

# **GREENWICH COUNCIL**

## **LICENSING SUB-COMMITTEE B**

**THURSDAY, 15 DECEMBER 2011 AT 5.30 PM**

### **MINUTES**

#### **PRESENT:**

##### **Members:**

Councillor Mandy Brinkhurst (Chair), Councillors Mohammed Iqbal and Angela Cornforth

##### **Officers**

Licensing Team Manager, Senior Legal Advisor and Committee Officer

#### **Item**

#### **No.**

#### **1 Apologies for Absence**

Apologies for absence were received from Councillor Clive Mardner

#### **2 Urgent Business**

There was no urgent business.

#### **3 Declarations of Interest**

##### **Resolved –**

That the list of Councillors' memberships as Council appointed representatives on outside bodies, joint committees and school governing bodies is noted.

#### **4 Minutes**

##### **Resolved -**

That the minutes of the meeting of the Sub-Committee held on 22 November 2011 are confirmed and signed as a true and accurate record.

#### **5 Black Vanilla, 5 College Approach, Greenwich SE10**

##### **In Attendance:**

Applicant	Adam Brown
Making Representation	Jane Devine (Planning Enforcement); Councillor Maureen O'Mara

The Chair welcomed all parties and ensured that introductions were made, all papers had been received and that all parties were aware of their right to be represented.

The Chair stated that the Sub-Committee understood there was an issue with the plan of the premises and the Chair sought clarification on the matter.

The applicant explained that there was a new plan which replaced the plan appended in the agenda and this plan had been agreed by the Fire Brigade.

The Licensing Team Manager explained that a plan of the premises had to be attached to a licence. The Fire Brigade had not made representation. The Fire Brigade, but not the applicant, had sent the Licensing Authority a copy of a new plan but the plan that had been received did not delineate the area for licensable activities. It was accepted that there was an agreement between the applicant and the Fire Brigade, but the Licensing Authority had not received a final plan showing the area for licensed activities.

All parties, with the exception of the Legal Advisor and Committee Officer, withdrew to allow the Sub-Committee to discuss the matter at 5.45pm. All parties returned at 5.52pm.

The Chair stated that the Sub-Committee had discussed the matter. The Sub-Committee considered that health and safety was important and that the Sub-Committee could only make a decision on the correct information.

## **Resolved –**

1. That the hearing of the item be adjourned until Tuesday 20 December at 5.00pm.
2. That notice be given to the applicant that a plan of the premises, specifying the areas for licensable activities, be presented to the Licensing Authority along with confirmation from the Fire Brigade that they are in agreement with that plan, and that the number of covers in the premises be specified.

## **6 Nando's, West Pavilion, Greenwich Pier, Cutty Sark Gardens, Greenwich SE10**

### **In Attendance:**

Applicant Judith Palmer (legal representative); Ilker Enver (manager)

Making Representation Jane Devine (Planning Enforcement)

The Chair welcomed all parties and ensured that introductions were made, all papers had been received and that all parties were aware of their right to be represented. Copies of amended plans were circulated.

The Sub-Committee considered an application made by Nando's Chickenland Limited to vary a Premises Licence in respect of, Nando's, West Pavilion, Greenwich Pier, Cutty Sark Gardens, London SE10 9HT

The Licensing Team Manager gave an illustrated introduction to the report

The Sub-Committee was addressed by the Planning Enforcement Officer. She said that subsequent to the licensing application a planning application had been submitted which would bring the premises in line with the proposed licence, but that it would not be determined until the beginning of next year.

The Sub-Committee was addressed by the legal representative for the applicant. She explained that following the concerns raised by Planning the application was now reduced from 60 to 24 covers in the external area. It was noted there were no representations from any other responsible authority; it was felt that it was doubtful that the operation of the restaurant would cause any problems to the resident who had made representation as

they lived a considerable distance away. The applicant accepted that they were bound by the relevant planning permission.

In response to questions from the Sub-Committee, the applicant's legal representative said there would be no loud speakers in the external area and the applicant recognised there must be no nuisance emanating from the external area.

All parties, with the exception of the Legal Advisor and Committee Officer, withdrew to allow the Sub-Committee to deliberate at 6.10pm. All parties returned at 6.15pm.

The Chair read out the decision.

In reaching its decision the Sub Committee considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under S.182 of that Act. In discharging its functions the Sub Committee did so with a view to promoting the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Having considered all the evidence put before it the Sub-Committee

**Resolved -**

to grant the variation to the Premises Licence under the Licensing Act 2003 in respect of the

Nando's, West Pavilion, Greenwich Pier, Cutty Sark Gardens, London SE10 9HT

as follows:

The plans of the premises are amended to include an external seating area of 24 covers for licensable activities.

The variation is granted subject to the conditions as are consistent with the Operating Schedule.

The variation is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

The Sub Committee's decision was based on issues raised concerning the prevention of crime and disorder and the prevention of public nuisance

In reaching their decision the Sub-Committee considered the application and the representations. It was heard that a planning application had now been submitted and that the applicant understood he would be bound by that planning decision. The Sub-Committee noted that the number of covers had been substantially reduced. Members were satisfied that the reduction would address the representation made by the Planning authority.

The Chair announced that should the applicant or those making representations be aggrieved by the Council's decision, they had the right to appeal to the Magistrates Court. Such an appeal should be brought within 21 days of receipt of the Notice of Decision.

The Chair also announced that the Decision Notice would be deemed to have been received four days after the date on the accompanying letter, which would be sent by 2nd class mail.

The meeting closed at 6.17 pm

# **GREENWICH COUNCIL**

## **LICENSING SUB-COMMITTEE B**

**RECONVENED TUESDAY 20 DECEMBER AT 5.00 PM**

### **MINUTES**

#### **PRESENT:**

##### **Members:**

Councillor Mandy Brinkhurst (Chair), Councillors Mohammed Iqbal and Angela Cornforth

##### **Officers**

Licensing Team Manager, Legal Advisor and Committee Officer

#### **Item No.**

#### **5 Black Vanilla, 5 College Approach, Greenwich SE10**

##### **In Attendance:**

Applicant Adam Brown

Making Representation Councillor Maureen O'Mara and Councillor David Grant

The Chair welcomed all parties and ensured that introductions were made, all papers had been received and that all parties were aware of their right to be represented. Documents were supplied by the applicant in relation to the points to which the Sub-Committee had given notice.

The Sub-Committee considered an application made by Black Vanilla Ltd for the premises Black Vanilla, 5 College Approach, Greenwich, London SE10 9HY.

The Licensing Team Manager gave an illustrated introduction to the report. She highlighted that the premises was in a saturation area, and noted that the plans of the premises had been approved by the Fire Brigade.

The Sub-Committee was addressed by Ward Councillors Maureen O'Mara and David Grant. Concern was raised about the introduction of another alcohol licence into the Town Centre. Councillors relayed their experiences of the serious problems in the area, particularly in the evenings, in relation to alcohol and note was made of crime statistics. Members attention was drawn to the saturation policy within the Council's Statement of Licensing Policy. It was highlighted that the Town Centre had been designated a saturation area in response to the evidence of problems in the area. It was also noted that whilst the Town Centre was a commercial area it was also a residential area. Councillors requested that the application be refused.

In response to questions from the Sub-Committee each Councillor confirmed that their objection was to the alcohol licence, and that they sought refusal of the application. Councillor O'Mara added that to the best of her knowledge the premises had originally been for office use.

The Sub-Committee was addressed by the applicant. He detailed the aim of the premises, and the expected clientele, and stated the aim was not to be a public house or a restaurant. Following research it was felt that the premises was appropriate to the area. He said the application had been discussed with the Police and conditions had been agreed with them. It was highlighted that another premises was operated in Blackheath.

In response to questions from the Sub-Committee, the applicant explained the shop in Blackheath had been in operation for a year, it was a smaller premises in comparison with limited seating, it did not have an alcohol licence and its hours were 08:00 to 18:00. He detailed the percentage of take-away sales at the Blackheath premises. It was felt Greenwich was a similar locale to Blackheath, with respect to potential clientele, but the Greenwich premises was larger and would allow production to be expanded. He stated there would be seating for 38 downstairs and upstairs there would be room for 20 standing. He said sale of champagne would not be the prime use of the premises, coffee and gelato would be. The premises would offer an alcoholic sorbetto.

The Sub-Committee questioned how the applicant would address the issue of not adding to the cumulative impact experienced in the saturation area. The applicant replied that conditions meant that alcohol sales would cease half an hour before closing times, alcohol would only be sold in addition to food and

customers would not be allowed to take bottles out of the premises. It was felt that fully trained staff would have strict control over things and it was not thought that noise would be a problem. He had originally thought of requesting a licence to 01:00 but had moved it back to midnight; having heard the representations he stated he was prepared to close at 23.30.

There was a discussion of the matter.

Councillors Maureen O'Mara and David Grant indicated they did not feel that the applicant had demonstrated that the application would not add to the cumulative impact experienced. It was felt commercial pressures would come into play, the reality of what alcohol only with food actually meant was queried and a comparative example of another premises with that condition was given. Councillors reiterated their experience of what was happening within the Town Centre and requested that the application be refused.

In response to further questions from the Sub-Committee the applicant replied the premises would be selling both champagne and wine. Take away accounted for 60% sales at Blackheath but he could not predict what it would be at this premises, though more take away sales were predicted in winter than in summer time.

The Sub-Committee asked the applicant if he could again address the issue of not adding to the cumulative impact experienced in the saturation area. The applicant replied he had discussed the application with the Police. He would participate in Pub Watch, although noted that this scheme was not working in the area at the moment. He offered to close at 23:00.

All parties, with the exception of the Legal Advisor and Committee Officer, withdrew to allow the Sub-Committee to deliberate at 5.49pm. All parties returned at 6.17pm.

The Chair read out the decision.

In reaching its decision the Sub Committee considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under S.182 of that Act. In discharging its functions the Sub Committee did so with a view to promoting the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.



Having considered all the evidence put before it the Sub-Committee  
**Resolved –**  
to refuse the Premises Licence under the Licensing Act 2003 in respect of the  
Black Vanilla, 5 College Approach, Greenwich, London SE10 9HY

The Sub Committee's decision was based on issues raised concerning the prevention of crime and disorder and the prevention of public nuisance

In reaching their decision the Sub-Committee considered the application and the representations that had been made. The Sub-Committee recognised that the premises was situated within a busy Town Centre which came under the Saturation Policy within the Council's Statement of Licensing Policy.

The Sub-Committee took into account paragraph 9.5 of the Council's Statement of Licensing Policy: "The effect of the saturation policy is that Greenwich Council will refuse applications for a new premises licences or club premises certificates, or material variation of an existing licence or certificate, whenever it receives relevant representations unless an applicant can demonstrate why the grant or variation involved will not add to the cumulative impact experienced."

The Sub-Committee were not satisfied that the applicant had demonstrated that the grant of the application would not add to the cumulative impact experienced; the Sub-Committee noted that the Council's policy clearly stated that the onus is on the applicant to demonstrate that a new application will not add to the cumulative impact. The Sub-Committee took into account the nature of the business but were concerned about the addition of an alcohol licence to an area with such a degree of problems that it had resulted in the creation of a saturation zone. The Sub-Committee felt refusal of the application was necessary for the promotion of the crime and disorder licensing objective.

If the applicant or person making representations is aggrieved by the Council's decision, they may appeal to the Magistrates Court. Such an appeal must be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, four days after the date on the accompanying letter, which will be posted by 2nd class mail.

The meeting closed at 6.20pm

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Chair