

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 18 April 2011 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Althea Smith
Councillor Catherine Bowman (Chair)
Councillor Sunil Chopra

OTHERS PRESENT: Mr Ali, applicant
Mr Bitrick, local resident

OFFICER SUPPORT: Alan Blissett, Environmental Protection Team
Wesley McArthur, Licensing Officer
Felix Rechtman, Legal Officer
Sean Usher, Constitutional Team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The 3 members present were confirmed as voting members and Councillor Catherine Bowman as vice-chair of the licensing committee, took the role of chair for this sub-committee.

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 - PAYLESS 94-96 PECKHAM ROAD, LONDON SE15 5LQ

The sub-committee agreed to give the applicant an extra 15 minutes to await their representative. The licensing officer presented his report, there were no late items relating to the application. The applicants and their representative addressed the sub-committee members had questions, the local residents asked the applicant questions.

The planning officer and the trading standards officer addressed the sub-committee and outlined their representations. Members had questions for the officers. The representative for the applicant had questions for the officers.

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

All parties were given 5 minutes to sum up then the meeting went into closed session for the members to consider the application.

The meeting resumed at 11.55am and the chair read out the following decision:

RESOLVED:

That the application by Shafait Ali for a grant of a premises licence issued under the Licensing Act 2003 in respect of Payless, 94-96 Peckham Road, London SE5 5LQ be refused.

Reasons

The reasons for the decision are, as follows:

The sub-committee heard evidence from the Council's Trading Standards officer that the applicant, Mr Ali, also held premises licenses for 2 other premises in the borough, namely Express Payless (49 – 51, Peckham Park Road, SE15 6TU) and Payless (121- 125 Peckham High Street, SE15 5SF). Trading standards carried out test purchases at these 2 premises for underage sales on 4 separate occasions in the past 7 months and this resulted in 8 sales of age restricted products to a child. In view of this history of underage sales by the applicant, the sub-committee considers that granting this licence will have an adverse impact on the protection of children from harm objective in the Licensing Act 2003. In addition the applicant was offered training to prevent underage sales which he failed to attend. 6 of the 8 underage sales referred to above took place after training had been provided to the staff.

The offer by the applicant to replace the Designated Premises Supervisor is unacceptable as no details were provided in that respect.

In addition the premises are located in a saturation zone and the sub-committee found that the applicant failed to satisfy the sub-committee that there will be no negative cumulative impact on the licensing objectives.

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) That 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 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 magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive 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: SHUNT, 42 - 44 BERMONDSEY STREET, LONDON, SE1 3UD

The sub-committee were informed that the applicant for the review, Mr Rosenthal was not attending and was happy for the sub-committee to consider the application in his absence. The sub-committee took an extra ten minutes to read the review report and application.

The environmental protection officer addressed the sub-committee in support of the review. Members had questions for the officer. The planning officer addressed the sub-committee and members had questions for the officer. The licensee and representatives had questions for the officers.

The licensee and representatives addressed the sub-committee. Members had questions for the licensee. The environmental protection officer had questions of the licensee.

All parties were given 5 minutes to sum up and at 12.57pm the meeting went into closed session to consider the review application.

At 1.24pm the meeting resumed and the chair read out the following decision.

RESOLVED:

The council's licensing sub-committee, having had regard to the application by Mr Rosenthal in respect of the premises known as Shunt, 42 – 44 Bermondsey Street, SE1 3UD, and having had regard also to all relevant representations has decided it necessary for the promotion of the licensing objectives to take no further action.

Reasons

The reasons for the decision are, as follows:

The sub-committee considered the application by Mr Rosenthal for a review of the premises licence of the premises known as Shunt, such application being made under Section 51 of the Licensing Act 2003 by a local resident.

The sub-committee also heard representation from Planning and Environmental Protection and the licensee. The sub-committee found that the applicant's complaints relate solely to

the use of the premises under temporary event notices and not during the normal hours of the licence. In these circumstances the sub-committee did not consider it necessary to take any action against the licence on this occasion.

Appeal rights

This decision is open to appeal by either

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 1.30pm.

CHAIR:

DATED: