

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 13 July 2011 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Linda Manchester
Councillor the Right Revd Emmanuel Oyewole

OTHERS PRESENT: Ms Angela Baez, representing the licensee
Mr Jose Guapiterria, licensee
Pc Ian Clements, Southwark Licensing Police
Alan Blissett, Environmental Protection Team
Councillor Michael Bukola (Observing)

OFFICER SUPPORT: Kay Riley, Licensing Officer
David Perry, Legal Officer
Sean Usher, Constitutional Team

1. APOLOGIES

Apologies were received from Councillor Dora Dixon-Fyle.

2. CONFIRMATION OF VOTING MEMBERS

The three voting members were confirmed.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The licensing officer circulated additional photos of the premises. All parties agreed to accept these items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - PARRILLADUS DEL SUR, 186-188 OLD KENT ROAD, LONDON, SE1 5TY

The licensing officer presented her report and members had questions relating to the hours of the application and about what regulated entertainment had been applied for.

The licensee's representative addressed the sub-committee. Members had questions

for the representative and the licensee. The environmental protection officer had questions for the licensee.

The police officer addressed the sub-committee and detailed the conditions they sought if the extended hours were granted.

The environmental protection officer addressed the sub-committee and informed the sub-committee that the property was unsuitable for the late hours due to sound containment. Members had questions for the officer.

All parties were given 5 minutes to sum up.

At 11.10am the meeting went into closed session to consider the application.

At 11.40am the meeting resumed and the chair read out the following decision:

RESOLVED:

That the application by Mr Jose Guapiterria, for the variation of the premises licence issued under the Licensing Act 2003 in respect of Parrilladus Del Sur, 186-188 Old Kent Road, London, SE1 5TY be refused.

Reasons

The reasons for this decision are as follows:

The sub-committee heard representations from the applicant and his representative, the Police and the Environmental Protection Team. The sub-committee considered one written representation from a local resident. The sub-committee noted that the representation was accompanied by a petition with 21 signatures. As the petition did not make reference to the licensing objectives, the sub-committee treated this as supporting information and not 21 additional representations.

The sub-committee disregarded the representation from the planning department as it was received out of time.

The sub-committee was satisfied that there had been breaches of the existing licence, generally in relation to conditions 9502 and 9503, and specifically on 26 June 2011. The sub-committee did not feel that the building was constructed in a way which would effectively contain the sound. The sub-committee believed that there would be noise escape causing nuisance to local residents if music and DJs played for the hours asked for. The sub-committee also felt that there would be noise nuisance from patrons arriving and leaving. The sub-committee was not satisfied that the operating schedule put forward by the applicant would resolve these issues.

Having considered the licensing objectives, in particular the prevention of nuisance, the sub-committee felt it necessary and proportionate to reject this application.

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 designated officer 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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 11.45am.

CHAIR:

DATED: