

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 7 March 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Michael Mitchell Councillor Wilma Nelson Councillor Ian Wingfield
OTHERS PRESENT:	Councillor Catherine McDonald, ward councillor P.C. Graham White, Metropolitan Police Colette Phillips, applicant E. Baiden, local resident S. Namin, local resident Helen Dennis, local resident T. Langeswaran, applicant Suresh Kanapathi, applicant G. Patrick, local resident J. Amin, local resident M. Jefferson, local resident K. Gibbs, local resident P. Savage, local resident
OFFICER SUPPORT:	Debra Allday, legal officer Joanne Devlin, legal officer (observing) Dorcas Mills, licensing officer Sarah Newman, environmental protection officer Andrew Weir, constitutional officer

1. APOLOGIES

There were apologies for absence from Councillor Sunil Chopra.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members. In the absence of the chair, Councillor Ian Wingfield was nominated to chair the meeting by Councillor Michael Mitchell. This was seconded by Councillor Wilma Nelson.

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 - ASYLUM TAVERN, 40-42 ASYLUM ROAD, LONDON SE15 2RL

The licensing officer advised that the environmental protection team and the applicant had some additional information that they wished to be circulated to the sub-committee. All parties agreed to this.

The licensing officer presented the report. Members had questions for the licensing officer.

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

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 questions for the police representative.

The sub-committee heard from the ward councillor, Catherine McDonald, who spoke against the application. Members had questions for the ward councillor.

Members then heard from a local resident objector. Members had questions for the local resident objector.

The sub-committee went into closed session at 11.25am.

The sub-committee resumed at 12.20pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Admiral Taverns Ltd for a variation of the premises licence in respect of Asylum Tavern, 40-42 Asylum Road, London SE15 2UN is granted as follows:

To add the following licensable activities:

Licensable Activities	Friday	Saturday
(e) Live Music	19.00 to 00.00	19.00 to 00.00
(f) Recorded music	19.00 to 00.00	19.00 to 00.00
(g) Performances of dance	19.00 to 00.00	19.00 to 00.00
h) Anything of a similar description to (e), (f) or (g)	19.00 to 00.00	19.00 to 00.00

To extend the terminal hours for the following activities:

Licensable Activities	Monday to Thursday	Friday and Saturday	Sunday
Sale and supply of alcohol on and off the premises	10.00 to 23.30	10.00 to 00.00	10.00 to 23.00
Hours premises are open to the public	10.00 to 00.00	10.00 to 00.30	10.00 to 23.30

Conditions

The following additional conditions shall apply:

1. That the entire condition 109 be removed from Annex 2 of the premises licence as a consequence of the requested variation.
2. All licensable activities shall cease 30 minutes prior to the terminal hour.
3. 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.
4. 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.

5. 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 the council.
6. There shall be no new entry or re-entry to the premises after 00.00.
7. That the premises licence holder and/or designated premises supervisor join and support a local pub watch scheme should there be one in existence for the area in which the premises is located.
8. There shall be no more than six people smoking outside after 22.00.
9. A personal licence holder will be on the premises at all times after 22.00 and intoxicating liquor is being offered for sale.
10. That you shall require any regular and external promoters hiring the premises to complete the 'venue hire agreement' provided by Southwark Council and, once completed, you shall ensure that a copy of the agreement is provided to the police and licensing unit a minimum of 14 days prior to the date of hire.
11. Before the licensable activities permitted by the premises license commence, the licensee shall produce a nuisance management plan for the premises that is fit for purpose and provide a copy to the licensing team.
12. Before the licensable activities permitted by the premises license commence, the licensee shall undertake and complete any proposed structural sound containment works (e.g. glazing/lobbies, etc).
13. All staff working at the premises shall be trained in the content of the nuisance management plan and be aware of their responsibilities and duties under it.
14. The nuisance management plan shall be reviewed annually, or whenever there is a significant change at the premises, whichever is sooner. For example a significant change could include a new licensee or designated premises supervisor, change to premises layout, a refit, change to the type or style of licensed entertainment, etc.
15. The current nuisance management plan, and all associated documentation, shall be held at the premises and be immediately available to officers of the council and the police on request.

Reasons

This was an application submitted by Admiral Taverns Ltd for a variation of the premises licence in respect of Asylum Tavern, 40-42 Asylum Road, London SE15 2UN.

The licensing sub-committee heard from the applicant who advised the sub-committee that the application was being made to allow the Asylum Tavern public house to survive and prosper. The business development manager stated that it was not the intention to increase trade, rather it was to extend hours for the benefit of their regular customers. However, it was highlighted to the sub-committee that there had been an increase in darts and snooker competitions.

The licensing sub-committee heard from Councillor Catherine McDonald, the ward councillor, who represented local residents who had complained of noise emanating from the pub in addition to the pub's patrons congregating outside to smoke and leaving the premises in a noisy manner. The councillor stated that any extension to the licence would be undesirable.

The licensing sub-committee also heard from a local resident who lives directly opposite from the premises. She stated that the late night entertainment of two years ago was intolerable and whilst matters had improved, an extension of the current licence until 01.00 every Friday and Saturday night was too much. The resident accepted that she had never made a formal complaint but she would now take advantage of the work of the environmental protection team and the pub's nuisance management plan.

The licensing sub-committee heard from the environmental protection officer who advised that their representation had been conciliated subject to conditions 11 to 15 being implemented. There was some discussion about patrons smoking and drinking on the pavement outside the premises and it was noted that there was currently no licensable control relating to this. However, this will be dealt with as part of the nuisance management plan.

The licensing sub-committee heard from the police who advised that the representations made were also conciliated subject to conditions 2 to 10 being implemented. The officer stated that the proposed conditions were preventative. The officer stated that the area was an area with a medium level of crime and anti-social behaviour. When asked about the allegation of drug dealing in the area, the officer stated that it was not directly related to the pub and that there was no statistical connection to the pub. However, the safer neighbourhood team may have information that had not been formally recorded.

The sub-committee in considering this application noted that there were 11 representations from local residents made on the grounds of noise nuisance and anti-social behaviour. The applicant emphasised that although they did not intend to increase their existing trade, there would be an increase in snooker and darts competitions, which would attract not only local residents but people from afar. The area in which the premises is located is a highly compact residential area, there is no separate smoking area and the police have categorised the premises as being located in a medium level crime area. In the circumstances, the sub-committee is of the view that it would be unreasonable to extend the hours sought, particularly taking into account the licensing objectives of public nuisance and crime and disorder.

In reaching this decision the sub-committee had regard to all the relevant considerations and all the licensing objectives with particular regard to public nuisance and crime and disorder.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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 - L & I NEWS, 323 UNDERHILL ROAD, LONDON SE22 9EA

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

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

The local resident objectors addressed the sub-committee. Members had questions for the local resident objectors.

The sub-committee went into closed session at 1.30pm.

The sub-committee resumed at 2.05pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Thampa Ilangeswaran for a grant of a premises licence in respect of L & I News, 323 Underhill Road, London SE22 9EA is granted as follows:

Licensable Activity	Monday to Sunday
Sale and supply of alcohol on and off the premises	11.00 to 20.00
Hours premises are open to the public	06.00 to 23.00

Reasons

This was an application submitted by Thampa Ilangeswaran for a grant of a premises licence in respect of L & I News, 323 Underhill Road, London SE22 9EA.

The licensing sub-committee heard from the applicant who explained that the premises are currently a local convenience store and newsagents and that it was in fact his customers who asked for alcohol to be sold in the store. This store is run by the applicant and his wife who have undergone training and would operate a Challenge 25 policy. They currently sell Oyster cards and lottery tickets and are therefore conscious of the importance of under age sales. The applicant also stated that no advertising in the shop window, promoting the sale of alcohol would take place.

The licensing sub-committee heard from six local residents who had either submitted a

letter of objection or alternatively signed a petition objecting to the licence application. In summary the local residents raised concerns about the fact that the shop is in a residential area and that there were a number of vulnerable people living on the two neighbouring streets. They all raised concerns of noise that already existed and the granting of an alcohol licence would attract new customers thereby, causing more noise nuisance.

The sub-committee noted that there were 49 representations from other persons (namely local residents) and a petition with 75 signatories. Whilst it was noted that no representations were made by responsible authorities, the overwhelming concerns raised by the local residents supported this licensing sub-committee to grant the licence but impose the restrictions as set out above.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this was an appropriate and proportionate decision.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application 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.

The meeting closed at 2.10pm.

CHAIR:

DATED: