



AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 10 DECEMBER 2019 at 7.15 pm

**Council Chamber
Civic Suite
Catford Road
London SE6 4RU**

**Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk**

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Colin Elliott (Vice-Chair)
Councillor Tauseef Anwar
Councillor Juliet Campbell
Councillor Alan Hall
Councillor Carl Handley
Councillor Sue Hordijkenko
Councillor Coral Howard
Councillor Kim Powell
Councillor Susan Wise

Members are summoned to attend this meeting

**Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 6 December 2019**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

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3.	Tomi's Kitchen 126 Deptford High Street SE8 4NS	6 - 27



INVESTOR IN PEOPLE

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Agenda Item 1

LICENSING COMMITTEE			
Report Title	Minutes		
Key Decision			Item No. 1
Ward			
Contributors	Chief Executive		
Class	Part 1	Date: 10 December 2019	

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 4 December 2019 be confirmed and signed.

Agenda Item 2

LICENSING COMMITTEE		
Report Title	Declarations of Interest	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 10 December 2019

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Agenda Item 3

LICENSING COMMITTEE

Report Title	Tomi's Kitchen, 126 Deptford High Street, SE8 4NS		
Key Decision	No		Item No. 3
Ward	New Cross		
Contributors	Community Services – Crime, Enforcement & Regulation Service Head of Law		
Class	Part 1	Date 10 December 2019	

Proposal: Temporary Event Notice (TEN)

Legislation: Licensing Act 2003

Premises: Tomi's Kitchen, 126 Deptford High Street, SE8 4NS

Applicants: Sylvester Odiase

This matter is required to be heard within a short timescale to meet the statutory requirements.

The notice was served in accordance with section 100 of the Licensing Act 2003.

1. Notice Content & Objection

1.1 The Temporary Event Notice is 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.

1.2 The event are described as a 'birthday party'.

2. The notice was received by the Licensing Authority on 27 November 2019 and served on the Metropolitan Police (MPS) and the London Borough of Lewisham Crime, Enforcement and Regulation Service (formerly known as Environmental Enforcement). Objections were received from Steve Phillips of the Crime, Enforcement and Regulation Service within the specified time limit in accordance with section 104 of the Licensing Act 2003 (objection received on the 29 November 2019). The objection received was in relation to the licensing objective of prevention of public nuisance.

3. Legal and Human Rights Implications

- 3.1 Where an objection notice is received following a Temporary Event Notice, a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote the crime prevention and public nuisance licensing objectives.
- 3.2 The licensing authority is a public authority under the Human Rights Act 1998. Therefore the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 3.3 The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

4. Equalities Implications

- 4.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 4.2 In summary the Council must, in the exercise of its functions, have due regard to the need to-
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between those who share a protected characteristic and those who do not
- 4.3 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

5. Determination of objection notice

- 5.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of crime and disorder and public nuisance. Therefore the Licensing Committee may;
1. Decide no action is appropriate to promote the licensing objectives therefore the temporary event may go ahead.
 2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
 3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead.
- 5.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

Background Papers

<u>Short Title of Document</u>	<u>Date</u>	<u>Appendix</u>
<u>Applicant</u> Applications rec'd	27.11.19	
<u>CER Service Objection</u> Objection rec'd	29.11.19	

Should you require any further information on this report please contact Lisa Hooper at the Crime, Enforcement & Regulation Service on 020 8314 6324



* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name
* Family name
* E-mail
Main telephone number
Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number
Business name
VAT number
Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

the premises is a restaurant

Describe the nature of the event below (see also guidance on completing the form, note 5)

birthday party

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

27	/	12	/	2019
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

28	/	12	/	2019
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

22HOURS TO 03HOURS

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

50

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- Yes No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lewisham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



Crime Enforcement and Regulation Service
9 Holbeach Road
Cattford
London SE6 4TW

LICENSING TEAM
9 Holbeach Road
London
SE6 4TW

Direct line: 0208 314 7237
Email: cer@lewisham.gov.uk

Date 29th November 2019
Our ref WK/201918635

Dear Licensing Team,

RE: Objection to Temporary Event Notice for Tomi's Kitchen, 126 Deptford High Street, London, SE8 4NS.

I am writing to object to the application made by a Sylvester Odiase for a Temporary Events Notice for the above premises.

The Crime, Enforcement and Regulation (CER) Service has received complaints from a local resident with regards to noise nuisance causing a disturbance in the area.

The first complaint came to this Department's attention in October 2019 following noise disturbance taking place past 01:00 from Tomi's Kitchen. Their licence states that they are to be opened until 00:30 Monday to Saturday and 00:00 on Sunday.

The complainant advised that the disturbance has taken place multiple times for two years.

The CER Service has attempted to speak with the business owner regarding the noise nuisance reports however there has been no return communication despite visits made and contact details given.

There are concerns surrounding the Temporary Event Notice applied due to the reports of regular noise nuisance from Tomi's Kitchen.

I am willing to attend and present this objection in person at a Licensing Committee should this be required.

Kind regards,

Steve Phillips.

Crime, Enforcement & Regulation Officer

TEMPORARY EVENT NOTICE

To: Sylvester Odiase
Of: 32 Lentmead Road
Bromley
BR1 5HL

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: Tomi's Restaurant
126 Deptford High Street
Lewisham
SE8 4NS

Date: 27th – 28th December 2019



Proper Officer for Licensing
London Borough of Lewisham

Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Road
Catford
SE6 4TW

SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL NOT BE PERMITTED.

A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED.

TEN SIGNATURE PAGE

PREMISES of Event: Tomi's Restaurant, SE8 4NS

DATE AND TIMES of Event: 27th – 28th December 2019 – 22.00 – 03.00hrs

AUTHORISING OFFICER: Andrew Grant

OFFICERS SIGNATURE:

A handwritten signature in black ink, appearing to read 'Andrew Grant', written in a cursive style.

DATE OF SIGNING: 6 December 2019

Premises licence number

PL 0532

Premises name

TOMI'S KITCHEN

Part 1- Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

126 Deptford High Street

Post town Deptford**Post code** SE8 4NS**Telephone number** 020 8694 352**Premises licence holder name**

Afolasade Adeola Adesina

Directorate for Customer Service
Licensing Team
5th Floor, Laurence House
1 Catford Road
London
SE6 4RU

Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol

for consumption on the premises

The times the licence authorises the carrying out of licensable activities

10.00 – 00.00 Monday to Saturday

12.00 – 23.30 Sunday

The opening hours of the premises

10.00 – 00.30 Monday to Saturday

12.00 – 00.00 Sunday

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Afolasade Adeola Adesina
126 Deptford High Street
London
SE8 4NS

020 8694 352

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

05/02234/LAPER

London Borough of Bromley

Annex 1- Mandatory conditions

No supply of alcohol may be made at a time when no designated supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All embedded conditions inherent with the Licensing Act 1964.

Statutory restaurant conditions

Annex 2-Conditions consistent with the operating Schedule

Annex 3- Condition attached after a hearing by the licensing authority

Annex 4- Plans

Full plans available at Licensing Services, London Borough of Lewisham

Ground floor

First floor