

LICENSING SUB-COMMITTEE MINUTES

Thursday 5 November 2020 at 7.00 pm

Present: Councillor Irfan Mohammed, Councillor Rezina Chowdhury and Councillor Joshua Lindsey

Apologies:

1 ELECTION OF CHAIR

MOVED by Councillor Rezina Chowdhury, SECONDED by Councillor Irfan Mohammed
RESOLVED: That Councillor Joshua Lindsey be elected Chair for the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED: That the minutes of the previous meeting held on 10 and 24 September 2020 be approved and signed by the Chair as a correct record of the proceedings.

4 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

4a PLANE TREE HOSPITALITY, 441 COLDHARBOUR LANE, LONDON, SW9 8LN (COLDHARBOUR)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation of a premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9, 10 and 16 of the Statutory Guidance, and Policies 1, 3, 4 and 8 (appendices 1- 6 and appendix 8) of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.2 of the report on page 35 of the

agenda papers.

The Licensing Officer confirmed:

- This was an application for variation of a premises licence.
- The application sought to extend permitted hours for late night refreshment Monday-Thursday 23:00 – 01:00.
- The terminal hour for late night refreshment would be 02:00 Friday and Saturday.
- The operating hours for Sunday would remain unchanged.
- Three representations had been submitted against the application. All of these were from councillors. Specifically, Councillor O'Hara, Councillor Nye and Councillor Anyanwu - none of whom were able to attend.
- Details of the application could be found on pages 37-45 of the agenda papers.
- The existing licence could be found on page 47 of the agenda papers.
- Representations could be found on pages 57-59.
- Proposed conditions could be found on pages 59-60 of the agenda papers.
- The application was subject to a pre application advice on 16 July 2020 and this could be found on page 61 of the agenda papers.

Presentation by the applicant

The applicant, Mr Hugo Ushida, informed the Sub-Committee that:

- His application was to extend the hours of operation for takeaway sales.
- The main concerns that had been raised by the objections related to disturbance that may be caused to residents living in the area.
- He had responded to the concerns by proposing conditions whereby the premises would only allow takeaway sales during the extended hours of late-night refreshment.
- An additional bin would be placed outside the area to collect waste.
- To ensure that there was no disturbance caused in the area, an SIA security guard could be appointed to mitigate any potential disturbances.
- The premises would become a hub to avoid any nuisance or activity by ensuring that the premises remained a takeaway restaurant whereby patrons would be able to order food and leave.
- He had sought the advice of the Licensing team before submitting his application and felt that having taken all their comments into consideration, there would be no detrimental effect to the residential area.

In response to questions from Members, Mr Ushida, informed the Sub-Committee that:

- His existing licence did not allow him to sell alcoholic drinks after 23:30. However, soft drinks and water could be purchased at the premises.
- Employing SIA staff would be financially viable for the premises as the premises generated a lot of its business during the late-night hours. Therefore, there would be enough revenue made in order to be able to justify appointing SIA staff.
- The premises had a licence until 00:00. He proposed that additional conditions could be added whereby SIA staff members would be appointed from 00:00 until the time the premises closed. This included hours for Friday and Saturday when the premises would be open until 02:00.
- The Brixton BID held a meeting approximately one month ago regarding the coronavirus crisis. It was a webinar meeting, but he was unable to attend it. Those involved with the Brixton BID were aware of the application.
- Having run a licensed premises in Brixton, premises staff became familiar with certain patrons who needed to be monitored. He would happily get involved with the Brixton BID if it allowed him to help out other businesses in the general area.
- There was a limit on the number of patrons that could enter the premises. The premises only had six covers (for patrons) at the front and was 3 x 4 metres in depth.
- The front of the restaurant did not have much space and SIA staff would be instructed to make sure that there was no nuisance from any crowds that may gather outside and would make sure that any queues would be reduced to ensure that passers-by would not be inconvenienced whilst walking.
- Staff were trained to inform patrons not to cause nuisance during the late hours.
- The premises had signs on the windows informing patrons to leave quietly, but informing patrons verbally was very effective.
- Alcohol was only served with meals. There were only two types of alcohol on sale; beer and craft beer.
- Alcohol sales at the premises amounted to a total of 1%-2% of the total revenue. The premises specialised mainly in selling food.
- There were residents who lived above the premises and he had spoken to them. Notices had been placed outside the premises regarding the application and residents presumably had been aware of the application.
- There were CCTV cameras placed monitoring the front of the premises and there were also CCTV cameras in use by other licensed premises in the area which monitored the premises itself. Activity occurring at the front of the premises was monitored 24 hours a day seven days a week.
- The cameras specifically placed at the premises displayed footage in front and outside the premises. There were three CCTV cameras in front of the premises.
- Premises staff would ensure that there was only a single file of people queueing outside the premises. Any queues or patrons attending the premises would be monitored and active efforts would be made to stop people from crowding outside

the premises.

- Having spoken to many companies that provide SIA staff for businesses, the minimum length of an appointment for an SIA staff member for one week was usually five hours. However, he had a good relationship with many companies and offices in the area and could arrange for a company to allow him to use SIA staff members for a total of three hours.
- He would be happy to get in touch with the Brixton BID and examine how they operated.

Adjournment and Decision

At 7:51pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private.

The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application as sought (including the conditions outlined in the operating schedule and those agreed during the application process).

RESOLVED: To grant the application as sought (including the conditions outlined in the operating schedule and those agreed during the application process).

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application as sought (including the conditions outlined in the operating schedule and those agreed during the application process).

The Sub-Committee decided not to impose a condition regarding the SIA staff but requested that the applicant followed through on his proposals and welcomed the applicant's commitment. The Sub-Committee wished the applicant luck with his business.

4b JEY'S OFFIE, 215 CLAPHAM PARK ROAD, LONDON, SW4 7EX (FERNDALE)

This application had been withdrawn.

The meeting ended at 8:09pm.

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 17 November 2020

Date of Despatch: Friday 13 November 2020

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