



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 31 August 2011 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor David Hubber
Councillor Althea Smith

OTHERS: Alan Blissett, environmental protection team

OFFICER SUPPORT: Felix Rechtman, legal services
Dave Swaby, licensing unit
Bola Roberts, constitutional officer

1. APOLOGIES

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no urgent items.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - 124C BERMONDSEY ST, LONDON SE1 3TX

The licensing officer informed members that on the 30 August 2011 the council's licensing service received a large number of emails from residents in the Bermondsey area complaining that the notice advertising the application was not displayed for a period of 28 days as required by the relevant legislation.

In view of the above, the sub-committee considered it necessary to deal with this specific issue as a preliminary issue before deciding whether to proceed with the application itself.

Members heard from a spokesperson for the resident who stated that as the notice had not been displayed in compliance to the statutory requirement the licence should not be granted.

The applicant was given a chance to explain to the sub-committee the exact dates the notice was displayed and was taken down.

RESOLVED:

Decision

That the application be not heard.

Reason

The sub-committee found that the notice was displayed but as the applicant accepted the notice was displayed on 13 July 2011 and the applicant further accepted that the last day for objections specified on notice was 8 August 2011, in the circumstances the sub-committee found that the notice was defective as it allowed for less than the required 28 days consultation period and in the circumstances this application must be advertised again for a period of 28 days consultation.

6. LICENSING ACT 2003 - JACKS, RAILWAY ARCH 96, JOAN STREET, LONDON SE1

The applicants addressed the sub-committee. Members had questions.

Residents addressed the sub-committee. Members had questions.

The environmental officer addressed the sub-committee. Members had questions.

All parties were given five minutes to sum up.

At 12.20pm the meeting went into closed session to consider the application.

At 1.30pm the meeting returned to open session and the chair read out the following decision:

RESOLVED:

Decision

That the application by Windmill Taverns Limited to vary the premises licence granted under the licensing act 2003 in respect of the premises known as Jacks, located at Railway Arch 96, Joan Street, London SE1 be refused.

Reasons

The reasons for this decision are as follows:

The sub-committee heard representations from the applicant and their representative, the residents and the environmental protection officer.

The sub-committee heard that there was no satisfactory conclusion at conciliary meeting and the matter had been referred to the licensing sub-committee.

The sub-committee heard evidence from the local residents that their main concern was noise generated outside the premises by patrons and the residents living directly opposite the premises submitted that the noise outside the premises is such that it is impossible for them to be able to sleep while people are still gathering outside the premises and that by increasing the opening hours the noise issue will continue into the small hours of the morning and will create public nuisance.

In addition the sub-committee found that, as the premises are within the saturation zone, that this variation to extend the opening hours by two hours into the night is a significant variation which is likely to increase noise in the area and therefore such a variation will have an adverse cumulative impact and the sub-committee was not satisfied by the applicant's submissions that the applicant demonstrated that there will be no negative cumulative impact on one or more of the licensing objectives, in this case the prevention of public nuisance.

The sub-committee felt it necessary and proportionate to reject this application.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty session's area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.30pm.

CHAIR:

DATED: