

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on THURSDAY 18 JUNE 2020 and held remotely at 7.30pm.

### **Present**

Councillor Stamirowski (Chair), Councillor Elliott (Vice Chair) Councillors Anwar Campbell, Hall, Hordijkenko, Howard, Powell, and Wise

Apologies for absence were received from Councillor Handley.

### **Also Present**

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

### **Fantastic Morley Chicken 307 Stanstead Road SE23 1JB**

#### **Applicant**

Mr Mahendraravi - Applicant  
Mr Suresh Karapathi – Licensing Agent for the Applicant

#### **Representation**

Residents - Ms Preuss, Mr Thomas, Ms Lindsey and Ms Vaughan.

### **Job Centre 120-122 Deptford High Street SE8 4NS**

#### **Applicant**

Mr Alderman – Applicant

#### **Representation**

Resident - Harry Richardson

## **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Committee held on 3 June 2020 be confirmed and signed.

## **2. Declarations of Interests**

- 2.1 Councillor Wise declared a non-pecuniary interest in item 3. Her ward is opposite the premises. Any activities from the establishment could and would affect

residents in her ward. The legal officer asked Councillor Wise whether she believed that she could make a fair and objective decision on this item. Councillor Wise confirmed that she could.

- 2.2 Councillor Anwar declared a non-pecuniary interest in item 3 because he is ward councillor for the premises. The legal officer asked Councillor Anwar whether the application affected him personally and whether he felt he could make a fair and objective decision. Councillor Anwar confirmed that the application did not affect him personally and he could make a fair and objective decision.

### **3. Fantastic Morley Chicken 307 Stanstead Road SE23 1JB**

- 3.1 The Chair welcomed all parties to the Licensing Committee. She introduced those present, and outlined the procedure to be followed for the meeting. She then invited Ms Hooper to introduce the application.

#### **Licensing Officer**

- 3.2 Ms Hooper said that members were being asked to consider an application for the variation of a premises licence for Fantastic Morley Chicken 307 Stanstead Road SE23 1JB. She said that the premises is in Crofton Park ward not Sydenham as stated in the report.
- 3.3 Ms Hooper outlined the current licensable activities and the particulars applied for under the Full Variation application. She said that representations had been received from five interested parties on the grounds of all four licensing objectives. Conditions had been agreed between the Police, Crime and Enforcement Officers and the applicant in order to promote the four licensing objectives. Objections had not been received from any responsible authorities. She outlined the options open to members of the Committee when making their decision.

#### **Applicant**

- 3.4 Mr Mahendraravi said that he has been managing this business for 5 years. He said that most of the custom is through takeaway and delivery. He said that he wants to apply for a licence to sell alcohol because his customers want to buy alcohol as well as food. He does not have many customers at the shop after 9pm, there are more orders for delivery after this time.
- 3.5 Mr Mahendraravi said that Lewisham Council collect the waste in the bins outside the shop. He said that there used to be a problem with waste outside the premises not associated with the shop, but now the area is clear. He offered to show a live video of the area but the legal officer advised against showing evidence that had not been submitted before the meeting.
- 3.6 Mr Karapathi said that the applicant has worked at the premises for a long time, and there had not been any complaints from any of the responsible authorities. He said that the business is in a residential area but on a high street and there are other businesses in the area that have late licences to sell alcohol. One of the objections made was regarding a bin; it was a public bin on the street. Local

people left rubbish in this bin until it was overflowing and it was the applicant who called the local council to remove the bin.

- 3.7 Most of the customers who come to the premises are local people and on-line delivery companies like Uber are hired to deliver the food; they do not have their own delivery scooters. Vehicles will not be parked outside the premises waiting for orders, the delivery company send vehicle scooters when the food is ready to be delivered. "Challenge 25" is enforced by the delivery companies
- 3.8 Residents had also complained about anti-social behaviour. The applicant will not be operating an off-licence; the alcohol will not be displayed but kept under the counter for sale with a take-away meal.
- 3.9 Mr Karapathi said that there are no schools within the vicinity of the premises and most of the customers are adults and families; the applicant has regular customers and knows about 90% of them.
- 3.10 Residents also complained about noise. There are approximately 300-350 households in Ravensbourne Road and yet only 5 complaints had been received. The applicant is a good manager; he has worked with the Police providing CCTV evidence when fly-tipping was being investigated in the area.
- 3.11 Councillor Powell said that two establishments near the premises sell alcohol, including one next door. She asked whether the application to sell alcohol is mainly for patrons ordering delivery. Mr Karapathi confirmed this to be correct. The licensing officer said that the applicant had agreed a condition that alcohol will only be purchased alongside a takeaway meal and should not be managed as an off-licence.
- 3.12 Councillor Elliott asked whether there will be a minimal purchase of food required when purchasing alcohol and whether there will be a limit to the amount of alcohol sold. Mr Karapathi said that customers who come to the shop mainly want to purchase a meal. If they just want alcohol, they can buy it from the shop next door.
- 3.13 Councillor Campbell asked the applicant how they will know that the recipient of a takeaway meal is legally able to buy alcohol and how delivery drivers will manage a situation where the recipient of a takeaway is not over 25 years. The applicant said that if a customer does not look over 25 years old, they check their ID. Alcohol will not be delivered if they are underage and money will not be refunded. The Chair clarified that it is the responsibility of the delivery driver to ensure that the customer is over 25 years old. The licensing officer said that the prevention of the sale of alcohol to people under the age of 25 years is set out in the conditions on page 31-32 of the agenda. The applicant had agreed to this condition.
- 3.14 Councillor Campbell asked whether delivery drivers have the authority not to deliver alcohol to customers under 25 years. The licensing officer said that there is a condition which states that it is the responsibility of the DPS to ensure that all employed delivery staff receive regular training, a minimum of once a year on the prevention of underage sales and on "Challenge 25" scheme.

- 3.15 Councillor Anwar asked for the opening times of the local family supermarket next door to Fantastic Morley Chicken. The licensing officer confirmed that the premises is licensed to sell alcohol until 3am.
- 3.16 Councillor Wise said that the applicant claimed that there are no schools near the shop, however, St Dunstan's is located in the area fairly close to the shop. The applicant said that there are no primary schools in the area.
- 3.17 Councillor Howard said that a patron, whilst waiting to collect their order, could eat and drink close to the premises. Mr Karapathi said that most patrons are local and would buy food and alcohol to take home.

### **Representation**

- 3.18 Ms Preuss is the co-chair of the Blythe Hill residents group. Over the last 2 years their members have helped to clear up the area outside Fabulous Morley Chicken. She thanked Cllr Anwar for his involvement with this task. The legal officer asked Councillor Anwar whether he had been involved with the residents within the context of the ward. Councillor Anwar confirmed that he had assisted in the removal of the fly-tipping but this application was a separate issue. When he asked the legal officer for her advice she said that it would be wise if he excused himself from consideration of this application. Councillor Anwar accepted her advice and left the meeting.
- 3.19 Ms Preuss focussed her presentation on the licensing objective of public nuisance.
- If the licence is granted, it would undermine residents' efforts made to clear up the area around the premises. The amount of litter, already of huge concern, would increase.
  - There no parking outside the premises; it is on a red route. There is illegal parking in the area because of the lack of parking spaces.
  - The area is a diverse family orientated area, which includes older people and people living with a disability and children.
  - If the sale of alcohol was granted, it would attract more patrons and cause more problems in the area increasing noise and nuisance. There would be loitering outside the shop
  - Delivery drivers would cause noise and pollution.
  - The granting of an alcohol licence would affect the mental and physical wellbeing of residents.
- 3.20 Mr Thomas focussed his presentation on the licensing objective of crime and disorder.
- Granting an alcohol licence is likely to create a rise in anti-social behaviour with the sale of alcohol until 2-3am.
  - Drug dealing takes place at the shop and in the poorly lit alleyways nearby. The licence holder said that he is unable to control this activity. Residents also the fear that prostitution could return to the area.
  - A number of young men already congregate at the premises and there could be underage drinking.

- Residents already avoid walking past the shop particularly at night because they feel unsafe. Fights have been witnessed outside the shop involving patrons of the shop.
- A small packet chips entitles customers to purchase alcohol.
- Residents witnessed patrons eating inside the premises during lockdown which was illegal and do not have confidence in the applicant; they do not believe that he will adhere to the conditions on his licence.
- Residents expect crime to increase if the licence is granted.

3.21 Ms Lindsey focussed her presentation on the licensing objective of public safety.

- Granting an alcohol licence will increase residents' already heightened fear for their safety in the area.
- "Challenge 25" does not go far enough in protecting children from harm.
- An increase in the number of scooters at the shop will increase parking problems in the area. Ravensbourne Road is already busy and used as a rat run. An increase in the number of notorious and reckless delivery drivers who disregard the Highway Code, parking on the pavement, will force residents to walk in the road.
- She asked how conditions could be enforced and what good an incident log is if it does not reduce risk of harm.
- She also asked how the employees of the delivery drivers will ensure that ID checks are complied with and who has the authority to move delivery scooters parking on the pavement.

3.22 Ms Vaughan focussed her presentation on the licensing objective of protection of children from harm.

- There are many schools in the area, both primary and secondary and many are patrons of the chicken shop.
- Cars already park at the bottom of the road near the shop, so it is difficult and dangerous to cross at the junction. Residents are forced to go further down the main road to cross.
- Alcohol will add a layer of temptation for young children who loiter at the shop. They will be able to purchase alcohol with a small packet of chips. There are people who will buy alcohol for children.
- Granting an alcohol licence has the potential to put the lives of young children at risk.

3.23 The Chair said that the meeting would now go into closed session. All parties would be advised of the decision within 5 working days. She thanked the applicants for attending the meeting.

At 8.30pm the meeting was suspended for a comfort break and reconvened at 8.35pm.

#### **4. Job Centre 120-122 Deptford High Street SE8 4NS**

4.1 The Chair welcomed all parties to the remote meeting of the Licensing Committee. She invited Ms Hooper to introduce the application.

## **Licensing Officer**

- 4.2 Ms Hooper said that members were being asked to consider an application for the variation of a premises licence for Job Centre 120-122 Deptford High Street SE8 4NS. She outlined the application and said that representations had been received from three interested parties on the grounds of public nuisance. Conditions had been agreed between the Police, Crime and Enforcement Officers and the applicant in order to promote the four licensing objectives. No objection had been received from any responsible authorities. She outlined the options open to members of the Committee when making their decision.

## **Applicant**

- 4.3 Mr Alderman said that the Job Centre has been well run over the last 5 years. Following advice from the Police and as a result of the success of this business, an application for an extension of hours had been made.
- 4.4 The application is reasonable and all conditions suggested by relevant authorities had been agreed. There were concerns about noise but security on a Friday and Saturday at the premises would help to control this and the number of smokers would be limited.

## **Representation**

- 4.5 Mr Richardson made the following points
- The current licensee has a current track record as a responsible operator and his business is welcomed on the high street.
  - There are residential dwellings surrounding the premises.
  - The area of the high street near the premises, is used on market days from 6am on Friday and Saturday. If a licence is granted until 1.30am residents would only have 4 ½ hours undisturbed sleep on a work day.
  - The conditions do not require door staff to be hired. If staff were hired, it would ensure that taking drinks outside after restricted hours, limiting the number of smokers and dispersal of customers at the end of the night would be well managed.
- 4.6 Mr Richardson wanted to raise the wider concern, that over recent years, there has been a move to grant a growing number of late night licences for premises on the high street. The fundamental living conditions of residents in the high street is being eroded. In addition, the current draft provisions of Lewisham's licensing policy classifying the various districts in the borough for operating hours, Deptford High Street is identified as a district hub, the same category as New Cross, Forest Hill, and Blackheath, giving 1am as the preferred latest closing time. Whereas Brockley and Hither Green are classified as a local hub with a preferred closing time of midnight. Deptford High Street has a high density of homes and negligible road traffic compared to these areas. There are low levels of traffic in the evening and ambient noise.

- 4.7 The Chair said that the meeting would now go into closed session. All parties would be advised of the decision within 5 working days. She thanked the applicants for attending the meeting.

### **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:

### **3. Fantastic Morley Chicken 307 Stanstead Road SE23 1JB**

**RESOLVED** that the application for the variation of a premises licence be **GRANTED** as applied for subject to the conditions, attached to the report

### **4. Job Centre 120-122 Deptford High Street SE8 4NS**

**RESOLVED** that the application for the variation of a premises licence be **GRANTED** as follows and subject to conditions attached to the report:

Provision of regulated entertainment (Recorded Music)  
10:00 – 01:00 Friday to Saturday

Alcohol for consumption ON and OFF the Premises  
10:00 – 01:00 Friday to Saturday

Late Night Refreshment  
23:00 – 01:30 Friday to Saturday  
and an additional 2 hours on New Year's Eve.

The meeting ended at 8.45pm

Chair