

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on THURSDAY 14 NOVEMBER 2019 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

### **Present**

Councillor Stamirowski (Chair) Councillors Campbell, Howard, and. Wise.

Apologies for absence were received from Councillors Anwar, Elliott, Hordijkenko and Powell

### **Also Present**

Lisa Hooper - Crime, Enforcement and Regulation Manager  
Jay Kidd-Morton – Lawyer  
P.C Simon Butler and P.C Nick Gerry – Metropolitan Police

### **Joyce 294 Brockley Road SE4 2RA**

Richard Salthouse and Ross Brown - Applicants

### **Planet 68 68 Rushey Green SE6 4JD**

#### **Applicants**

Amoge Isabelle Okeke – Applicant  
Vincent Okoye and Mr Amragoni - supporting the application.

#### **Representation**

Vincent and Michael Yip, Amy and Nathaniel Dinham – local residents.

## **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 31 October 2019 be confirmed and signed.

## **2. Declarations of Interests**

None.

## **3. Joyce 294 Brockley Road SE4 2RA**

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

## **Licensing Officer**

- 3.2 Ms Hooper said that members were being asked to consider this application for a new premises licence for Joyce 294 Brockley Road SE4 2RA. She outlined the application for the licensable activities which had been made by Caton Pubs Ltd. One representation had been received from a local resident based primarily on the grounds of the prevention of public nuisance. The resident had been in contact with officers today to confirm that they would not be attending the meeting. They had sold their property where they live and were moving out of the area. However they wanted their objection to stand because part of their reason for moving out of the area was the close proximity of the proposed licensed premises.
- 3.3 Ms Hooper said that conditions had been agreed between the applicant, Licensing Authority and the Police. She outlined the options available to members of this Committee when making their decision.
- 3.4 Ms Hooper advised the Chair that representations had not been received from any of the relevant authorities.

## **Applicant**

- 3.5 Mr Salthouse said that he had sent a letter to local residents after an objection to his application was received. It gave a lot of detail about how they operate within a space. The premises will be a bar; the hours applied for were reasonable and similar to other establishments in the area. They had avoided activities that could cause a public nuisance: regulated entertainment and films for example, and had agreed to close the outside space at 10pm. However, there was a dispute about the closing time. They had compared the opening hours with other establishments in the area, and with his business partner Mr Brown, he considered that they have the experience and capability for running a successful establishment. The premises will be managed as a bar; there will not be any food.
- 3.6 Councillor Howard asked where the premises are situated in Brockley Road. Mr Salthouse said it is located between Crofton Park and Brockley Station. He said that the premises is on Brockley Road which is a main road. One of the points raised by the objector was that they live on residential street, but this road is very close to the main road and was the reason why they are close to a commercial premises.
- 3.7 There are not a lot of licensed premises near them. One bar is 100 metres away; another is 15 metres away and has a licence until midnight and it has outside seating which faces directly down residential streets.
- 3.8 Councillor Campbell asked how many other similar establishments there are in the area. Mr Salthouse said that Brockley does not have many drinks led businesses, most are food led or restaurants.
- 3.9 Councillor Wise was pleased that the applicants had addressed one of the objector's issues by agreeing to close the outside space at 10pm. She asked what late night refreshments would be included if food will not be sold. Mr Salthouse said that they will be selling hot drinks.

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

**RESOLVED that** the application be granted with the hours and conditions recommended by the Police and licensing authority and agreed by the applicant.

3.11 Ms Hooper said that parties have the right to appeal this decision to the magistrate's court. A decision letter would be sent out in the next five days and interested parties would have 21 days from the date of that letter to lodge an appeal with the Court which was usually Bromley Magistrates. The decision takes immediate effect, the licence documents would be sent out in due course.

#### 4. **Planet 68, 68 Rushey Green SE6 4JD**

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

##### **Licensing Officer**

4.2 Ms Hooper said that members were being asked to consider this application for the variation of a premises licence for Planet 68, 68 Rushey Green SE6 4JD. She outlined the application for the licensable activities which had been made by Amoge Isabelle Okeke. Representations had been received from three local residents within relatively close proximity of the premises on the grounds of public nuisance. Conditions had been agreed between the applicant, the Licensing Authority and the Police. Ms Hooper outlined the options open to members when making their decision.

##### **Application**

4.3 Ms Okeke said that she runs an African restaurant. Customers attend the restaurant late and also like to eat late. It was for this reason that she had applied to extend her licensable hours.

4.4 In the past, she hosted parties and applied for Temporary Event Notices to remain open beyond their licensed hours. However, she can only apply for 10 of these events in the year, and demand exceeded this.

4.5 Ms Okeke said that objectors referred to problems they had suffered in the past, but she has only run this restaurant for 18 months. These problems relate to the previous owners. She referred to an 'L' shaped area at the back of the premises. She said that it is a public area and the activities that take place in that area were not in her control.

4.6 A party was held in the area recently that created a lot of noise. She had CCTV evidence to prove that their restaurant was closed when the party was taking place.

4.7 It was not expected that the restaurant would be open every night of the week. If there are no customers, the restaurant would be closed. The rear of the premises

is not used for the delivery of food, so there would never be motorcycles at the rear of their property waiting to deliver food for the restaurant.

- 4.8 The Chair asked when Ms Okeke took over the business. Ms Okeke said that she has managed the restaurant since May 2018.
- 4.9 The Chair was advised that representations had not been received from relevant authorities.
- 4.10 Councillor Campbell asked whether officers had received any noise complaints. Ms Hooper said that the licensing team had not made a representation so she did not have any information to give the member upon which a decision could be made.
- 4.11 Councillor Campbell said that residents had complained about the noise from bottles clattering into refuse bins all hours of the night. She asked whether bottles could be disposed of at a reasonable hour. Ms Hooper said this could be included as a condition on the premises licence. Ms Okeke said that they do not dispose of bottles at night, they are packed into small boxes as they use them during the day.
- 4.12 Councillor Campbell asked whether a condition could be added to the licence with regard to preventing cars idling outside the premises. Ms Hooper said that there is a dispersal policy which addresses this issue.
- 4.13 Mr Okoye said that not every car parked at the rear of the property can be associated with Planet 68. It is a public area and there are several other eating establishments in the area that could be parking in this public area.
- 4.14 Councillor Howard asked whether there are any other establishments in the area operating until 03.30. Mr Amragoni said that there is a restaurant very near them, and when Planet 68 closes, patrons go to this restaurant because they have a later alcohol licence.

### **Representation**

- 4.15 Mr Dinham said that he was speaking on behalf of himself and his wife. He said that their house runs parallel to the rear access of Planet 68. He said that they oppose the extension of the hours of operation. He outlined the current hours of operation and said that these were more than generous considering the fact that it is located in a residential area.
- 4.16 Mr Dinham said that their key concerns were:
- Excessive noise from patrons using the courtyard area at the rear of Planet 68
  - Excessive noise from patrons late in the evening and in the early hours leaving and arriving at the premises.
  - Excessive noise escaping from inside the premises.
- 4.17 Mr Dinham said that in correspondence with Lewisham Council, he was assured that patrons of Planet 68 will not have use of the external courtyard area. They

had also been advised that there were measures in place regulating patrons as they arrive and leave the premises. This includes signs being displayed and a dispersal policy.

- 4.18 Mr Dinham said that there was still concern regarding noise spillage from inside the premises. This has been tolerated by residents under current operating hours. He said that although the premises is situated on the main road, it is surrounded by several residential properties.
- 4.19 Mr Dinham said that to go beyond the current operating hours would be a risk for potential noise nuisance on local residents in the early hours of the morning. It would also draw residents, the Council and the premises into long running disputes about noise which would be time consuming for all concerned in this densely populated area. He said that they support page four of the licensing policy which outlines the necessity to balance the operation of a licensed premises with the needs of local residents and enjoyment of their homes.
- 4.20 In conclusion, he said that residents were happy for Planet 68 to continue trading in the area with a music and alcohol licence, but asked that this be contained within the current licensable hours.
- 4.21 Mr Vincent Yip addressed the Committee on behalf of Michael Yip who is a local resident with a young family. He said that Mr Yip's premises backs onto the alleyway at the rear of Planet 68. The noise from this area is acute and affects all his family at night when trying to sleep. He said that there were 3 areas of concern:
- Bottle disposal – he had heard the applicant's explanation of how bottles were disposed of, but Mr Yip experiences the noise of bottles dropping into a recycling bin on a regular basis. This had continued for the last year.
  - Patrons loitering around the alleyway area –Planet 68 had explained that they do not have control over patrons who loiter or as they leave the area. However, a barbeque was held by staff at Planet 68 in that area in August 2019, and guests appeared to spill to the outside area. There were concerns, therefore, that this behaviour would recur.
  - Closing up procedures – Mr Yip's property is the closest to Planet 68 and noises like closing shutters causes a lot of noise nuisance. If the extension of hours is granted, these noise nuisances will affect residents a lot later during the early hours of the morning. This will affect the ability of Mr Yip and his family to sleep at night.
- 4.22 In conclusion, Mr Yip said that nuisance experienced by local residents has been recurrent, in a residential area, very close to residential properties and take place during a time of day when families were trying to sleep. Granting this licence would undermine the licensing objective of the prevention of a public nuisance but also protection of children from harm and he asked members not to extend the operating hours.
- 4.23 The Chair asked officers about the alleyway behind the premises and whether Planet 68 can operate within this area. Ms Hooper said that the area is not part of the plan and must not be used for licensable activities.

- 4.24 Councillor Wise asked whether the gate on the alleyway must be kept open. Ms Okeke said that the gate must be kept open because it is a fire exit.
- 4.25 Councillor Wise asked where the barbeque started. Ms Okeke said that she hosted a barbeque for her birthday which started at 3pm and guests were served in the alleyway. She spoke to officers in the licensing team who advised her that she does not have permission to do this so she has not held a barbeque since then.
- 4.26 Councillor Wise asked whether patrons exit the premises at the rear into the alleyway. Ms Okeke said that patrons exit at the front of the property. Staff leaving at the end of the evening are the only people to leave at the rear.
- 4.27 The Chair said that residents had referred to noise leakage, and asked whether the back door is kept closed when live music is played. Ms Hooper said that there is a proposed condition that all doors and windows are to remain closed when live music is played, unless to allow entry or egress.
- 4.28 Members of the Committee then withdrew to make their decision. When they returned it was:
- RESOLVED that** the application be granted with the hours and conditions recommended by the Police and licensing officers.
- 4.29 Ms Hooper 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.
- 4.30 The Chair asked the applicant to address the issues raised by the objectors, particularly with regard to the noise made when disposing of glass bottles. She reminded objectors that they could apply for the licence to be reviewed if the licensing objectives are not being upheld.

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

**RESOLVED** that 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 paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

**6. Club Vibes 1001014 Lewisham High Street, London SE13 5JH**

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

**The premises licence was revoked**

The meeting ended at 8.15pm

Chair