

LICENSING SUB-COMMITTEE MINUTES

Monday 12 October 2020 at 2.00 pm
Microsoft Teams

Present: Councillor Fred Cowell, Councillor Linda Bray and Councillor Becca Thackray

Apologies:

1 ELECTION OF CHAIR

MOVED by Councillor Becca Thackray, SECONDED by Councillor Marcia Cameron,
RESOLVED: That Councillor Fred Cowell be appointed Chair for the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

RESOLVED: That the minutes of the previous meeting held on 18 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

The Sub-Committee heard the applications in the following order: 4b, 4c and 4a.

4a ALIANCA, 56 CLAPHAM PARK ROAD, LONDON SW4 7BG (CLAPHAM COMMON WARD)

The Legal Officer informed the Sub-Committee that one resident who had objected to the application on page 55 of the agenda papers, Ms Porter, worked for Lambeth Council and he had provided Legal advice to her as a professional.

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, 9, 10 and 16 of the Statutory Guidance, and to Chapter 5 (policies 1, 3, 4 and 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 paragraph 6.1 of the report on page 24 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to vary the premises licence under section 34 of the Licensing Act 2003.
- The application was submitted on 23 July 2020.
- The applicant sought to increase the number of hours alcohol would be sold and increase the hours of late-night refreshment on Friday and Saturday 12:00 – 03:00.
- The current premises licence permitted the sale of alcohol until 00:00 and permitted late night refreshment until 01:00.
- The applicant had received five representations. They included Licensing, Police, Public Protection and two other individuals.
- Since the report had been published, one of the residents had supplied 16 videos and one photograph to support his representation. This had been circulated to all relevant parties.

Presentation by the applicant

Mr Premtim Zucolli, the applicant, informed the Sub-Committee that:

- The premises was no longer known as Alianca.
- The premises was the Park Road Community Centre and it was a family run business.
- He worked at the premises with his mother, his sister and his cousin.
- The premises was a community centre more than it was anything else.
- He wanted a late-night refreshment licence to be able to make the business viable as the business had experienced a downturn in recent months and needed revenue to pay rent charges and salaries.

At this point in the proceedings, the Chair informed the Sub-Committee that the variation application, even if it was granted, would not affect the current government regulations (Regulation 5) restricting all licensable activity until 22:00.

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

- When he had taken over the premises, it was not the most positive venue in the area.
- Many people frequented the area generally and the premises had been redesigned into a family-orientated environment and attracted a different demographic of people from when the premises had been run by previous licence holders.

- The premises was gradually heading towards a direction that he wished for it to go. He hoped to turn it into a lounge-style bistro where patrons could get something to eat, get something to drink and a place where patrons could sit. Food served at the premises would include snacks and sweets, perhaps before patrons headed into the High Street. If individuals did not wish to head into the High Street, then they would be welcome to stay at the premises rather than join the busy area in Clapham.
- The premises had a pool table and showed sports matches.
- The premises was making good progress towards its goal.
- He wanted to offer patrons full meals but was currently unable to do so as an extraction fan had not been put in place. He had submitted an application for an extraction fan so that the premises was allowed to serve cooked food. Until then, the premises could provide sandwiches, snacks and cold meze.
- He wanted the premises to eventually serve Mediterranean food generally.
- He wanted the premises to start opening up at 07:00 and serve breakfast, coffee and panini. He wanted the premises to serve food during lunchtime as well.
- Evenings on Fridays and Saturdays would mean that the premises would be a livelier place than it was in the other hours of the week but it would still be a place where patrons would sit down.
- There was no aim to turn the premises into a nightclub. He worked at the premises with his mother and his cousin and the premises was a family-run establishment.
- His cousin had qualified as an SIA staff member. Prior to his appointment, another SIA staff member had been employed at the premises but he had not been very effective.
- He would act as the DPS, his younger cousin would be the SIA staff member and they would both manage the premises together. All standard checks that needed to be made would be completed.
- He wanted to keep patrons seated and since the business had started, there had been three particular patrons who had not been particularly civil and two of them had been barred. The third patron had received his final warning and had said that he would be more quiet and considerate of the neighbours in the area.
- He was not aware of the Business Crime Reduction Partnership. He had spoken to many of the local businesses and the local residents, many whom were often patrons of the premises and lived locally.
- He had explained to residents his plan for the premises and since he had taken it over, people had taken time to adjust to the changes. People in the area had responded well to the changed premises.
- He was happy to do what it took to ensure that the noise coming from the premises would not disturb residents. For example, the outside area would be closed off and the seating would also be removed after a certain time.
- There were no particular restrictions for the outside area but he often called the last order at 21:15, at which point, those sitting outside would be let into the premises and the equipment outside the premises would be taken inside.
- In the last hour of the premises being open, he would start to close the premises down.

- He had been in charge of the premises since 6 November 2019.
- The premises used to be a 'dingy' dark environment where many problematic individuals would attend. The premises originally was also not very welcoming as the glass windows were covered up so nobody could see what was going on inside the premises.
- Since he had taken over the premises, he had opened the area up and made the premises look nicer.
- The premises was more welcoming to the community and attracted all different types of individuals. This included the elderly and families with children.
- He was the DPS and he employed his mother and his sister. His sister was 24, his cousin was 22 and his mother was older.
- He and his mother had a personal alcohol licence. His cousin also had a personal licence and had completed a qualification as an SIA door staff member.
- The premises had an incident book, cleaning procedures, staff knew how to open and close the premises and prepare snacks and drinks. All staff members were well versed in their roles.
- His mother and sister would do the cleaning and work behind the bar, his cousin would be the SIA door staff member and he would manage the premises.
- He knew several of the local businesses in the area and as they had been in the area before he had occupied the premises, he often spoke to all the business owners in the area on a personal basis and all the business owners in the area often advised each other and frequented each other's businesses.
- He was familiar with the Business Improvement District (BID) but he had not spoken to anyone representing the BID.
- He was familiar with very many residents that lived in the area, including those that lived above the premises. This included residents from the William Bonney estate. Many of them were patrons at the premises.
- He had spoken to many of the residents in the area face-to-face as many of the patrons lived around the premises. However, with the exception of the use of social media, he had not sent any letters to residents as a form of consultation.

Presentation by interested parties

Mr Ola Owojori, Licensing Officer, informed the Sub-Committee that:

- This was an application to extend the operating hours of the premises.
- The premises was seeking an additional two hours for late night refreshment and an additional three hours for the sale of alcohol.
- The premises was heavily surrounded by residential properties and was located near a Cumulative Impact Zone. This was likely to have a negative impact in the area.
- The applicant did not appear to be aware of certain conditions on the licence, such as condition 21 – that alcohol had to be ancillary to food.
- The applicant had stated that he did not have permission in order to be able to serve cooked food at the premises.

- Alcohol would have to be served ancillary to basic food.
- If the last patron was to enter the premises at 00:00, then it was possible that alcohol could be consumed at the premises until 03:00. This could result in a greater increase of public nuisance.
- The premises was located in a residential area and was likely to cause disturbance to patrons in the late hours of the night.
- Although the applicant may have the best of intentions, employing a relative as a member of SIA staff may be a conflict of interest for the applicant.

PC Mike Constable informed the Sub-Committee that:

- The area was very densely populated and the service of three extra hours of alcohol would have a detrimental impact in the area and the premises could act as a venue for patrons to preload on alcohol before attending stronger alcohol focused licenced premises.
- He sympathised with the applicant's situation and the coronavirus crisis would come to an end at some point. However, it was important to note that under the current circumstances, granting an application for the sale of alcohol for so many hours was a risk.
- The premises could have a negative impact on emergency services and medical services as well as policing services which were already operating at maximum levels.

Mr Arif Kokkoz, Public Protection Officer, also speaking on behalf of Nick Anderson, informed the Sub-Committee that:

- He had concerns regarding the SIA staff member and the lack of experience that he may have.
- If difficult patrons were to enter the premises, it was not clear how they would be dealt with without the incident leading to noise nuisance or antisocial behaviour.

At this point in the proceedings, the Legal Officer stated that in relation to Condition 21, the food served with the alcohol did not have to be a substantial meal. Furthermore, there was no legal objection in relation to the proposed SIA staff member also being a family member as he had been SIA accredited by an appropriate body.

In response to questions from Members, Mr Owojori and Mr Kokkoz informed the Sub-Committee that:

- No complaints had been received regarding noise nuisance at the premises.
- On one occasion, the premises had been found operating without an SIA door staff member from 21:00 at the premises. An SIA door staff member was now operating at the premises.

Mr Stewart Hannaford, resident, informed the Sub-Committee that:

- He had been resident at the premises for 15 years and he was familiar with the previous premises licence holder.
- The video evidence that he had submitted spoke for itself. Since the premises had reopened, there had been an increase in antisocial behaviour and noise from patrons outside the premises.
- The premises was having a detrimental effect in the area.
- He himself was a personal licence holder and judging by the video evidence that he had submitted, it appeared that conditions 21 to 27 had been breached.
- He had seen no evidence of food being served to patrons before they were served alcohol. He had observed vertical drinking and had seen two TVs with sports being played on them.
- He had to approach the applicant separately as the applicant had not made any attempts to contact him.
- He had raised concerns in August 2020 and had to make efforts to make contact with the applicant in order to inform him that there was noise from patrons at the premises including staff members.
- He did not want the business to fail, but he also had the right to live peacefully in his property.
- Even in light of licensed premises having to be closed no later than 22:00, the antisocial behaviour was likely to continue anyway.
- The applicant did not appear to be aware of his responsibilities and there was plenty of noise in the area even after 01:00.
- Deconstruction of tables and chairs in the outside area had led to greater levels of noise nuisance and the outside area had not been included in the submission of the plans.
- He was not confident that the premises could operate quietly.
- The premises would operate many late nights not just one night of the week and it was attracting crowds of people who were travelling by car to get to the premises.

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

- Conditions 21 to 27 had been violated as alcohol had been served to intoxicated individuals and the applicant did not seem to be aware that this was an offence.
- There had been loitering on the public highway. Although this had reduced slightly, there were still some moments where people could be seen wandering around shouting to each other in the area.
- Prior to the licensed premises having to be closed at 22:00, the premises did not appear to have a dispersal policy.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Zucolli informed the Sub-Committee that:

- In relation to his cousin operating the door as an SIA door staff member, his view of the situation was that nobody would care more for the business than a family member and employing a stranger meant that it was less likely that a particular individual would care for the family business.
- Previously, an unknown individual to the family was an SIA staff member and had been employed at the premises, but had not performed adequately in the role.
- In the past weekend, his cousin had operated the door and there had been many improvements in the premises. His cousin wanted everything to be properly administered and had even asked about using an earpiece.
- When there was drinking on the highway, it was because there was confusion as to what the government allowed patrons to do. Some of these issues have been caused by the previous SIA door operator not performing his job role properly. This was not happening anymore and all the patrons attending the premises had been informed about where they could and could not drink.
- The day after the inspection on 20 July 2020 was when he had decided that new security arrangements would be made and he had to sought the assistance of his friend who he knew personally who was in the security business.
- The previous SIA door staff member had been dismissed after his cousin had received his SIA qualification and had officially started last weekend.
- He conceded that there were some issues regarding the deconstruction of the outside area.
- His cousin was learning on the job as an SIA security door staff member and was engaging in active research including watching YouTube videos.
- He had friends who he knew from a security firm who had been mentoring his cousin and his cousin was eager to be the best security guard he could be.
- The premises was the least likely place in all of Clapham for anybody to engage in a fight as patrons appeared to know other patrons on a first name basis.

Adjournment and Decision

At 5:02pm, 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 refuse the application.

RESOLVED: To refuse the application.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to refuse the application. Full written reasons would follow in due course.

4b THE COURTYARD, 17 BELLEFIELDS ROAD, LONDON SW9 9UH (FERNDALE WARD)

The application was withdrawn from the agenda.

4c OLIVES AND MEZE, 131 CLAPHAM HIGH STREET, LONDON SW4 7SS (CLAPHAM TOWN WARD)

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, and 10 of the Statutory Guidance, and to Chapter 5 (policies 1, 3, 4 and 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 paragraph 6.2 of the report on page 110 of the agenda papers.

The Licensing Officer confirmed:

- This was an application to extend the terminal hour for the sale of alcohol and provision of late-night refreshment.
- The application was submitted to be heard on 24 September 2020. The application was deferred to today's meeting as the applicant had not been present at the previous meeting.
- The application sought to remove embedded restrictions 1-7a and b with retention of the first part of condition 7.
- A copy of the application could be found on pages 111-120 of the agenda papers.
- Four representations had been received. Three were from Responsible Authorities, Licensing, Public Protection and the Police. The other was from Councillor Linda Bray.
- The representations could be found at pages 121 -132 of the agenda papers.
- At the time of the original hearing on 24 September 2020, the applicant provided supporting documents to confirm a reduction of hours and these could be found on pages 133-146 of the agenda papers.
- Additional supporting documents had been submitted by the applicant which included modification of conditions and amendments to the application.
- The applicant now wished to vary the operating hours for Thursdays so that the terminal hour for the sale of alcohol would be 01:00.
- The applicant also wished to vary the terminal hour for late night refreshment on Thursday until 02:00. The terminal hour for late night refreshment on Friday and Saturday would be 03:00.
- The variation would last until 30 September 2021. All additional documents had been sent to all parties regarding the application.

Presentation by the applicant

The applicant, Mr Elmas Ertugrul and his representative, Mr Thomas O'Maoileoin, informed the

Sub-Committee that:

- The modifications to the license would affect Thursdays, Fridays and Saturdays.
- If the application made for Thursday nights was granted, it would simply mirror what was already permitted on Friday and Saturday which would be an additional hour for the sale of alcohol and an additional two hours for late night refreshment. This would mean that the terminal hour for the sale of alcohol would be 01:00 and the terminal hour for late night refreshment would be 02:00.
- The applicant was seeking to increase the terminal hour of late-night refreshment by one hour so that the terminal hour would be 03:00 on Friday and Saturday.

At this point in the proceedings, the Chair informed the Sub-Committee that the variation application, even if it was granted by the Sub-Committee, would not affect the current regulations (Regulation 5) restricting all licensable activity until 22:00.

Mr Ertugrul and Mr O'Maoileoin continued to inform the Sub-Committee that:

- If the Sub-Committee decided to grant the application then the licence would be time-limited until 30 September 2021 as this was when the deregulation of off-sales alcohol would cease.
- There had been a number of changes that had been made to the application since it had first been submitted as the applicant was simply trying to make the business viable.
- Due to the government restrictions as a result of the coronavirus crisis, the capacity of the premises had been reduced by approximately 50%. In order to make the business viable, customers needed to be acquired over a longer period of time.
- There had been a number of changes in circumstances and further restrictions had been placed by the government, leading the applicant to revise the application.
- The applicant was only attempting to create ways to assist the business so that he could survive over the next six months. This was the reason why the application was for a time-limited licence.
- All the restaurants needed to close at 22:00 under the current government regulations. There were no restrictions regarding deliveries.
- If the application was granted, it would permit the premises a kind of 'lifeline' in the form of delivering food.
- The premises did not wish to be seen to be making a bad situation in a cumulative impact zone worse, which was why the application for off sales of alcohol had been withdrawn.
- All sales of alcohol would cease at 22:00 and all deliveries would cease at 23:00.
- It was the applicant's intention that deliveries after 22:00 would only occur through Deliveroo. Therefore, there was no case to be made regarding the premises needing their own courier services in order to be able to service the local area.
- The premises had not been subject to any complaints whatsoever, either from local residents making complaints directly to the premises or a complaint made about the

premises to the Council or the Police. No complaints had been made by statutory authorities regarding the operation of the premises.

- Prior to the application being submitted (after feedback regarding the premises on a previous application made a few years ago regarding the importance of liaising and speaking with local residents), it was important to note that consultation had taken place primarily with residents directly living above the premises.
- Some issues had been raised by responsible authorities regarding ventilation. This had never been an issue previously and as one could observe from the existing licence, the premises had been operating until late and was adorned with CCTV cameras.
- A staff training scheme was in place and was part of the staff induction process.
- Queries had been raised regarding the nature of the premises because of the hours that had been proposed in the application. It was important to note that the premises would remain a restaurant. The conditions of the licence specified that alcohol may only be sold ancillary to a table meal and tables and chairs were to remain in place at all times. Furthermore, conditions prohibited regulated entertainment. Music played at the premises must be background only.
- In the medium term, the applicant would be able to achieve a limited delivery service after 22:00 and the applicant hoped that after current government restrictions were relaxed, patrons would be able to visit the premises.

In response to questions from Members, Mr Ertugrul and Mr O'Maoileoin, informed the Sub-Committee that:

- All delivery sales would be made through the Deliveroo website. If a customer was to go onto the Deliveroo website, a series of confirmations would need to be made regarding age verification. There was also a series of verification processes that the website had when delivering food and alcohol. If alcohol was delivered to a residential address, then it was a requirement of the person receiving the delivery to show their identification as proof of their age. It was similar to a delivery from a supermarket.
- If customers wished to buy alcohol from the premises and have it delivered to them, then they would have to buy a table meal.
- The premises occupied a mix of families and adults from 25 years old and upwards. During the day, most patrons would be made up of families, but this demographic would often change later into the evening as people dining out closer to the hour of 23:00 were usually adults.
- Due to the prices charged at the premises, it did not usually attract 18 to 19-year-old customers.
- The applicant would engage in all endeavours to attract patrons to the premises. This included discounts and offers including whatever the business would be able to cope with financially. The premises employed 11 people and ensuring that those individuals stayed employed was difficult at times. The business was examining in as many ways as possible to create greater levels of financial sustainability. Ideas were being built for offers that could be made to patrons and the business had taken part in the eat out to help out scheme in August 2020.
- The conditions outlined on pages 134 and 135 of the agenda papers proposed signatures for delivery of alcoholic drinks. This was built into the contract with

Deliveroo. This was often the case with many licensed premises or businesses of a similar nature.

- The applicant was aware that the premises was in the Cumulative Impact Zone (CIZ) and was aware of the busy High Street in the area. Additional measures had been taken to deal with intoxicated individuals and issues regarding the abuse of women in the area. There were restrictions on Clapham High Street and the Council wished to have more control over licensed premises located in the area.
- In order to address the crime and disorder objective and to protect the general public in the area, it was important to note that the premises was only a restaurant and only sold alcohol with food. There was no vertical drinking on the premises and the premises did not contribute to drunkenness on the High Street. The premises had been running for six years and never had any problems with neighbours or the general public. Over the six years that the applicant had been running the premises, he could sense many changes that had been made in the area and in the immediate vicinity in which the premises operated.
- Delivery drivers were active on Clapham High Street and the premises was located close to the McDonald's that was in the area. Many of the deliveries made in the area were within walking distance or very little driving distance. The drivers of the delivery vehicles had a designated parking area across the road approximately 100 yards near the McDonald's. The vehicles were parked there, not next to the premises itself.
- There was a condition on the licence limiting patrons in the smoking area to be a maximum of five people at one time.
- The premises was not a bar or a pub and there were not too many intoxicated individuals that could be found in front of the premises. The premises had signs put up informing patrons to be respectful and polite and quiet upon leaving the premises. People often smoked near the Sainsbury's in the area and sometimes the applicant would provide those individuals with ashtrays. It was never the case that patrons at the premises would all go out and smoke at one time.
- It was important that members of the community respected each other and the applicant had never received a complaint regarding noise.
- The parking area did not belong to McDonald's and could be used by members of the community. The premises was not allowed to use it as the parking area belonged to the members of the public.

Presentation by interested parties

Mr Ola Owojori, Licensing Officer, informed the Sub-Committee that:

- The applicant was seeking to vary a premises licence in a Cumulative Impact Zone and measures needed to be put in place to address concerns regarding the nature of the location of the application.
- The extension of licensable activity until 03:00 on Friday and Saturday would likely add to the existing noise nuisance and crime and disorder in the area.
- If the application was granted, then it was possible that many patrons would frequent the premises and the hours obtained by the applicant could be used for the purposes of vertical drinking.
- As the terminal hour for the sale of alcohol would be 01:00, it was not clear what

patrons would be doing at the premises until 03:00. The gap between the terminal hour for sale of alcohol and the terminal hour for late night refreshment could encourage the applicant to breach the licence. It could also encourage patrons to irresponsibly stock up on alcohol long before the terminal hour for the sale of alcohol and drink until 03:00.

- It was possible that the delivery drivers from Deliveroo may be very professional but they were commonly known as individuals who operated on zero-hour contracts. It was unclear how motivated they would be to check that the individuals signing for their items were of appropriate age.

PC Mike Constable informed the Sub-Committee that:

- He was part of a Police team that had been working weekends almost every fortnight.
- There was concern that the activities of the premises would attract more deliveries into Clapham and other areas of Lambeth.
- He sympathised with the situation of the catering business, but it was important to note that Clapham was located in a Cumulative Impact Zone.
- There were 45 licensed premises in Clapham High Street alone and it was important that there were fewer people entering the Clapham area. An over emphasis of patrons attending licensed premises in the area had been a problem for many years and was why the Cumulative Impact Zone had first been implemented.
- An example of the issues in the area was visible this past weekend when he had arrested a woman at 21:18 for making a homophobic assault on Clapham High Street.
- The issues were not simply the operation of late-night hours, but also people simply drinking too much. The woman that he had arrested had consumed a table meal but also had drunk five cocktails.
- There was simply more alcohol consumed in cumulative impact zones and it was important for people to stay at home at the moment due to safety concerns.

Mr Arif Kokkoz, Public Protection Officer, informed the Sub-Committee that:

- He had received complaints regarding delivery drivers.
- There was a lot of reported antisocial behaviour from delivery drivers.
- He was concerned that the applicant had not yet addressed how the application would not have a negative impact on the High Street if violent customers were to enter the premises.
- It was not clear if there would be any SIA staff operating at the premises.
- It was not clear how the smoking area would be managed.

In response to questions from members, PC Mike Constable informed the Sub-Committee that:

- Operation Equinox had been going on for over five years and the Violence Suppression Unit (VSU) had been in operation for approximately six months. The operation had been put in place partly due to knife related crime and there was still violence ongoing in the Clapham area.
- There were very few problems regarding crime during the daytime economy, but there was a considerable amount of reported crime during the night time.
- The crime in the area was a huge issue for Police and responsible authorities. There were also issues with noise nuisance. Some of the crimes included sexual assault which often occurred during times when people under the influence of alcohol.
- The VSU, generally, was a central government asset and Operation Equinox was run locally. The VSU would visit Clapham if there was an increase in knife related crime.
- Due to the government regulations of licensed premises having to close at 22:00, patrons from all licensed premises were dispersing all at once.
- That food absorbed alcohol when entering the stomach was largely a 'myth', but doner kebabs were known to absorb alcohol in the stomach. Many individuals were often drunk when leaving restaurants.
- When the Licensing Act was first introduced to the UK, there was a vision that the 24-hour drinking regulations and habits would work similarly to other countries in Western Europe. However, this had not worked out very well in the UK.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Ertugrul and Mr O'Maoileoin, informed the Sub-Committee that:

- On Fridays and Saturdays, the premises would be able to sell alcohol until 01:00. The premises operated its own management scheme that had a drinking-up period which lasted for around 30 to 45 minutes.
- An extension of the terminal hour for late night refreshment could risk patrons attempting to buy larger quantities of alcohol. However, the premises had never needed to encourage the sale of alcohol as the premises was a food-lead establishment and did not make much money from the turnover of the sale of alcohol.
- It was the responsibility of premises staff to ensure that patrons did not buy alcohol in bulk before 01:00. This would fall foul of an existing condition which stated that alcohol needed to be ancillary to a table meal. If a patron had a meal at 23:00 and started ordering alcoholic beverages after the meal had been consumed (and after that time period), then that purchase of alcohol could no longer be considered 'ancillary'.
- The applicant did not wish to employ SIA staff as he felt that this would send out the wrong message and it could have the opposite effect of what the Sub-Committee was looking to achieve.
- It would not be normal to have a restaurant with an SIA badge door operator. The crime and disorder objective was already addressed in many ways by the premises' use of CCTV.

- The applicant's premises was small and round and did not contain many large celebrations. No wedding celebrations had been held at the premises in the last two years. Birthday parties had been held at the premises but only had a maximum of 15 to 20 people. Due to the set-up of the premises, it was not even possible to fit 20 people onto one long table. Birthday parties often would last until 19:00- 21:00 at the latest.
- At birthday parties, patrons tended to consume more alcohol but more often used the premises to eat. It was often the case that patrons celebrating an occasion would not celebrate fully at the premises as there was limited space and there were other licensed premises in the area where patrons could consume alcohol. This included pubs and nightclubs. Patrons often preferred to go there than stay in restaurants. The premises only played background music and therefore didn't often cater properly for the needs of celebratory occasions.

Adjournment and Decision

At 3:59pm, 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 (inclusive of the conditions as proposed on 9 October 2020).

RESOLVED: To grant the application as sought (inclusive of the conditions as proposed on 9 October 2020).

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application as sought (inclusive of the conditions as proposed on 9 October 2020). Full written reasons would follow in due course.

The meeting ended at 5:12pm.

CHAIR
LICENSING SUB-COMMITTEE
Thursday 5 November 2020

Date of Despatch: Tuesday 20 October 2020

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