

LICENSING SUB-COMMITTEE MINUTES

Thursday 18 November 2021 at 7.00 pm

Members Present: Councillor Fred Cowell, Councillor Linda Bray and Councillor Timothy Windle (Substitute)

Apologies: Councillor Emma Nye and Councillor Irfan Mohammed

1 Election of Chair

MOVED by Councillor Tim Windle, SECONDED by Councillor Linda Bray.

RESOLVED: That Councillor Fred Cowell 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 19 October 2021 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 Max Snack Bar - 18 Brixton Station Road London SW9 8PD (Coldharbour Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation to the current premises licence. The Sub-Committee's attention was drawn to chapters 2,3,8,9,10 of the Statutory Guidance, and to Sections 5 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 5.12 of the report on page 13.

Ms Pam Riley, the Licensing Officer confirmed:

- This was an application to vary a Premises Licence to include an external area for licensable activities, made by the applicant's agent, Mr Manuel Rocha.
- A copy of the application form and premises floor plan attached as Annex A on pages

23-43 of the main report.

- One representation against the application had been received from the Metropolitan Police based on the Licensing Objectives Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance and can be found at page 61-63 of the report.
- A copy of the current premises licence was attached as Annex B.
- The applicant proposed a set of conditions to be considered attached as Annex C.

Presentation by the Applicant

Mr Manuel Rocha, the agent representing Mr Joao Figueira, informed the Sub-Committee that:

- The premises operated as a café restaurant, of which Mr Joao Figueira had been a manager for 20 years.
- The applicant had a history of upholding the Licensing Objectives and managing the premises professionally.
- The variation to the current license was sought as the outdoor seating area could not be used for the Sale of Alcohol, while the applicant had been paying £5,000 per year for the use of tables outside and wanted to extend licensable activities to the outdoor area to maximise trade.
- Although the premises held a 24-hour license, these hours were not applied in practice and were not necessary for the outdoor area.
- The applicant was satisfied to extend licensable activities outside between the hours 10:00 to 21:00 hours.
- Reasons for the variation to the license were financial, as from the point of view of the management, customers enjoyed being seated outside.

In response to questions from Members, the applicant confirmed:

- The applicant was satisfied to operate licensable activities in the outside seating area between the hours 10:00 to 21:00, from Monday to Sunday.
- To ensure trading in the outside area ended, chairs and tables were to be removed.
- There was a space of approximately 2m between the six outside tables and chairs and passing pedestrians.
- In practice, the opening hours of the premises had been 8:00 to 23:00, not 24 hours.

At this point in proceedings, the Chair proposed a condition that would ensure all outdoor tables and chairs were removed after 21:00.

Presentation by Interested Parties

PC Dave Watson, representing the Metropolitan Police said that:

- He had dealt with applicant on a number of occasions and confirmed that although the premises operated on a 24 hour licence, the terminal hours stated were accurate.
- Ideally this would not be a 24 hour licence and a verbal agreement to cease operations at 21:00 could mean this was open to change.
- The applicant had been a victim of crime and criminal damage from customers and Brixton Station Road had high rates of Crime and Disorder.
- There was no mention of effective security measures within the application, but this had since been agreed.

- The 21:00 closing time and removal of outdoor seating after this hour would be conditioned and this would address the Metropolitan Police's concerns.

Mr Manuel Rocha confirmed that the Sale of Alcohol from 11:00 to 21:00 as per the Licensing Policy was understood.

Adjournment and Decision

At 19:25, 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 the Metropolitan Police. 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 Variation with proposed conditions and subject to the following imposed conditions:

1. The start time of the licensable activities in the outside area is 11:00 and terminal hour for licensable activities is 21:00, Monday to Sunday.
2. Chairs and Tables must be removed from the outside area when licensable activities are not taking place, before 11:00 and after 21:00.
3. Licensable activities in the outside area are contingent on the premises having a valid Tables and Chairs license at all times.

The reasons given for the conditions were to ensure consistency in the event of DPS changes or if the licence were transferred to another party and to prevent the premises being associated with vertical drinking outside.

RESOLVED: To Grant the Variation to the license, subject to the agreed and imposed conditions outlined above.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to Grant the License and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the conditions met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

5 Consideration of an Objection to Temporary Event Notices

5a M.V Avontuur Jubilee Gardens Belvedere Road London (Bishops Ward)

This item was withdrawn from the agenda.

5b Aures, 18 Leake Street London SE1 7NN (Bishops Ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was a Temporary Event Notice (TEN). The Sub-Committee's attention was drawn to Chapters 7,9, and 5 of the Statutory Guidance and to Sections 5.2, 5.20, 5.27 (policy 6) 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 6.1 of the report on page 106 of the agenda papers.

In response to questions from Members, the Licensing Officer confirmed:

- This was one of two applications for a Temporary Event Notice (TEN) submitted by Mr Sam Davis at Aures, 18 Leake Street.
- The Metropolitan Police had withdrawn their objection to the event taking place on the 22 November 2021
- The notice was received on 2 November 2021.
- The event was to be held from 02:00 to 04:00 on 12 December 2021 and was for a 50th birthday party.
- One objection had been received by the Metropolitan Police based on the Licensing Objectives prevention of crime and disorder, the prevention of public nuisance and public safety, which could be found on pages 121-122 of the report.
- The Notice Giver had provided additional information to address the objector's concerns which had been circulated to all parties.

At this point in proceedings, the meeting was adjourned due to technical difficulties. The Sub-Committee agreed to address the application at the next Sub-Committee meeting on 30 November 2021.

The meeting ended at 20:05

CHAIR
LICENSING SUB-COMMITTEE
Wednesday 8 December 2021

Date of Despatch: Thursday 25 November 2021

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