

## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 9 May 2011 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor Ian Wingfield  
Councillor Eliza Mann  
Councillor Jeff Hook (Chair)

**OTHERS PRESENT:** Mr Biagio Caroleo, applicant  
Myriam Benhanini, premises manager  
Mr Peter Tilly, applicant's legal representative  
Councillor Adele Morris, ward councillor  
Louise Baker, local resident

**OFFICER SUPPORT:** Kristie Ashenden, licensing officer  
David Perry, 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. Councillor Ian Wingfield was nominated and appointed as Chair for this sub-committee meeting.

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

The police and applicant had agreed revised police conditions and these were circulated at the meeting.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003 - BIAGIO@BANKSIDE, 32 SOUTHWARK BRIDGE ROAD, LONDON, SE1 9EU

The licensing officer presented her report. The members had questions for the officer.

The applicant and his legal representative addressed the sub-committee. Members had

questions for the applicant. The local resident and the ward councillor had questions for the applicant.

The local resident and the ward councillor then addressed the sub-committee. Members had questions for the resident and ward councillor. The applicant had questions for the local resident and ward councillor.

All parties were given 5 minutes to sum up. At 11.17am the meeting went into closed session to consider the application.

At 12.04pm the meeting resumed and the chair read out the decision as follows:

**RESOLVED:**

That the application by Biagio Caroleo for the variation of the premises licence issued under the Licensing Act 2003 in respect of Biagio@Bankside, 32 Southwark Bridge Road, London, SE1 9EU be granted as follows, with additional conditions:

<b>Licensable Activity</b>	<b>Monday to Thursday</b>	<b>Friday and Saturday</b>	<b>Sunday</b>
Live Music	12.30 – 01.30	12.30 – 02.30	12.00–00.00
Recorded Music	09.00 – 01.30	09.00 – 02.30	10.00–00.00
Anything similar to live/recorded music and dancing	12.00 – 01.30	12.00 – 02.30	12.00–00.00
Provision of facilities for making music	10.30 – 01.30	10.30 – 02.30	11.30–00.00
Provision of facilities for dancing	12.00 – 01.30	12.00 – 02.30	12.00–00.00
Late night refreshment	23.00 – 01.30	23.00 – 02.30	23.00–00.00
Supply of alcohol on and off the premises	08.00 – 01.00	08.00 – 02.00	11.30–00.00
Opening Hours of premises	07.00 – 01.30	08.00 – 02.30	09.00–00.30
No off-sales			

**Conditions**

The following additional conditions are to be applied to the licence:

All appropriate mandatory conditions as defined by the Licensing Act 2003 (as amended); and the following conditions put forward by the Police and the Licensing Sub-Committee:

- That SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 22.00 hours and the terminal hour that the premises are in use under this licence and provided with hand held metal detection units in order to

ensure that searches are carried out in respect of all admissions to the premises, whether members of the public or performers and their assistants and mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.

- That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
- That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing an image of every person who enters the premises.
- That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the Police and Council.
- The premises shall not be hired out to any external promoters.
- That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied.
- There shall be no new entry or re-entry (except for those who temporarily leave the premises to smoke a cigarette) after 23.00 hours.
- No open containers of alcohol to be taken from the premises.
- No more than 6 people are permitted to smoke outside the premises at any one time.

## **Reasons**

The reasons for the decision are, as follows:

The licensing sub-committee heard representations from the applicant and his legal representative and his premises manager. The sub-committee also heard from a local resident and a local ward councillor. It also took into account all other relevant representations.

It was noted that the representations from the Police were conciliated and that there were no representations from other responsible authorities.

The premises are located within the Borough and Bankside Saturation Zone.

The sub-committee considered that the variation may add to the cumulative impact on nuisance in the saturation zone, namely increases in noise related to customers arriving and leaving and smoking at the premises. However, the sub-committee was satisfied that the applicants operating schedule and the additional conditions imposed by the sub-committee would result in no negative cumulative impact.

The sub-committee did not consider that there would be a negative cumulative impact on the other licensing objectives.

Having considered all representations, the licensing objectives and the saturation policy, the sub-committee therefore grants the application as above with the additional conditions listed in section 2.

## **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 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 magistrate's 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.

The meeting closed at 12.15pm.

**CHAIR:**

**DATED:**