



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 30 April 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

- PRESENT:** Councillor Sunil Chopra (Chair)
Councillor Lorraine Lauder
Councillor Althea Smith
- OTHERS PRESENT:** Ryan Ashmore, representative from Cable Club
Barry Sharp, representative from Cable Club
Steve Canneto, representative from Cable Club
Gareth Hughes, legal advisor for Cable Club
Hayley Wollenberg, legal advisor for Cable Club
Nick Wyatt, Network Rail
R. Hayward, Network Rail
Councillor Eliza Mann, ward councillor
Owen Roberts, Metropolitan Police
Dave Simpson, Guinness Trust
Keith Dempster, Metropolitan Police
Graham Hislop, Metropolitan Police
Jay Selley, local resident
Lee Hornston, local resident
Ravi Bhaskaran, local resident
James Hatts, London SE1 community website
Noelline Baron, local resident
P.C. Graham White, Metropolitan Police
P.C. Ian Clements, Metropolitan Police
Matthew Butt, legal advisor for Metropolitan Police
Caroline Rackham, Network Rail
James, Fisher, applicant
- OFFICER SUPPORT:** Debra Allday, legal officer
David Franklin, licensing officer
Kristie Ashenden, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were apologies from Councillor Ian Wingfield.

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

There was a late report, which had been circulated in supplemental agenda No.1, relating to item 6 on the agenda. This was accepted by the chair as an urgent item for the reasons set out in the report.

The chair agreed to vary the order of business to hear item 6 before hearing item 5.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - UNIT 4, 12-16 BLENHEIM GROVE, LONDON SE15 4QL

The licensing officer presented the report. He advised that the environmental protection team had now withdrawn their objection to the application. Members had questions for the licensing officer.

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

The sub-committee went into closed session at 1.00pm.

The sub-committee resumed at 1.25pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by James Fisher for a grant of a premises licence issued under the Licensing Act 2003 in respect of Unit 4, 12-16 Blenheim Grove, London SE15 4QL is granted as follows:

ACTIVITY	Monday to Thursday	Friday and Saturday	Sunday
Sale and supply of alcohol on premises	07.00 to 23.30	07.00 to 00:30	09.00 to 17.30

Opening hours	06.30 to 00.00	06.30 to 01.00	08.00 to 18.00
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Reasons

This was an application by James Fisher for a grant of a premises licence issued under the Licensing Act 2003 in respect of Unit 4, 12-16 Blenheim Grove, London SE15 4QL.

The applicant advised the sub-committee that he had previously been before the licensing sub-committee in December 2012 in respect of Unit 5, 12-16 Blenheim Grove. That application was granted but unfortunately, the landlord to the unit was unable to honour the applicant with a lease to the premises. Therefore, the applicant obtained the lease for Unit 4, 12-16 Blenheim Grove, and the application for the premises licence in respect of Unit 4 was virtually identical to the previous application for Unit 5.

The sub-committee were informed by the licensing officer that the representations from the environmental protection team were withdrawn and they no longer had any objection to the application.

The licensing sub-committee noted the written representation from the local resident objector, who was not present at the hearing. The licensing sub-committee heard from the applicant who wished to confirm that the maximum capacity of the premises would be for 45 customers within the premises and for 5 customers standing on the premises cartilage on Blenheim Grove, which addressed the concern of the local resident objector.

The licensing sub-committee did however note that there were no representations from responsible authorities, including the police or any other local residents and therefore to promote the licensing objectives the application was granted.

6. LICENSING ACT 2003 - CABLE CLUB UNIT 3 HOLYROOD COURT, LONDON SE1 2EL

The licensing sub-committee were advised by the council's legal officer that Cable Club were requesting that there be an adjournment of this hearing to a future date.

The chair agreed to hear the submissions from the Cable Club legal advisor regarding this request for an adjournment.

The Cable Club legal advisor addressed the sub-committee and put forward his case for an adjournment of the hearing.

The legal advisor for the Metropolitan Police then put forward their case, opposing the request for an adjournment. Members had questions for the Metropolitan Police legal advisor.

The sub-committee went into closed session at 10.55am.

The sub-committee resumed at 12.30pm and the chair read out the decision of the sub-committee.

RESOLVED:

That this licensing sub-committee have determined that it is more appropriate that this review of the Cable Club premises licence be dealt with under Section 51 of the Licensing Act 2003.

The licensing sub-committee also gave the following directions:

1. That the final determination of the review of this premises licence be held on 20 May 2013.
2. That any additional evidence to be served on the licensing team and served on the other party by 4pm on 7 May 2013.
3. That the interim steps dated 5 April 2013 be attached to the premises licence until further determination or order of the court.

Reasons

This was a hearing of an application by the Metropolitan Police Service for a review of the premises know as Cable Club, Unit 3 Holyrood Court, London SE1 2EL. This application was made under Section 53A of the Licensing Act 2003.

The sub-committee considered a preliminary issue that this expedited review be adjourned.

This matter was originally before the licensing sub-committee on 5 April 2013, when interim steps were agreed between the police, premises licence holder and responsible authority.

The representative for Cable Club informed the sub-committee that prior to the incident of 2 April 2013 that prompted the police's application for an expedited review, the police had made no formal complaints to Cable Club. Despite this, the police sought to rely on incidents prior to the 2 April 2013 incident.

Full disclosure of the police evidence was provided to the Cable Club and they only received this on 24 April 2013. The supplemental agenda No.1 amounted to 244 pages. It included considerable police intelligence, in addition to evidence from local residents. This gave Cable Club 24 hours to submit their evidence and insufficient time to analyse the various complaints submitted by the police and local residents or instruct an expert to examine and dissect the police evidence alongside that held by Cable Club. The premises licence holder submitted an incomplete bundle of evidence on 25 April 2013. The bundle of evidence from Cable Club amounted to approximately 400 pages. Due to the restrictions in time, the bundle could not be properly considered by the council's officers, be paginated or be redacted to exclude personal information. As a result, the bundle was not distributed to members.

The representative for the police made an objection to a proposed adjournment stating that the police evidence was not complex, that the 150 incidents referred to on pages 42 to 47 of the agenda were background information only and that there was one CRIS report relating to the 2 April 2013 incident. The representative for the police stated that the

Licensing Act 2003, in conjunction with the associated regulations and guidance, did not provide for an adjournment of an expedited review.

The sub-committee carefully considered the representations of both parties and the evidence contained in the supplemental agenda. The sub-committee considered that the incident of 2 April 2013 was serious and understood why the police applied for an expedited review under s.53A Licensing Act 2003. However, the sub-committee noted that the police did not serve a closing order, that at the interim hearing on 5 April 2013 the interim steps were conciliated, and that the premises had been operating for the last 4 weeks. The sub-committee were not informed that there had been any incidents in the meantime. Furthermore, the police representative informed the sub-committee that the expedited review was in large conciliated with the exception of the reduction of hours and the removal of the designated premises supervisor. The closure of the premises has never been advocated by the police.

The licensing sub-committee acknowledged that under Regulation 13 the Licensing Act (summary review of premises licences) Regulations 2007 the adjournment of an expedited review is not an option if it fails to reach a determination of the review within the 28 day period. However, the sub-committee are obliged to balance the rights of the premise licence holder's rights to a fair hearing.

Given the police position in this expedited review, this licensing sub-committee determined that is more appropriate that this review of Cable Club premises licence be dealt with under Section 51 of the Licensing Act 2003 and a final determination of the review of the licence premises will be heard on 20 May 2013.

Appeal rights

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- 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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 1.30pm

CHAIR:

DATED: