

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 20 FEBRUARY 2019 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

### **Present**

Councillor Stamirowski (Chair), Councillors Codd, Hordijenko, Howard, Kalu and Millbank.

Apologies for absence were received from Councillors Elliott Feis-Bryce, Hall, and Wise.

Councillor Kalu did not arrive until 7.25pm so did not take part in the discussions for 88 Springbank Road SE13 6XS

### **Also Present**

Lisa Spall - Crime, Enforcement and Regulation Manager  
Petra Der Man – Lawyer

### **88 Springbank Road SE13 6XS**

#### **Applicant**

Mathew Morrison and Emma Cole – Applicants  
Jenny Marsden - Resident

#### **Representation**

Residents Claire Boggis, Roy Cromb, Mark Glazier and Nina Kastner

### **Interludee 12 Leegate SE12 8SS**

#### **Applicant**

James Golding – Premises Licence Holder

#### **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 30 January 2019 be confirmed and signed.

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

Councillor Codd declared an interest in 88 Springbank Road SE13 and did not take part in the proceedings for this case.

#### **3. 88 Springbank Road SE13 6XS**

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

### **Licensing Officer**

3.2 Ms Spall said that members were being asked to consider this application for a new premises licence for 88 Springbank Road SE13 6XS. 6 objections had been received from local residents in relation to all 4 licensing objectives. She outlined the application including the hours for the supply of alcohol on and off the premises.

### **Applicant**

3.3 Mr Morrison said that along with the other applicant, Ms Cole, they have always had a vision for these premises to create a small micro pub for local people in a place where the community can enjoy. It is important to them that this is an inclusive project and so they have shared their vision with local residents. As a consequence of comments from local residents they changed and amended their plans. This included a change in trading times and moving the front and back doors.

3.4 Ms Cole explained how their application upholds the licensing objectives. Springbank Road is a busy road and there are two modes of public transport that emits noise during the day and late into the night. The station is 1 minute walk from the station and train tracks are a 25 metres away. She described the noise made by the trains and buses until 1am and outlined the various commercial properties that are open late into the evening including those with alcohol licences.

3.5 Ms Cole said that they would take all reasonable steps to prevent noise nuisance, including:

- Windows will be kept closed
- Notices will be placed at the entrance to remind customers to leave the premises quietly.
- Drinking at the front of the property will not be allowed.
- Acoustic sound proofing will be installed
- Minimum litter will be generated from the premises and a wall mounted cigarette bin provided. Bins will be kept in the cellar only to be brought out when they are emptied.

3.6 The following steps will be taken to Prevent Crime and Disorder:

- CCTV will be installed inside and outside the premises.
- Real ale, craft beer, wine and premium spirits will be sold without any links to irresponsible drinks promotions
- This is not the type of establishment that would attract gangs of young people
- The hours of application are not excessive

3.7 Public Safety

- The area is well served by public transport so fewer people would come by car and public safety would not be compromised.

3.8 Protecting children from harm.

- The Micro pub will have a family friendly environment but children will be excluded from the premises after 7pm.
- Staff will be trained to check the age of clients; only recognised id accepted and there will be a challenge 21 scheme.
- A refusal book will be on the premises
- Frosted glass will be installed in the back windows and a high fence erected at the rear to obstruct views in and out of the premises.

3.9 Mr Cole said that although there have been objections to this application, they have evidenced that there is support for a local micro pub from local residents and local councillors.

3.10 Councillor Millbank asked for clarity with regard to the time when children will be excluded from the premises. Mr Morrison said that it was 6pm but changed to 7pm. It could be changed back if necessary. He confirmed that patrons would not be allowed outside in the rear area and that there are about 40 metres between the two properties at the rear.

3.11 Councillor Millbank asked whether the proposed hours of opening are similar to other businesses in the road. Mr Morrison said that they are in keeping with similar establishments. The Curry House opposite closes at midnight at the weekend 11pm during the week and the fish and chip shop shuts at 10.30pm during the week.

3.12 Councillor Howard referred to page 54 in the agenda where it states that there is an area that would be difficult to sound proof. Mr Morrison said that this area is known as the snug. It has been agreed that this room will be shut at 10pm. There is a hallway between this area and the main bar so noise will not escape.

3.13 Council Howard said that the proposed decibel levels are very near to the limit proposed. Mr Morrison said that the chief environmental health officer said that the decibels are within limits set by this authority. He said that there is a refrigeration unit which is not large and is set back from the windows.

3.14 Councillor Howard asked whether the application had been advertised correctly. Ms Spall said that correct procedures were followed; blue notices were displayed for 28 days on the windows and notices were posted in the newssopper and the Mercury.

3.15 Ms Der Man said that provisions of the Corbett estate is a private property matter. Enforcement action can be taken if there is a breach of a covenant but that would be party to party not including the local licensing authority. It is relevant to the persons but irrelevant to these proceedings. Mr Glazier said that the nature of the restriction and the application members are being asked to approve appear to be

disconnected. He then referred to the planning process, Ms Der Man said that this is not relevant to the process. Although Mr Glazier understood this, he said that by the end of this meeting, residents wanted to have a clear understanding of the intentions of the applicant. Ms Der Man said that residents would have the opportunity to address this issue.

- 3.16 Councillor Millbank said that the applicant had letters of support from the three ward councillors. She asked whether there had been any further support from residents. One resident, Jenny Marsden attended the meeting in support of the application.

### **Representation**

- 3.17 Ms Boggis said that she was representing 10 residents, all oppose this application and do not believe that the granting of the application will promote the licensing objectives. She said that she had been disappointed that the applicant had resisted all opportunities to engage with them.

- 3.18 Prevention of public nuisance

- 88 Springbank Road is in a parade of 10 units, the majority of these are residential. There are no shops or restaurants in this parade. Directly opposite the premises is a block of 32 flats. The area is, therefore, mainly residential
- 8 licenced bars, pubs and clubs within a 5-10 minute walk of the premises, with more in Lee so there is no economic need for a micro pub in this area
- 40 patrons will bring a level of noise and disturbance to the area and will have an adverse impact on local residents. Sound proofing in this type of property would not be effective because it is not designed to cope with high levels of sound from music, comings and goings of patrons and people congregating on the pavement outside the premises smoking.
- Litter will increase in the area adding to existing problems and vermin nuisance will also increase.
- Up to 40 patrons will have an adverse effect on parking and traffic in the area.

- 3.19 Public Safety

- The potential for the increase in cars also increases the risk to the safety of pedestrians crossing the road in Springbank Road to the bus stop opposite and the train station.
- Practical control of patrons coming to the premises would be difficult as people come and go and congregate outside.

- 3.20 Prevention of Crime and Disorder.

- There is potential for drunkenness and anti-social behaviour in an area that is primarily residential.

- 3.21 In conclusion Ms Boggis said that residents have commenced legal proceedings and intend to ensure that the Corbett Estate covenant is enforced.

- 3.22 Mr Cromb said that the applicant states that the back of the premises will not be used and the windows will not open. He said that he is concerned that this may not happen if the licence is granted and would like to see it in writing. He said that he also has concerns about the air conditioning and cooling units and wants to see very clear restrictions on the noise that they can generate.
- 3.23 Mr Cromb said that the application is for closure of the premises at 11pm on a Friday and Saturday night. There will, inevitably, be noise from patrons leaving and smoking and if the windows are open, the noise will be heard outside. He said that the current licenced establishments are quieter than a micro pub would be. The Bengal Brasserie is a very quiet establishment and the small public house opposite the station has restricted hours until 9.30pm. In conclusion, he said that his main concern is the practical reality if the licence is granted.
- 3.24 Mr Glazier said that he moved recently to the premises behind the proposed micro pub with his young family. However, he would not have bought the premises had he known that permission would be granted for a micro pub. He said that his previous property was behind a private members club and on a hot summer's night, the noise was unbearable. The back door was open and the chatting, talking and laughing was the noise and the nuisance that they endured. The plans are for a new rear entrance and if there are no plans for air conditioning the only means of fresh air on a hot summer's day is to open the door.
- 3.25 88 Springbank Road is 100 years old and of solid construction. There is a bedroom above the snug and it was previously rented by a doctor. He slept during the day and worked at night so the amenity of the room above is restricted. The noise cannot be controlled because there was no assessment of the break out noise in the acoustic report presented. There is already a lot of noise from people standing outside surecars.
- 3.26 Councillor Millbank said that although residents had raised several issues, they were planning issues and not relevant for this Licensing Committee. She had been assured about the back door to the premises but asked whether this could be made a condition on the licence. Ms Der Man outlined the options open to members of the Committee. Mr Morrison said that during the planning process he had already agreed that the rear garden would not be open. Ms Der Man said that members could assume that that is a proposed additional condition to be imposed on a licence if it were to be granted.
- 3.27 The Chair asked the applicant to explain the back doors as it relates to Mr Glazier's concerns. Mr Morrison said that he was going to have French doors where the window is, but when he discovered that residents were concerned that the back doors were going to be open, he decided to have a fire exit instead and it will be closed at all times. They will only be used in an emergency, there is no intention for patrons to be allowed into the rear garden. If the licence is granted he agreed that this would be an added condition on the licence. Mr Glazier said that this is reasonable; he said that there is also reference that windows will not be open at the rear. Mr Morrison said that there are two double glazed windows at the rear. He would not want them open for security reasons and agreed to this being an added condition on the licence.

3.28 The Chair asked the applicant to describe how he intends to run the premises. Mr Morrison said that he wants to run a micro pub. There will not be any live amplified music, just background music from a radio.

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

**RESOLVED that** with the added conditions the application be agreed.

3.30 The Chair said that conditions will be added to the licence, namely that the doors and windows at the rear of the property will remain closed, and the 'snug' area closed at 10pm. She also asked the applicant to have an emergency contact number available in the event that there were problems at the premises.

3.31 Ms Spall said that an appeal may be made 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. Interludee, 12 Leegate, SE12 8SS**

4.1 The Chair welcomed all parties to the meeting and introductions were made. She said that members were being asked to consider an application for the variation of a premises licence for Interludee 12 Leegate SE12. She then invited Ms Spall to introduce the application.

##### **Licensing Officer**

4.2 Ms Spall said that one objection had been received for the application for the variation of this premises licence. She outlined the current licenced hours and the proposed new licence as applied for. One objection had been received from a resident but he was not in attendance.

##### **Applicant**

4.3 Mr Golding said that Interludee has been open since last year. It is a restaurant/bar; food is sold throughout the day and in the evening it is more like a lounge. He said that customers at the weekend would like to leave later than midnight and seven Temporary Event Notices had been applied for over the past year. These events finished at 2am, they were successful and there were no issues.

4.4 Councillor Howard asked whether the premises is close to residential areas. Ms Spall said that the premises is on the corner of the Leegate Centre almost directly opposite the fire station. The nearest residents are in a tower block in front.

4.5 Councillor Millbank asked for confirmation that there were no complaints following the seven Temporary Event Notices. Ms Spall confirmed that complaints were not received. She said that there had been issues with the previous management. The complainant has complained about all the managers at the property. Interludee have agreed to all conditions recommended by the Police and licensing officers prior to their opening.

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

**RESOLVED that** with the added conditions the application be agreed.

4.7 Ms Spall said that an appeal may be made 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. Millwall Community Trust Hall Bolina Road SE16 3LD**

This application was withdrawn.

The meeting ended at 8.35pm

Chair