



## **LICENSING SUB-COMMITTEE**

**Tuesday 21 November 2017 at 7.00 pm**

### **MINUTES**

**PRESENT:** Councillor Jack Holborn, Councillor Linda Bray and Councillor Amélie Treppass

**APOLOGIES:**

**ALSO PRESENT:**

#### **1 ELECTION OF CHAIR**

Moved by Councillor Linda Bray, Seconded by Councillor Amelie Treppass

RESOLVED: That Councillor Jack Holborn be elected chair.

#### **2 DECLARATION OF PECUNIARY INTERESTS**

Councillor Holborn informed the meeting that the premises Little Ochi, 113 Dulwich Road, London, SE24 0NG, was located in his ward. However he had not had any involvement with the premises and had not received any complaints or representations regarding the premises.

#### **3 MINUTES**

**RESOLVED:** That the minutes of the previous meeting held on 3 October 2017 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 LITTLE OCHI, 113 DULWICH ROAD, LONDON, SE24 0NG (HERNE HILL)**

##### **Presentation from the Licensing Officer:**

The Sub-Committee was informed that this was an application to consider a counter notice for a temporary event notice. The Sub-Committee's attention was drawn to Chapters 7, 9, and 15 of the Statutory Guidance, and to Sections 8 and 14 and Appendix 9 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were Page 7 set out in paragraph 6.2 of the report on page 20 of the agenda papers.

The Licensing Officer informed the Sub-Committee that:

- This was an application submitted by Ms Sophie Costello from the Community Safety team.
- The TEN was given by the DPS of the premises who sought the sale of alcohol, late night refreshment and provision of regulated entertainment from 25 November at 22:00 and ending at 04:00 on 26 November 2017.
- The event was for approximately 60 people.
- The notice could be found on page 23 to 30 of the agenda papers.

**Presentation by the objector**

Ms Sophie Costello, Community Safety Officer, informed the Sub-Committee that:

- The objection to the proposed event was based on the prevention of public nuisance.
- The service believed this event was unsuitable as the premises was located in a residential area.
- 80% of the area was residential in nature and it was not appropriate to hold an event until 04:00 where people would be drinking.
- The premises licence holder would have to be able to make sure patrons could be controlled so that residents in the area would not be disturbed. It was not likely that the premises licence holder could achieve this.
- There was a neighbouring premises in the area where, due to noise and anti-social behaviour from patrons, the premises had been reviewed and the operating hours for that premises reduced.

In response to questions from Members, Ms Costello informed the Sub-Committee that:

- No complaints had been received for this premises but there had been complaints received for a neighbouring premises holding similar events.
- This premises had not received any complaints for their day-to-day operation.
- The concern related to the type of event and the behaviour of patrons occupying the area leaving late at night.
- High levels of noise was unacceptable for such a residential area.
- A neighbouring premises in the area had been subject to a review application.
- Many of the noise issues in the area were related to activities in Rymer Street.
- The area near the premises had issues relating to noise and drunken behaviour.
- There had been other issues in the past relating to the premises, such as fly tipping and other environmental health issues. Attempts had been made to contact the premises staff but efforts to contact them were unsuccessful.
- Should there be any issues occurring at the premises regarding the event, then there would be a lack of confidence that the premises staff could be contacted.

**Presentation by the premises licence holder**

Ms Zarifa Dewy, representing the premises and Mr Roy Freddie, DPS, informed the Sub-Committee that:

- They had taken over the premises in 2011.
- They had given temporary event notices 2-3 times a year. No complaints had been received regarding the events that were held.
- Premises staff were attentive to all staff members and patrons.
- Any complaints received were taken seriously by the premises staff.
- 21 February 2013 was the last time a complaint had been received regarding the premises. This showed how seriously premise staff took the business.
- Although the temporary event was to last until 04:00, patrons would not be served alcohol after 03:30.
- Patrons would be told to leave the premises quietly upon departing.
- The premises had a good relationship with residents.
- The issues relating to the neighbouring business had nothing to do with the premises.
- The premises was not involved with anti-social behaviour or crime.
- The premises' track record from 2011 showed how responsible the premises was with its patrons and general management.
- Events had been held at the premises until 03:00 in the past without any issues.

In response to questions from Members, Ms Dewy and Mr Freddie informed the Sub-Committee that:

- The event was a birthday party.
- The event was an invite only event and would be limited to mostly family and friends.
- The premises licence holder personally knew the people who were hiring out the premises.
- They both always attended every event held at the premises.
- The event itself would be fully staffed.
- Mr Freddie was SIA qualified.
- Food would be provided by the premises. Patrons would be able to buy drinks at the bar.
- The premises licence holder was careful about who the premises was hired out to.
- The person hiring out the premises was over 60 years of age and Mr Freddie had known the person for several years.
- Invitations had been printed and patrons could only enter the premises via by displaying their invitation at the door.
- The premises licence holder was present at the door at every event.
- If people were found in the premises intoxicated, they would be kept inside the premises. A taxi would then be called and the individual would be escorted out of the premises after the taxi arrived.
- Alcohol would not be served to anyone found intoxicated.
- Previous events held at the premises were of a similar nature with similar numbers of people in attendance.
- The only objection to an event held at the premises was the event that was held on 21 February 2013.
- As it was a family event, patrons were expected to leave at various different times.
- Drinks were not allowed to be removed from the premises by patrons.
- Patrons were told to leave the premises and the surrounding area quietly.
- A slow dispersal was maintained by premises staff so that there would

not be too many people outside the premises simultaneously.

- Premises staff did not want any anti-social behaviour in the area or any negative complaints against the premises as this was the livelihood of premises staff.
- The premises licence holder was comfortable applying existing conditions on the premises licence onto the temporary event.
- Contact details could be provided to all responsible authorities including an email address, mobile phone number and the address of the premises itself.
- Officers would be able to contact the premises and its staff at any time.

### **Adjournment and Decision**

At 7.29pm, the Sub-Committee withdrew from the meeting together with the legal adviser and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Freddie, Ms Reddie and Ms Costello. 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 not issue a counter notice but to apply the existing conditions on the premises licence to the event.

RESOLVED: To not issue a counter notice but to apply the existing conditions on the premises licence to the event.

### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to not issue a counter notice but to apply the existing conditions on the premises licence to the event for the following reasons:

The Sub-Committee considered an objection to a temporary event notice from Community Safety for an event to be held over the forthcoming weekend. Having carefully considered the evidence of the objector and the notice giver, the Sub-Committee was satisfied that there was no basis upon which to issue a counter notice. However, the Sub-Committee was persuaded that the existing conditions on the premises licence should be applied to this event. Therefore, the event could proceed but would need to be run in such a way as to comply the conditions on the premises licence. The premises licence holder should pass their contact details to the Community Safety team.

## **4b LOCO, 233 COLDHARBOUR LANE, LONDON, SW9 8RR (COLDHARBOUR)**

The Chair invited Mr David Dadds, representing the premises licence holder for this application, to address the meeting as it had been brought to his attention by Licensing, that he was seeking an adjournment.

Mr David Dadds, representing the premises license holder, informed the Sub-Committee that:

- Due to a family bereavement, the premises licence holder was not available to attend this meeting. He had gone to the funeral with his wife to Manchester and had asked for the hearing to be adjourned.
- Any decision the Sub-Committee would make at this meeting would have no immediate effect and could be appealed.
- An appeal had been lodged from a previous review of these premises and this was listed to be determined on 11<sup>th</sup> January 2018.

- The matters relating to this application would be heard in future applications and hearings.
- If the premises licence holder was dissatisfied with the outcome of this hearing, then the decision would be appealed. It was possible that the two matters would be co-joined and that the existing appeal could consider matters arising from this review.
- The premises licence holder wanted to be at this hearing and had never made an application of a similar kind in previous hearings.

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

- The premises licence holder had taken steps to re-take the premises licence from the tenant.
- The premises licence holder had agreed for the suspension of the licence to have immediate effect and had given notice to the tenant.
- Notices had been put up at the premises instructing the public that there was no sale of alcohol at the premises and he had given the tenant notice to take leave from working at the premises.
- There was no active premises licence. It had been suspended.
- There was no assigned DPS at the premises any more.
- The alcohol on the premises belonged to the tenant who was no longer running the premises.
- He had an understanding of the premises licence holder's general position on the review application. However he had received some instructions by the premises licence holder to some degree.
- The premises licence holder had suffered a family bereavement.

PC David Smith informed the Sub-Committee that:

- He would object to an application to adjourn the hearing.
- This was the fifth time this premises had been subject to a review application.
- It was in the public interest to decide the outcome of the application as soon as possible.
- If the Sub-Committee decided to revoke the licence, then it would demonstrate the urgency of this application.

Mr Calvin McLean, Community Safety, informed the Sub-Committee that:

- He objected to the application to adjourn the hearing.
- There has been previous attempts to have this hearing adjourned since the hearing was officially scheduled on the basis of unavailability of the premises licence holder and his representative.
- The Licensing Officer would confirm that the application was scheduled to be heard and the responsible authorities objecting to this application were present at the meeting.
- There was concern that any action that had been taken since the previous review application had not brought any improvements regarding the situation at the premises.
- He had received an email on 16 November 2017 from the premises licence holder's representative that the premises licence holder had to take a sudden trip to Birmingham.
- The premises licence holder was likely being misleading about his availability and his whereabouts.

- It appeared to be unfortunate and convenient that the premises licence holder was not available between the time of this meeting until January 2018.
- No evidence had been provided regarding the reported death in the family.

Mr Dadds informed the meeting that he was only aware of what he had been informed by the premises licence holder. He did not have a death certificate to hand. The death had taken place on “Wednesday”. He notified the local authority of the death the next day and the funeral was scheduled to take place today. He could not be expected to have a death certificate in his possession at this time.

At this point in the proceedings, after a query from the Sub-Committee, the Licensing Officer informed the meeting that on 7 November 2017, they had received an email from the premises licence holder’s representative asking if the consideration of this application could avoid the following dates: 1 November 2017, 2 November 2017, 3 November 2017, 6 November 2017, 7 November 2017, 8 November 2017, 9 November 2017, 10 November 2017, 13 November 2017, 14 November 2017, 16 November 2017, 21 November 2017, 22 November 2017, 23 November 2017, 24 November 2017, 27 November 2017, 28 November 2017, 5 December 2017, 12 December 2017, 18 December 2017, 19 December 2017, 20 December 2017, 21 December 2017, 22 December 2017, 27 December 2017, 28 December 2017 and 29 December 2017.

Mr Bernard Conmy, Trading Standards, informed the Sub-Committee that:

- The application should not be adjourned.
- He objected to the adjournment of the application.

#### **Adjournment and Decision**

At 8.00pm, the Sub-Committee withdrew from the meeting together with the legal adviser and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Conmy, PC Smith, Mr Dadds, Mr McLean and PC Smith. 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 to adjourn.

RESOLVED: To grant the application to adjourn.

#### **Announcement of Decision**

Members returned to the meeting and the Chair informed those present of the decision to grant the application to adjourn for the following reasons:

After considering the application to adjourn and applying Regulation 12 of the Hearing Regulations 2005, the Sub-Committee determined to adjourn the hearing until 12 December 2017 at 7:00pm. The meeting on 12 December 2017 would consider this application in isolation. The Sub-Committee apologised to those who had attended the meeting to hear this application. The Sub-Committee felt that it was necessary for the premises licence holder to have the opportunity to fully instruct his representatives and provide written evidence in light of the reported family bereavement which had prevented him from preparing his case. The Sub-Committee wanted the premises licence holder to provide the written evidence referred to by his representative, Mr Dadds, regarding having given his tenant notice to leave the premises. The Sub-Committee would also like to see the appendix documents referred to in report in the Licensing Officer’s report, particularly the decision and the associated minutes referred to on paragraph 4.10 of the officer’s report.

**4c LOCO, 233 COLDHARBOUR LANE, LONDON, SW9 8RR (COLDHARBOUR) -  
VARIATION APPLICATION**

This application was withdrawn.

**4d VVK, FAST FOOD, GROUND FLOOR, 300 STREATHAM HIGH ROAD, LONDON,  
SW16 6HG (ST LEONARDS)**

This application was adjourned.

The meeting ended at 8:33pm

CHAIR  
LICENSING SUB-COMMITTEE  
Thursday 30 November 2017

Date of Despatch: Wednesday 29 November 2017

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