

Decisions taken by the Licensing Committee on Tuesday, 23 April 2024

Agenda Item No	Topic	Decision
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Part A – Items considered in public

<p>A3</p>	<p>Sip City Lounge, 189 Deptford High Street, SE8</p>	<p align="center">DECISION NOTICE</p> <ol style="list-style-type: none"> 1. An application was received from Oreoluwa Sober-Onipede (“Applicant”) for variation of a Premises Licence, Licence Number PL:1305, for premises located at 189 Deptford High Street, SE8 3NT and known as Sip City Lounge (“Premises”). 2. The application for the variation of the Premises Licence received representations from the Metropolitan Police and eight local residents. The application also received representations from the Licensing Authority, but those representations were withdrawn following negotiations during the 28 day consultation period. 3. The Licensing Committee held a hearing on 23 April 2024 to consider the application. The Applicant was represented at the hearing and made submission in support of the Application. The Committee also heard submission from 5 local residents who had made written representations to the application. 4. In making its decision the Committee has considered all of the papers contained in the report pack together with the submissions and evidence presented by the Applicant, Metropolitan Police and local residents. The committee has also considered the Council’s own Statement of Licensing Policy and the Home Office’s Statutory Guidance.
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		<p>The Committee did not take account of the oral submissions made by the Metropolitan Police that had not been made in their written submission to the application.</p> <p>5. The Committee’s decision is to refuse the application to vary the Premises Licence for the following reasons:</p> <p>a. The Committee heard evidence that the Premises became Sip City on 10 May 2023. The Police gave evidence both in its written submissions and in its oral submissions of a series of issues at the Premises in June 2023 and the issue of two Closure Notices in June 2023 for breach of conditions (no CCTV or incident log) and for operating without a Designated Premises Supervisor). The Committee did not consider evidence presented by the Police at the hearing in relation to issues after 31 July as that evidence had not been put forward by the Police in advance of the hearing, which is required by virtue of Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005. The Committee also heard evidence from the local residents who made submission that the issues they had raised were not limited to the period June-July 2023 and nor did they solely relate to issues connected with the previous ownership of the Premises but that the issues with noise nuisance and anti-social behaviour connected with</p>

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		<p style="text-align: center;">the Premises had been ongoing in 2023 and into 2024.</p> <p>b. The Committee also heard evidence that the Applicant had operated 6 separate Temporary Event Notices events from 18 January – 3 March 2024 which allowed the Premises to trade until 02:00 hours with live and recorded music and late night refreshments. The Committee accepts the submission of the Applicant that the events had been largely successful. However, the Committee balanced that evidence against the submissions of the residents who pointed out that the TENs events had all taken place during the winter months when windows and doors were kept closed, few people spent much time outside and therefore the impact of those late operating nights were more limited on the local residents.</p> <p>c. The Committee was not satisfied that the Applicant was upholding the licensing objectives, particularly public nuisance, in the way that it had been managing the Premises since they took over ownership. The TENs operated in the early part of 2024 were timed to take place over the winter months and so were not as helpful to the Committee in determining whether the Applicant was capable of operating the Premises in accordance with the conditions of the licence and</p>

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		<p align="center">promoting the licensing objectives.</p> <p>d. The Committee heard evidence of the disturbances that had been caused to the local residents particularly the impact on their sleep and the variation applied for would, even on the basis of a reduced terminal hour of 02:00 hours Thursdays to Saturdays, have a greater impact on the local residents.</p> <p>e. The Committee did consider by reference to its own Statement of Licensing Policy if it could consider granting the variation to allow the Premises to trade until midnight Thursdays – Saturdays in accordance with its own preferred hours for public house, paragraph 15.7. However, in considering all of the evidence put forward it determined that granting the variation the earlier finish time of midnight would not uphold the licensing objective to prevent public nuisance.</p> <p>6. All parties have a right to appeal the decision of the Committee to the Magistrates' Court within 21 days of this decision notice.</p> <p>29 April 2024</p>