve late night refreshment until 02.00 on Friday and Saturday when the area is already busy and therefore the noise and nuisance from the premises would have limited impact.

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 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 1.30 pm

CHAIR:

DATED: