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LICENSING SUB-COMMITTEE

14 AUGUST 2014

(10.30 - 12.45)

PRESENT Councillor Philip Jones (in the Chair), Councillor Michael Bull and Councillor John Sargeant

Also present:

Guy Bishop, Legal Officer,

Stephen Beedell, Licensing Officer

Hilary Gullen, Democratic Services Officer

For Korean House

Applicant: Chan Soon Park, Yeong Mum and Sabrina Cader

Objectors: Anka Bourley, Mr Tait, Cllr Gilli Lewis-Lavender, Cllr

Mary Jane Jeanes

Also present: Cllr Brian Lewis-Lavender

For Khanage Indian Restaurant

Applicant: Anwar Sheikh, Chris Lloyd

1. APPOINTMENT OF CHAIR (Agenda Item 1)

Cllr Philip Jones was appointed chair.

2. DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3. KHANAGE INDIAN RESTAURANT, 108 BROADWAY, SW19 1RH (Agenda Item 3)

Chris Lloyd, on behalf of the applicant, introduced their application.

The owner had run a restaurant in Morden for two years with no complaints received. This level of management would be carried over to the new restaurant in Wimbledon. The panel were shown the menu of drinks, and given information about signage. The business was an independent one, and the manager would always intervene if there were any problem with noise.

Cllr Sargeant asked the applicant to demonstrate that the new premises would not have a negative influence on the cumulative impact zone.

Mr Lloyd responded by confirming that alcohol would only be served with meals and consumed on the premises. There would be an extremely low chance of customers over indulging as the manager would intervene to prevent problems.

Stephen Beedell, Licensing Officer, pointed out that no responsible authority was in attendance at the hearing.

In response to questions from panel members, about who would be the premises supervisor, and whether the premises had been licensed previously, Mr Lloyd explained that the supervision would be provided by Mr Sheikh, his partner and Maitre'd, and that he believed the premises had been licensed previously, but that the license had not been utilised.

The Panel went into closed session at 12.20pm and reconvened at 12.40pm. Guy Bishop had advised the panel on Thwaites case, on the assessment of evidence, and the Somerfield case on the applicability of conditions where other legislation governed such matters.

The Panel gave their decision as follows:

We have considered that the applicant has demonstrated that the proposed premises will not add to cumulative impact in this CIP area. In view of the nature of the proposed operation and the enforceable conditions offered by the applicant, we therefore grant the application as sought in respect of hours and licensable activities subject to the following conditions extracted from the operating schedule in the application (taken from the offered conditions page 22 – 24 in the agenda pack):

1. Alcohol sales will be ancillary to the service of food and will be restricted to wines and/or beers only. There will be no sale of alcohol without the purchase of a substantial meal and no vertical drinking on the premises.
2. A CCTV camera system shall be installed and maintained as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling identification of persons entering in any light condition.
3. The licences shall ensure that the CCTV is maintained in working order to the satisfaction of the Police and Local Authority and be in operation when the premises is open to the public. CCTV recordings shall be retained for a minimum period of 31 days with date and time stamping. Records will be made immediately available on request by the Police or an authorised council officer.
4. A member of staff conversant with operation of the CCTV system will be on the premises at all times during the operating hours in order to provide Police or an authorised council officer with recent footage with a minimum of delay.
5. If the CCTV becomes inoperative, the Police and Local Authority will be informed as soon as practically possible and immediate steps will be taken to put the equipment back into action.

6. No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time.
7. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.
8. The premises shall keep an incident book and record details of all instances of public disorder, to be made available to the Licensing Authority or police upon request.
9. Staff shall implement a dispersal policy outside the premises within the area under the applicants' direct control.
10. The applicants shall conduct regular risk assessments on noise levels outside the premises.
11. Staff shall implement a litter clearing policy immediately outside the premises.
12. A suitable receptacle will be provided for cigarette litter directly outside the premises.
13. Notices shall be displayed reminding customers to keep noise levels to a minimum and to respect neighbours when leaving the premises.
14. A challenge 25 policy will be employed whereby those who appear to be under the age of 25 are attempting to purchase alcohol will be asked to provide identification. The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards. Staff will be trained in this policy and records of training will be kept.
15. A refusals book, or similar record, shall be kept at the premises in which must be recorded the date and time and circumstances under which any attempted purchase by a young customer has been refused. This book, or other form of record, shall be made available for inspection by any police officer, community support officer, or authorised person upon demand.
16. Children under the age of 16 may be present in the restaurant with an accompanying adult but otherwise are not permitted beyond 19:00.

4. KOREA HOUSE, 257 BURLINGTON ROAD, KT3 4NE (Agenda Item 4)

Sabrina Cader presented the case for the applicant, highlighting that the current owners had no link to the previous owners, having taken over the premises on 1st July 2014. Ms Cader explained that the premises would be a private members' club,

where 48 hours would have to elapse between people applying and then being granted membership status. The premises had a maximum capacity of between 45 and 50 people. The restaurant could seat up to 24. There are 4 function rooms at the rear, each having capacity for 7 or 8 people. There was no bar, and it was again emphasised that this was a different mode of operation to the previous business on the premises, being a private members club as opposed to a public restaurant operation. Ms Cader said that noise testing had been done for the sound emitted from the karaoke, with no breakout of noise, and that as there were several fire doors between the room where this would take place and the exterior of the building, that it was not going to cause nuisance. The owner appreciated the local residents' concerns, and would have measures to minimise disruption, including a member of staff on the door to ensure noise from people departing the club was reduced, as well as CCTV cameras on the property, including one to cover the exit, which could be monitored by staff inside the building. Members would be disbarred if there were problems. There would be no children on site after 10pm. The proprietor would listen to neighbours' concerns and work to address these.

Cllr Jeanes expressed concern about noise from minicabs coming to collect guests, and Cllr Gilli Lewis-Lavender expressed concern about the proposed closing time, the late night refreshments, possible future nuisance to any residential development to the back of the property and the possibility of the area becoming similar to Wimbledon Town Centre in terms of late night noise.

In response to these concerns, Ms Cader reiterated that there would be a member of staff at the exit to advise guests to leave quietly, and that the proprietor try to address the issues raised by residents.

Cllr Sargeant queried the number of guest members could have accompanying them, (the application proposed ten guests could accompany a member to the premises), the cost of membership, sound proofing with regard to noise to the back of the property, the type of drinks served, whether there was a drinking up time, whether the noise of minicabs could be kept away from the premises, and whether clients for the previous business on site would return to use the new club.

Ms Cader responded that the club had a maximum capacity, so the number of accompanying guests would not increase the overall number of people able to use the club at any one time, that there was an annual membership fee, that sound to the rear of the property hadn't been checked due to the building currently there, that the drinks served would be Korean wine and beer, and spirits as found in English premises, that there was no drinking up time, that the licence holder could keep to a condition relating to noise from minicabs and that membership would not be given to the previous business' clientele.

Cllr Jeanes pointed out that the local restaurants all had a closing time of 11pm, and the neighbours could co-exist with them and that closing at 2.30am would still mean staff leaving after that time as they would be cleaning up. Cllr Jeanes was also concerned about groups of guests outside the premises for smoking/taking fresh air etc.

Cllr G Lewis-Lavender was concerned that the other restaurants nearby could also apply for later licences if this one was granted.

Anika Bourley explained her concern about people talking outside late at night, and parking issues, including parking across residents' driveways. Mr Tait also expressed concern about minicabs creating noise with doors banging.

The panel retired into closed session at 11.10am and reconvened at 12.05pm

Guy Bishop outlined his advice to the panel on aspects of the Thwaites case and the Luminar Leisure case relating to noise/distance of noise outside premises, and the 2006 Health Act on smoking areas.

The chair gave the decision:

We have carefully considered the application in relation to the licensing objectives, taking into account the evidence of objectors about the impact if the premises licence was granted, and the assurances given by the applicant about their proposed activities. We have therefore decided to grant the application subject to the following modification to permitted hours as follows:

Retail Sale of Alcohol

12.00 - 23.00 Monday to Thursday,

12.00 - 00.30 Friday and Saturday,

12.00 - 23.00 Sunday

Film, Live Music, Recorded Music, Dance, Anything of a Similar to Live Music, Recorded Music, or Dance

12.00 – 00.30 Monday to Thursday,

12.00 – 01.30 Friday,

12.00 - 23.30 Sundays.

Late Night Refreshment

23.00 – 00.30 Monday to Thursday,

23.00 – 01.30 Friday,

23.00 - 23.30 Sundays.

Opening Hours

12.00 – 00.30 Monday to Thursday,

12.00 – 01.30 Friday,

12.00 - 23.30 Sundays.

We also accept the conditions proposed by the applicants in their submission, subject to the following modifications and additions:

14 – change 10 to 5

Addition of a new condition: The manager/door staff shall monitor and manage the customers leaving the premises, so to avoid noise and disturbance to residents.

We also recommend that any smoking takes place at the rear of the premises and that waiting minicabs we asked to switch off their engines.

This item concluded at 12.07, interested parties for Korean House left the chamber.

