

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 30 JULY 2019 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

Present

Councillor Stamirowski (Chair), Councillor Elliott (Vice Chair) Councillors Anwar, Campbell, and Handley.

Apologies for absence were received from Councillors Hall, Howard, Hordijkenko and Wise.

Also Present

Lisa Hooper - Crime, Enforcement and Regulation Manager
Petra Der Man – Lawyer
P.C Nick Gerry – Metropolitan Police

Sugahill 248 -259 Kirkdale Sydenham SE26 4NL

Applicant

Mr and Mrs Archbold – Owners and Mr Garrett – Local businessman.

Representation

Alfene Rhodes - Crime, Enforcement and Regulation Officer

15 Byron Close SE26 5SF

Applicant

Shakiela Ellis-Mckoy – Applicant and Patsy McKoy - supporter and one resident.

Representation

P.C Nick Gerry and Alfene Rhodes.

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 16 July 2019 be confirmed and signed.

2. Declarations of Interests

None.

3. Kick and Munch

This application was withdrawn following successful mediation between all parties.

4. Sugahill 248 -259 Kirkdale Sydenham SE26 4NL

- 4.1 The Chair welcomed all parties to the meeting and introductions were made. She then invited Ms Hooper to introduce the application.
- 4.2 Ms Hooper said that members were being asked to consider the application made by Huriye Archbold, for a TEN at Sugahill 248-259 Kirkdale Sydenham SE26 4NL. She outlined the nature and times of this application. Representations had been received from the Crime, Enforcement and Regulatory Service (CER) in relation to the licensing objectives of the promotion of prevention of crime and disorder, and of public nuisance and public safety.

Representation

- 4.3 Ms Rhodes said that the CER objection is based on prevention of public nuisance and noise. The service has received a number of complaints from residents and two sets of officers have witnessed noise nuisance twice over the last two months.

Applicant

- 4.4 Mr Archbold asked whether the complaints were received from the same person. Ms Rhodes confirmed that there is one complainant. The noise nuisance has been witnessed by CER officers twice. Mr Archbold said that this is a private complaint. Mrs Archbold said that by law it should be a public nuisance. Ms Der Man clarified that the licensing authority are making a decision by means of this Committee. In terms of nuisance, there is the law of nuisance and there is a public nuisance and a private nuisance. Within the context of the Licensing Act, there are four licensing objectives. One is the prevention of public nuisance. Members are seeking to ensure that not even one member of the public suffers a nuisance. She said that if a complaint is deemed to be disproportionate, for the event that is being applied for, then this will be taken into account.
- 4.5 Ms Rhodes said that two separate CER officers witnessed the noise nuisance on two occasions; 15 June 2019 at 1045. Two different officers went to the premises on 20/21 July when officers witnessed a noise nuisance and spoke to Mr Archbold. Mr Archbold asked whether there was any evidence; whether anything had been recorded. Ms Rhodes said that they do not have to make a recording of the nuisance. She said that CER officers were met with hostility by Mr Archbold. When asked to turn the music down he said that he did not have to because he had a TEN and the licence had been granted until 1am. She said that being granted a late licence is not an approval to create a noise nuisance. Mr Archbold said that the level of music was at the same level throughout the event, it was not turned up later in the evening. He said that the female officer who came to the premises was very rude and ruined a customer's 50th birthday party.
- 4.6 Councillor Handley asked Mr Archbold whether he had considered turning the music down towards the early hours of the morning. Mr Archbold said that they

only play 60's and 70's music at a level that allows people to talk. When the door is shut, the music cannot be heard on the street and because of the concrete ceiling the sound does not radiate upstairs.

- 4.7 Mr Garrett said that he has been to a number of events at Sugahill. It is always a well-run professional event. He has always been able to speak above the music; the 60's and 70's music being played is not an aggressive sound. Mr Archbold is aware of his responsibilities and keeps the sound under control.
- 4.8 Mr Garrett said that the complainant lives above Sugahill. They have invited him to their events, offered to go to his flat to discuss the sound but he did not want to meet with them. Councillor Handley asked how many events they have held in the last year. Mr Archbold said there have been two in the last year until 1am. One was on 20 June and the other was at Christmas.
- 4.9 Ms Rhodes said that the first noise nuisance witnessed was not an event, it was an occasion when they were open on 15 June. The premises is licensed until 11pm.
- 4.10 Mr Archbold said that Sugahill has been open for 12 years and there has never been any complaints until recently.
- 4.11 Members of the Committee then withdrew to make their decision. When they returned it was:

RESOLVED that the Temporary Event Notice be granted.

- 4.12 The Chair said that members were concerned about the level of sound and said it should be contained. Officers will continue to monitor their events.

7. 15 Byron Close SE26 5SF

- 7.1 The Chair welcomed all parties to the meeting and introductions were made. She then invited Ms Hooper to introduce the application.

Licensing Officer

- 7.2 Ms Hooper said that members were being asked to consider the application made by Shakiela Ellis-McKoy for a Temporary Event Notice for 15 Byron Close SE26 5SF. She outlined the nature and times of this application. Representations had been received from the Metropolitan Police and Lewisham's Crime, Enforcement and Regulation Service in relation to the licensing objectives of the prevention of crime and disorder, and of public nuisance and public safety.

Representation

- 7.3 P.C Gerry said that Lewisham Homes contacted Ms Ellis-McKoy, advising her that they manage the land on which she intends to hold her event and they informed her that they will not give permission to hold the event on 3 August 2019.

- 7.4 P.C Gerry said that the event has been held twice in the last two years, and on each occasion the Police received a number of noise complaints and reports of anti-social behaviour. Lewisham Homes attend the event, and called for Police assistance. The event is held in a communal area and last year 150 people attended. On the same evening, another party was held in a hair salon in Sydenham Road, which is not too far from Byron Close. Someone was stabbed at that party. There was an investigation and an initial allegation made that the perpetrator had been in attendance at the Byron Close event.
- 7.5 In conclusion, P.C Gerry said that because of anti-social behaviour at the event last year and the fact that Lewisham Homes will not allow the event to take place on land that they manage, he recommended that the application to grant a TEN be refused. If the application for the TEN is granted, then anyone attending will be trespassers on that land. In addition, it could affect their tenancy.

Applicant

- 7.6 Shakiela Ellis-Mckoy said that the stabbing was not related to the event that she held last year. She did not know why the Police would suggest this or where the information originated. She said that she has lived in the area for 20 years and has never made noise. For the past two years she has arranged an annual event for the children. It is an event for everyone to enjoy and keeps children out of trouble. Last year, Police came at 01.30 and said everyone was enjoying themselves and they would not shut them down. She could not understand how Police now have a problem with the event.
- 7.7 She said that she has held this event twice before but did not know that she required a licence. Having applied for a TEN, as advised by Police and the CER team, she cannot understand why she is now being told that it cannot be held. The events were successful, enjoyed by all residents including those in other blocks.
- 7.8 The Chair asked about the fact that Lewisham Homes will not allow the event to take place on their land. Ms Ellis-Mckoy said that she did not know about this until Friday when Lewisham Homes contacted her. She rang them but the woman from the housing management team told her to send an email. They advised her that they would reply within 10 working day, but they not. Lewisham Homes eventually told her that they did not give permission for the event to be held on their land because of the stabbing the previous year.
- 7.9 Ms Rhodes said that Lewisham homes contacted the licensing team, told them that the land was going to be used for a party and licensing officers investigated the matter.
- 7.10 Ms Shakiela Ellis-Mckoy said that during the party last year, Police told her that they had granted her a licence. P.C Gerry said that a licence cannot be granted by Police. He said that on the night in question, last year, the party was in full swing, and officers decided not to close the party down because there were not enough officers to facilitate this and an assessment would have been made at the time. The advice given was correct; to apply for a TEN if another event is to be held.

- 7.11 Councillor Handley said that if the TEN is granted the event may still not go ahead. Ms Der Man confirmed that this is correct. She said that one is a decision made by a licensing authority and the other is a separate planning issue.
- 7.12 Councillor Campbell said that last year a licence was not applied for but the Police did not closed the event down. P.C Gerry said that officers visited the premises but did not shut it down because with so many people in attendance it was considered safer to allow the party to carry on.
- 7.13 Councillor Campbell said that there is no evidence to suggest that a person who attended the party at Byron Close last year, went on to Sydenham Road to stab someone. She considered it unfair to have presented this as part of the representation. P.C Gerry said that it had been part of his presentation because it was stated during the investigation and there is intelligence to suggest that this is true. The Chair asked Shakiela Ellis-Mckoy whether she had known about this. She had not.
- 7.14 The Chair asked Ms Rhodes how many noise complaints had been received. She said that CER received two complaints.
- 7.15 The Chair asked whether the number of people attending the party was monitored last year. Ms Rhodes said that officers did not know that the event was being held. She said that Police report about 100 people present. Police allowed the event to continue until finish because it would not have been possible to close the party with so few officers in attendance.
- 7.16 Ms Patsy McKoy said that there was no anti-social behaviour at the event last year; there were adults and little children. Organisers ended the event themselves, it did not need to be shut down and finished by 0345. Initially music had been loud but was turned down.
- 7.17 Following discussion about the application it was noted that the application was only for regulated entertainment.
- 7.18 Members of the Committee then withdrew to make their decision. When they returned it was:
- RESOLVED that** the application, as applied for, be REFUSED and a counter notice issued.
- 7.19 Ms Der Man said that the decision has been considered in the context of the licensing objectives. Members were concerned that Lewisham Homes who manage the area in which the proposed event was to be held, have refused permission for the land to be used for the party. If anyone holds an event on this land, they would be acting illegally and this could affect their tenancies. She said that a counter notice will be issued.

4 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:

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

5. Lewisham Food Centre 213 Lewisham High Street London SE13 6LY

Conditions were added to the Licence.

The meeting ended at 8.45pm

Chair