



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 OCTOBER 2018

SECTION 34 LICENSING ACT 2003: TROPICAL, 186-188 OLD KENT ROAD, LONDON SE1 5TY

1. Decision

That the application made by Carlos Fernando Delgado Armijos to vary a premises licence granted under the Licensing Act 2003 in respect of the premises known as Tropical, 186-188 Old Kent Road, London SE1 5TY be refused.

2. Reasons

The licensing sub-committee heard from the licensing officer and author of the report who advised that the only additional information to the report was that a noise complaint had been received on 15 October 2018. In response the officer had attended the premises on 19 October 2018, when an inspection was conducted and breaches were noted: no licence summary was displayed and the following breaches of licence conditions 289 (CCTV not held for 31 days), 326 (no staff training records), 4AB (no "Challenge 25" training records), 4AI (no refusals register).

The applicant failed to attend the licensing sub-committee. It was also noted that there had been no contact from the applicant since the variation application had been received on 29 August 2018, and that despite the licensing officer emailing and telephoning the applicant just before the meeting, there had been no contact by the day of the hearing.

The licensing sub-committee heard from the Metropolitan Police Service who advised that the premises was situated in a residential area and that Southwark's Statement of Licensing Policy recommended a closing time of 23:00 hours, and the applicant therefore sought excessive hours. The applicant had failed to make any contact to discuss any possible agreement. It was the police's view that the application should be refused.

The licensing sub-committee heard from licensing as a responsible authority who advised that the application to extend the hours until 02:30 hours the following day was inconsistent with a restaurant/bar which the applicant described the premises as. Because of this and because of the applicant's failure to attend the meeting or make any contact, the officer recommended that the application be refused.

The representative for public health informed the licensing sub-committee that they had concerns in relation to the extension of hours outside of the Southwark Statement of Licensing Policy. This had the potential for an increase in complaints resulting from excess noise.

The licensing sub-committee noted the representation from the environmental protection team.

The licensing sub-committee considered all the facts before it: the hours sought were far in excess of Southwark's Statement of Licensing Policy, the applicant had failed to make any contact with the responsible authority to discuss their concerns and the applicant failed to attend the sub-committee meeting. The premises had also been found to be in breach licence conditions on 19 October 2018. If the applicant is unable to comply with the licence conditions it

already has, this licensing sub-committee has no confidence that the applicant will be able to comply with any additional measures that may have been imposed as a result of this application. On this basis, the application is refused.

3. 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.

Issued by the Constitutional Team on behalf of the director of law and democracy.

Date: 22 October 2018