

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 11 SEPTEMBER 2018 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

### **Present**

Councillor Stamirowski (Chair), Councillor Elliott (Vice Chair) Councillors Codd, Howard, Millbank and Wise.

Apologies for absence were received from Councillors Feis-Bryce, Hall, Hordijenko and Kalu.

### **Also Present**

Lisa Spall - Crime, Enforcement and Regulation Manager  
Dan Power- Crime, Enforcement and Regulation Officer  
P.C. Nick Gerry  
Jay Kidd-Morton – Lawyer

### **Hatcham Liberal Club 367 Queens Road London SE14 5HD**

#### **Applicant**

Mr Boscic

#### **Representation**

John Scott, Jim Scott, Jim McGowan, Ms Pittman, Ms Fascia Louis Berger and Pierre-Jean Bonin.

### **J6 Restaurant 199- 201 Lewisham Way London SE4 1UY**

Emmanuel Owoade – Applicant, Babatunde Owoade and Joy Jinad.

#### **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 29 August 2018 be confirmed and signed as a correct record.

#### **2. Declarations of Interests**

Councillor Millbank declared a non-pecuniary in item 3 on the agenda because she is the ward member for Telegraph Hill.

#### **3. Hatcham Liberal Club 367 Queens Road London SE14 5HD**

3.1 The Chair welcomed all parties to the meeting and introductions were made. She then invited Ms Spall to introduce the application.

3.2 Ms Kidd-Morton said that in this report and the J6 restaurant report, there is an element of the report that is missing; the equalities implications. She reminded members of their statutory duties under the Equalities Act 2010.

## **Licensing Officer**

- 3.3 Ms Spall said that members were being asked to consider an application for a new club premises certificate sought by Hatcham Liberal Club for Hatcham Liberal Club 367 Queens Road SE14 5HD. Objections had been received from 6 residents who live in close proximity to the premises. The objection is sought on the grounds of perceived public nuisance, crime and disorder, and public safety from the patrons. Ms Spall then introduced the applicant and objectors who would be addressing the Committee.

## **Applicant**

- 3.4 Mr Boscic said that Hatcham Liberal Club has been in existence for over 70 years. Ten years ago it went into dilapidation. He contacted a development company who helped to develop the premises back to a club and at the same time his costs would allow for internal flats and an external club attached to the back of the premises.
- 3.5 Mr Boscic said that this would be a members' only club for local people of the older generation, to play cards, dominos and watch TV. There used to be bands playing at the club but he would not have any bands because the premises is too small. However, they may have a band once every 6 months or not at all, he did not know. He said that he had agreed to all the conditions suggested by licensing officers. CCTV for example is already installed.
- 3.6 Mr Boscic said that the club has not opened. However, residents had complained about noise. In hindsight he should not have had a party; it was his daughter's 21<sup>st</sup> birthday party on 21 January 2018, and he was on the premises. He also allowed a funeral wake to be held at the premises. It finished at 11-11.30pm and everything had been cleared and tidied. He said that all the complaints were directly as a result of these events but the premises has not opened as a business yet.
- 3.7 The Chair asked the objectors present whether they all live in the building. All but one resident confirmed that they do. She asked whether they were advised that there was a club on the plans when they moved into their homes. They said that they had not been told.
- 3.8 Councillor Millbank declared that she is a ward member for Telegraph Hill which has the ward in which the premises is situated. Councillor Millbank said that she understood that when the front of the building was developed, it was within the planning application that included plans for a club. She confirmed that she had not been in contact with any of the residents on this issue.
- 3.9 Councillor Codd asked for clarification. Mr Boscic said that the premises is too small to accommodate a band and yet he talked about engaging a band once every six months. Mr Boscic said that he would not have large bands at the premises but a guitarist or a small group that would be suitable for the building. He is not intending to have a band and have told licensing team to remove live bands from the application.

- 3.10 Councillor Howard asked whether the premises has sound proofing. Mr Boscic said that the previous club owners, before the flats were built, engaged a professional company to undertake sound testing, between all flats and all floors. He will have a sound limiter installed because all that will be played at the premises is the radio, a duke box and possibly the T.V. Ms Spall said that she has had conversations with Mr Boscic about sound insulation at the premises and they are working on this currently. Mr Boscic said that they are looking at costs for sound insulation but cannot do anything until after the premises is open but there would not be any loud music or anything played until they comply with all the regulations. Ms Spall confirmed that she had had discussions with Mr Boscic about noise levels and he said that there would not be any live music. The live music originally applied for was between 8-11pm Friday and Saturday but not during the week.
- 3.11 Councillor Elliott asked for confirmation about the address of the premises. He said that in the papers, the address on the application is the same address as one of the flats. Mr Boscic said that Flat 1 is owned by the club and until the lease is given back from the developers to the plot, the address cannot be changed. There is a tenant in the flat but the club does not use their letter box. When he made the application, he was told that the address was wrong. He asked for the developer's address to be used because they hold the lease. The Chair asked when he would get the lease back, Mr Boscic said it would be given back with the complete building.
- 3.12 Councillor Elliott asked whether the address of the club is clear on all communication including the website. Mr Boscic expected this to be undertaken in the next few weeks.
- 3.13 Councillor Wise asked whether anything was being done about patrons ringing residents' door bells as they try to find the entrance to the club. Mr Boscic said that he will install signs showing the access to the Hatcham Liberal Club. When the club opens, the patrons of the club will have been members for many years and know the way into the premises. Their guests have to come with them to sign in when they arrive.

### **Representations**

- 3.14 John Scott said that he lives in a ground floor flat and his bedroom shares a party wall with the proposed new club. The proposed bar is in an area which is already very well served with 11 bars within a 5 mile radius, which, in his view, is licencing saturation. The proposed bar is in a residential building surrounded on four sides by residential dwellings. Granting a licence for a bar would have a detrimental effect on all their lives for the following reasons:
- Unacceptable noise.
  - Misleading address – confusion of access would continue. A sign would need to be in keeping with a grade two listed building. When residents have asked the applicant for things in the past, he has always said that there is no money until they open the club.
  - Door bells continuing to be rung by patrons trying to access the club.
  - The application currently has a misleading address. It is the same as Mr Scott's who has been receiving final demand notices, through his front door

for the applicants as well bailiffs asking for him at their door. He is concerned about the future, particularly if the applicants are in debt before the club is open.

- If the applicant is granted a licence, he questioned whether he would have enough money to pay for the works required.

3.15 In conclusion Mr Scott considered it to be irresponsible to convert the building into flats and then include a bar. If the application is granted, it will devalue their properties. He asked members to consider residents' representations and refuse the application.

3.16 Jim McGowan said that he was representing the residents. He said that he is employed at Bromley Council and he manages the licensing functions and noise and nuisance functions. He has concerns about this application for the following reasons:

- A function room, with the possibility of live or recorded music would be detrimental to residents. The noise in Mr Scott's bedroom will be unacceptable. The only way that this application can proceed is for the provision of sound insulation. It is very expensive and having listened to the evidence, it is unlikely that it would be affordable.
- The installation of the sound limiter would be a positive but would only be effective with sound insulation in place.
- Once a licence is granted, if residents suffer from noise nuisance, it takes between 6 months to a year before evidence is presented to the Licensing Committee. Residents have already suffered from noise nuisance and were forced to leave their homes and stay elsewhere for the night. Sound insulation should be looked at first; there is not even a report yet.
- There is the possibility of the noise from music and people all night long.

3.17 Olivia Pittman said that she has moved recently in to one of the flats and she was assured that there was no club licence and the space was rarely used. If she had known about the plans for the club, it would have had an impact on her decision to rent the property. There is an alleyway to the club which runs past her bedroom and kitchen. The access to the club is outside their bedroom window and that is the only window that opens on that side of the flat. Ms Pittman said that she has concerns that patrons will linger outside her bedroom window and look into the room as they leave the club. During hot summer months, windows cannot remain shut. There is an issue of nuisance and safety because personal belongings could be taken from the flat. She has already experienced patrons lingering outside her property on 21 June 2018. Smoking cannabis and drinking alcohol in large groups. In the absence of sound proofing and the sharing of a party wall, she did not believe that it would make sense to open a club with music. There will be deliveries during the day and because she has shift work as a doctor in A & E it will have an impact on her work as well.

3.18 Louis Berger said that he purchased a flat at the end of February 2018. He considered this to be a delicate situation because the applicant is soon to control the company which owns the freehold not only of the club but also the residential building. There needs to be good communication between all parties, but this has been poor from the start. The applicant has not discussed the licence with residents. The first time they knew about the application was when the blue notice

was displayed at the front of the building. No thought was ever given to the residents before the application was made.

3.19 Mr Berger said that he objected to the granting of the licence for the following reasons:

- Public nuisance – noise created from within the club and from people leaving and arriving at the premises.
- Confusion about the address – as experienced on 21 June 2018, people will continue to ring their door bell to gain access to the club.
- Smoking outside – It would be difficult to ensure only 2 people stand outside the club to smoke.

3.20 Mr Berger said that if the club licence is granted, there should be a significant reduction to the opening hours and there should be no trading until sound insulation has been installed.

3.21 Pierre-Jean Bonin said that he moved into his flat in November 2017 at 367 Queens Road. It was sold as a family flat and on this information received, he invested all of his savings in the property. He said that he believes that the timing of this application had been planned to coincide with the sale of all the flats on the premises. He also believes that the application was hidden from the residents in the building; there was no evidence about a proposed club before they bought the flats nor was it identified in their solicitors' papers. Without the information, residents were not able to make an informed decision when buying or renting their property.

3.22 The Legal officer asked how many members there are in the club and how many would be expected on any one day. Mr Boscic said that there are 50-60 members and he would expect 20-25 members on any one day.

3.23 Members of the Committee then withdrew to make their decision. When they returned it was:

**RESOLVED that the Premises Licence be granted with all conditions agreed by the applicant and the club shall be licenced between 11am and 3pm on Monday – Thursday with Friday – Sunday as applied for.**

3.24 Ms Spall said that any registered party and the applicant may appeal against this decision to the Magistrates Court within 21 days from the date of the decision letter which would be sent out within 5 days of the meeting.

#### **4. J6 Restaurant 199- 201 Lewisham Way London SE4 1UY**

4.1 The Chair welcomed all parties to the meeting and introductions were made. She then invited Ms Spall to introduce the application.

##### **Licensing Officer**

4.2 Ms Spall said that members were being asked to consider an application for a review of a premises licence for J6 Restaurant 199-201 Lewisham Way SE4 1UY. Representations have been received from eleven residents who live in close

proximity to the premises. The objections were being sought under perceived grounds of public nuisance, crime and disorder, and public safety. The applicant was present but there were no objectors at the meeting. The objections that were received, were all received on exactly the same day and it was also the last day for representations.

## **Representation**

- 4.3 Mr Owoade said that the premises will be run as an African Restaurant, alcohol will be served only with a meal and there will not be any off sales of alcohol. There will not be any live music on the premises just background music.
- 4.4 Councillor Howard asked whether the premises is open to the public yet. Mr Owoade said that it was open on 25 August 2018. The premises is operating under Temporary Event Notices.
- 4.5 P.C Gerry said that there are two further conditions that Police posed to the applicant. One was with regard to zero tolerance of drugs and the other was with regard to police being allowed to use drug techniques to search the premises. The applicant agreed to these conditions.
- 4.6 Members of the Committee then withdrew to make their decision. When they returned it was:

**RESOLVED that the** Premises Licence be granted with all the added conditions.

- 4.7 Ms Spall said that any registered party and the applicant may appeal against this decision to the Magistrates Court within 21 days from the date of the decision letter which would be sent out within 5 days of the meeting.

## **5. Exclusion of the Press and Public**

RESOLVED that in accordance with Regulation 4 (2) (b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

### **6. Costcutters (trading as Local Supermarket), 503 New Cross Road, SE14 6TQ**

The following is a summary of the item considered in the closed part of the meeting.

### **6. Costcutters (trading as Local Supermarket), 503 New Cross Road, SE14 6TQ**

The Premises Licence was revoked.

The meeting ended at 8.15pm

Chair