



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 1 March 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Sunil Chopra  
Councillor Abdul Mohamed  
Councillor The Right Revd Emmanuel Oyewole

**OTHERS PRESENT:** John Ampem Junior, applicant's representative  
P.C. Ian Clements, Metropolitan Police

**OFFICER SUPPORT:** Debra Allday, legal officer  
Joanne Devlin, legal officer (observing)  
Wesley McArthur, licensing officer  
Mark Prickett, environmental protection officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

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

The chair accepted the late and urgent report in relation to the temporary event notice application by Biagio@Bankside, 32 Southwark Bridge Road, London SE1 9EU, as set out in the report.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003 - BIAGIO@BANKSIDE, 32 SOUTHWARK BRIDGE ROAD, LONDON SE1 9EU - TEMPORARY EVENTS NOTICE**

As this was a late and urgent item, due to the nature of temporary events notices, all parties were given time to read the report.

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

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

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

The sub-committee heard from the police representative. Members had no questions for the police representative.

The sub-committee went into closed session at 11.30am.

The sub-committee resumed at 12.10pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That a counter notice should not be issued under Section 105 of the Licensing Act 2003 in respect of the temporary event notice served by Mr. Biagio Caroleo in regards to an event to take place on 9 and 10 March 2013 between 02.00 to 03.30 on both days at the premises known as Biagio@Bankside, 32 Southwark Bridge Road, SE1 9EU.

**Conditions**

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

**Reasons**

This was a temporary event notice served by Mr. Biagio Caroleo in respect of an event to take place on 9 and 10 March 2013 between 02.00 to 03.30 on both days at the premises known as Biagio@Bankside, 32 Southwark Bridge Road, SE1 9EU.

The licensing sub-committee heard evidence from the manager of the premises who advised that he had put in place new measures relating to the use of the rear fire exit in that there is now new signage and that staff have been trained in relation to its usage.

The manager also advised the sub-committee that there was now a crowd dispersal policy and that the security team now direct the patrons away from the neighbouring estate in addition to the music being lowered/stopped half an hour before the terminal hour.

The licensing sub-committee also heard from the police who advised that if the conditions

of the premises licence were attached to the temporary events notice concerns relating to crime and disorder would be addressed. At this point the manager of the premises stated that he would be willing to accept this.

The licensing sub-committee heard evidence from the council's environmental protection team who stated that there had been various complaints when temporary event notices had been previously granted. The officer provided the sub-committee with a schedule of complaints received, the most recent complaint being 25 January 2013. The officer accepted that there had not been many complaints in recent weeks and that the measures that Biagio had put in place may in fact be working. Furthermore, all of the complaints as provided in the schedule were allegations and had not been substantiated and no statutory noise nuisance had been witnessed. The officer stated that until the premises had been managed for a period of four to six months without complaint, all temporary event notices would be objected to by the environmental protection team.

The sub-committee unanimously felt that the noise nuisance had not been proven and not been witnessed, nor had officers provided sufficient evidence to substantiate the allegations and that would undermine the prevention of the public nuisance licensing objective.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions 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 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.

The meeting closed at 12.15pm.

**CHAIR:**

**DATED:**