

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 30 September 2016 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor David Hubber  
Councillor Charlie Smith

**OTHERS PRESENT:** Gui Chipchase, I Go Chop, legal representative  
Melodie Mavoungou, Luxford Bar, premises user  
Michael Ogs, Luxford Bar, manager

**OFFICER SUPPORT:** Joanne Devlin, legal officer  
Rebecca Millardship, legal officer  
Paul Newman, environmental protection officer  
Wesley McArthur, licensing officer  
Natasha O'Donoghue, 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

The chair accepted the following item as a late and urgent item: Licensing Act 2003: Luxford Bar Limited, 610 Old Kent Road, London SE15 1JB.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: I GO CHOP, 46 CAMBERWELL CHURCH STREET, LONDON SE5 8QZ**

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

The applicants legal representative addressed the sub-committee. Members had questions for the applicant's legal representative.

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

Both parties were given five minutes for summing up.

The meeting went into closed session at 11.40am. 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 2.10pm. The chair did not read out the decision as none of the parties were present.

**RESOLVED:**

That the application made by Tobi Raphael for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as I Go Chop, 46 Camberwell Church Street, London SE5 8QZ is granted as follows:

<b>Licensable activity</b>	<b>Hours</b>
Sale and supply of alcohol (on and off the premises)	Sunday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:30
Provision of late night refreshment	Monday to Sunday 23:00 to 05:00
Opening hours	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, the conciliated conditions agreed with the responsible authorities and the following additional conditions agreed by the sub-committee:

1. That all windows and external doors shall be kept closed after 23:00 except for the immediate access and egress of patrons.
2. That a direct telephone number for the designated premises supervisor is made available to residents and businesses in the vicinity.
3. That the maximum capacity of the premises be 22 patrons and that fixed seating be provided for these patrons.

4. That a maximum of a 50ml measure of alcohol be used in cocktails or milkshakes.
5. That there will be the contact numbers of hackney carriage/ private carriage firms made readily available to patrons.
6. That all staff will receive training in both the prevention of public and statutory nuisance; and conflict management.
7. That the premises adopt the Southwark Women's Safety Charter.
8. That the use of toilet facilities is available to patrons.

## **Reasons**

The reasons for the decision are as follows:

The licensing sub-committee heard from a representative for the applicant who was able to inform the sub-committee that the applicant owns and runs another licensed premises on Old Kent Road. He has been the designated premises supervisor at these premises for 6 years without incident. The applicant had demonstrated a willingness to work with the authorities by agreeing a number of conciliatory conditions to address the prevention of public nuisance. This was further enforced by the representative who was able to agree further conditions to address the concerns raised by the sub-committee during proceedings.

The representative explained that the area is already a busy and vibrant area with a good night time economy and sought to explain that the premises would not adversely impact the existing noise experienced by residents. He was able to enforce this by explaining that the supply and sale of alcohol would cease in accordance with the hours provided above and that in any case, the premises were food-led at all times. It was reasoned that during the hours of late night refreshment the premises would offer a source of sustenance for patrons before they left the area.

The representative acknowledged the concerns raised by the residents and was able to explain that the staffing levels would always be to such a level that they would be able to ensure that any licence conditions imposed are enforced. He was also able to agree to have all staff trained in how to deal with any conflict that may arise should patrons be intoxicated, but also how to prevent nuisance to residents and other business owners.

The representative explained that the premises are in the middle of a row of shops with direct access to late night transport on that same road. He compared this to being located on the corner of a road and the likelihood of patrons walking into residential areas to access transport was low.

The licensing sub-committee acknowledged that the Metropolitan Police Service has withdrawn their representation after the applicant accepted their suggested conditions.

The licensing sub-committee heard from the licensing responsible authority who raised concerns relating to the resultant effect of a number of small nuisances, that may be caused by the premises, on residents. They suggested that small nuisances could include the increase of littering, urination, noise and effect of the migration of patrons and the fact that the provision of such facilities would actually prolong how long people remain in the area after the public houses, or similar such venues, close.

The licensing responsible authority representative did however acknowledge that Camberwell Church Road itself was a busy road, and that a number of night bus routes ran along it. It was also acknowledged that Camberwell is a transport hub.

The licensing sub-committee considered the written representations made by the five local residents who had objected to the application. The licensing sub-committee were informed that the applicant had written to each of the residents with a conciliation statement and that two of the residents had responded to the statement indicating that they maintained their objections. The objections focused on the increase of noise nuisance and anti-social behaviour and cited existing concerns with the behaviour of patrons of late night drinking establishments.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the applicant was a responsible individual with experience in running another business in a similar area and that this had been without incident. Whilst it was regrettable that the applicant was not able to attend in person, the sub-committee understood and appreciated that this was unavoidable. The sub-committee were satisfied that the representative and the applicant had sought to address all concerns raised by each of the authorities and the local residents.

The sub-committee were satisfied that they had imposed sufficiently stringent conditions to run alongside those already conciliated and the mandatory conditions to adequately protect the local residents from public nuisance.

The sub-committee acknowledged that the premises were being afforded an opportunity that was not in line with the hours offered to similar establishments in the area. However, they felt that the applicant had sufficiently addressed their concerns and those raised by other parties but also had met the criteria to be considered an exception to the borough's licensing policy.

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.

**6. LICENSING ACT 2003: LUXFORD BAR LIMITED, 610 OLD KENT ROAD, LONDON SE15 1JB**

The licensing officer presented their report and informed the meeting all parties had conciliated, except for the residents. Members had questions for the licensing officer.

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

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

Both parties were given an opportunity for summing up.

The meeting went into closed session at 1.20pm.

The meeting resumed at 2.55pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of a temporary event notice (TEN) served by Miss Melodie Mavoungou in regards to an event to be held at Luxford Bar Limited, 610 Old Kent Road, London SE15 1JB between 21:00 on 8 October 2016 and 02:00 the following day.

**Conditions**

The sub-committee decided that it is necessary that all of the conditions of the premises licence be attached to this temporary event notice.

**Reasons**

This was a temporary event notice given by the premises user, Miss Melodie Mavoungou, in regards to an event to be held at Luxford Bar Limited, 610 Old Kent Road, London SE15 1JB between 21:00 on 8 October 2016 and 02:00 the following day.

The premises user acknowledged the abatement notice which was served on the premises in respect of noise nuisance in May 2016. The premises user informed the sub-committee that they had implemented several changes in order to improve the operation of the premises with particular emphasis on the prevention of noise nuisance.

The premises user stated that they had increased the security of the noise limiter and stated that the previous issue with regards to noise was as a result of the spekaers being situated on the floor causing a bass noise. They had since removed these and had invested in more appropriate speakers which hang from the ceiling.

The premises user provided an event plan outlining the steps they intended to take in order to ensure that the event operated responsibly and in accordance with the licensing

objectives and also showed the committee the flyer that had been posted to all local residents with contact details of the premises user thereby providing a dedicated contact number in order to try to work with the residents.

The premises user stated that the event was for a private party whereby alcohol and food would be served and they had a guest list detailing the names of all attendees. The premises user assured the sub-committee that they would be adhering to all existing licensing conditions and they were confident that the measures put in place would assist in reducing any negative impact on public nuisance.

The sub-committee heard from the environmental protection officer who raised objections to the temporary event notice on the grounds that allowing the event to proceed would undermine the prevention of public nuisance licensing objective.

The environmental protection officer informed the sub-committee that a noise abatement notice was served on the premises on 6 May 2016. The officer stated that following this an environmental protection officer had witnessed a breach of the abatement notice on 22 May 2016. A further complaint in respect of noise nuisance emanating from the applicants premises was also received on the 1 June 2016 but they had not been able to witness the noise on this occasion as an officer did not attend the premises.

The officer informed the sub-committee that there was a forthcoming prosecution against the applicant in respect of an allegation of a breach of the abatement notice which was served on 6 May 2016.

The officer stated he had now received the event plan and that whilst he was not totally confident that the premises user understood their responsibilities he was satisfied with the steps detailed within the contents of the event plan.

The sub-committee, having considered all the evidence both written and oral, considered that the steps taken by the premises user satisfied the sub-committee that the premises user would operate the temporary event responsibly and in accordance with the licensing objectives.

In reaching this decision the sub-committee had regard to all the relevant considerations and the licensing objectives and felt that this was an appropriate and proportionate decision in order to address the licensing objectives.

### **Appeal rights**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of police or the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

Meeting ended at 3.05 pm

**CHAIR:**

**DATED:**