

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 10 DECEMBER 2019 in Council Chamber Civic Suite, Catford Road, Catford SE6 4RU at 7.15pm.

### **Present**

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

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

### **Also Present**

Lisa Spall - Crime, Enforcement and Regulation Manager  
Jay Kidd-Morton – Lawyer

### **Tomi's Kitchen 126 Deptford High Street SE8 4NS**

#### **Applicant**

Sylvester Odiase.

#### **Representation**

Not present.

#### **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 4 December 2019 be confirmed and signed at the next meeting.

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

None.

#### **3. Tomi's Kitchen 126 Deptford High Street SE8 4NS**

- 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 Temporary Event Notice for the Sale of Alcohol, Regulated Entertainment and Late Night Refreshment from 22:00 on 27 December 2019 to 03:00 on 28 December 2019 at Tomi's Kitchen 126 Deptford High Street SE8 4NS. She

outlined the current licensed hours. She said that an objection had been received from the Crime, Enforcement and Regulation (CER) officer under the licensing objective of the prevention of public nuisance. She then outlined the options open to members of the Committee when making a decision.

### **Representation**

- 3.3 Ms Spall said that the CER officer, Mr Phillips had been unable to attend this meeting and she read out a statement on his behalf.
- 3.4 The CER team had received noise complaints regarding an event held on 13 October 2019 until 1am. The noise was described as loud music with a DJ or MC, lots of loud talking and singing. Residents also complained that they could feel vibration in their property. Mr Phillips visited the premises on 16 October 2019. He tried to speak to the manager or owner but they were not available and staff present claimed to know nothing about any previous event. A letter was left with the staff, detailing the alleged complaint and included the officer's contact details. A reply was not received.
- 3.5 Another noise complaint was received on 4 November 2019. The complaint was regarding loud music at 01.30. Mr Phillips visited the premises again on 27 November 2019 and tried to speak to the manager or owner regarding the noise complaints but was again advised by staff that they knew nothing about the event. Mr Phillips left his contact details again but no response was received. The following day a TEN was received. When a representation was received, CER officers submitted the application to this Committee for consideration.
- 3.6 Ms Spall said that Tomi's Kitchen is only licenced to sell alcohol for consumption on the premises. She outlined the licensable hours. Both complaints related to regulated entertainment after 1am and 1.30am but the premises are not licensed for regulated entertainment.

### **Applicant**

- 3.7 Mr Odiase said that he was not working in Tomi's Kitchen when officers visited. He was told last week that officers attended the premises and wanted to speak to him. He said that Tomi's Kitchen's patrons are mature adults; the premises has a capacity of less than 50 people. The application for a TEN was only for an extra 3 licensable hours.
- 3.8 Councillor Elliott asked how many complaints had been received from residents. Ms Spall said that 2 separate complaints had been received from 2 separate residents. There were reports of loud music played until 1am, a DJ, loud talking and singing. The other complaint was 2-3 weeks later and referred to music until 1.30am.
- 3.9 Councillor Elliott asked Mr Odiase whether he was aware of these occasions. He said that he was not aware of these events. Mr Odiase said that he received information about noise nuisance from officers, he did not receive complaints from residents. He was aware of the events that they held on these two occasions but

did not operate outside his licensed hours. Any noise nuisance came from other establishments in the area.

- 3.10 Ms Spall asked Mr Odiase about his understanding of his licence. He said that he is licensed to play music until 11pm.
- 3.11 Councillor Powell asked Mr Odiase how often he is in Tomi's Kitchen. Mr Odiase said that he is at the premises from 6pm until midnight most days. He was not at the premises when officers visited. He has a deputy who manages the business when he is not around.
- 3.12 The Chair asked Mr Odiase whether he ever received the two letters left by CER officers regarding two complaints they had received from residents regarding noise nuisance at the premises. Mr Odiase said that he did not receive the letters but his staff gave him a card left by Crime and Enforcement (CER) officers. He tried to ring the officer but was unable to contact them. Ms Spall said that the letters were hand delivered.
- 3.13 Councillor Hordijkenko asked for the location of the two complainants. Ms Spall did not have that information. However, Tomi's Kitchen is situated on the corner of Resolution Way and Deptford High Street. Directly next door is a pound shop; on the other side is an arch. There are no licenced premises directly next door. There is a road between other licenced premises in Resolution Way and Tomi's Kitchen.
- 3.14 Councillor Powell asked whether the area is residential. Ms Spall confirmed that it is residential and there are 20 flats next door that back on to Tomi's Kitchen.
- 3.15 Councillor Campbell asked Mr Odiase whether residents had ever made a complaint to him. They had not.
- 3.16 Councillor Campbell asked whether patrons hang around outside the premises. Mr Odiase said that his patrons do not hang around outside.
- 3.17 The Chair said that the two complaints received, concern noise nuisance between 1/1.30am; between 2/2.30 hours after the licensed hours. Mr Odiase said that the noise relates to other establishments in Revolution Way. He had made a complaint himself with regard to these establishments. These customers come under the bridge to sit on the chairs and tables outside his premises when it is closed. The Chair said that complaints had been with regard to loud music. Mr Odiase said that the noise came from other establishments not Tomi's Kitchen.
- 3.18 Members of the Committee then withdrew to make their decision. When they returned it was:

**RESOLVED that** the application be GRANTED.

- 3.19 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.

The meeting ended at 7.40pm

Chair