

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 13 JULY 2021 and held remotely at 7.30pm.

Present

Councillor Stamirowski (Chair) Councillors, Brown, Campbell, Elliott, Hall, Howard, Kalu, Latouche and Wise.

Also Present

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

New Istanbul 81 Sydenham Road SE26 5EZ

Applicant

Ayten Yabaci – Applicant
Cengiz Esengul - Business Partner

Representation

Councillor Chris Best.

1. Minutes

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

2. Declarations of Interests

Councillor Howard said that she lives in Sydenham quite near to the New Istanbul, 81 Sydenham Road, but had not received any information regarding this application, apart from the agenda papers. She confirmed that she did not have a prejudicial interest in this application.

3 Tai Kitchen 106 Foxberry Road Brockley SE4 2SH

This item was postponed. (The objection was withdrawn and not submitted to a future meeting this Committee)

4. New Istanbul 81 Sydenham Road SE26 5EZ

- 4.1 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 the Crime and Enforcement Manager to introduce the application.

Licensing Officer

- 4.2 Ms Hooper said that members were being asked to consider an application for a premises licence for New Istanbul 81 Sydenham Road SE26 5EZ. She outlined the application and said that one representation had been received from the ward Councillor, Chris Best, on the grounds of public nuisance, public safety and prevention of crime and disorder.
- 4.3 Ms Hooper drew members' attention to paragraph 1.4 on page 37 that had been included in error and was to be disregarded. She outlined the options open to members of the Committee having considered all the evidence presented to them and when making their decision.

Applicant

- 4.4 The applicant said that she had been waiting for the last four weeks for her application to be considered before she opened her business. She said that they had been running a successful supermarket/off licence for the last 16 years at 91 Sydenham Road. It operates under grandfather rights which allows the sale of beer and ciders above 6.5% abv.
- 4.5 The applicant said that her long term aim was to move the business from 91 to 81 Sydenham Road. One of the main objections received was regarding the sale of super strength beers and ciders. She said that they would be adhering to the new licensing policy and had agreed that a condition be added to the licence preventing the sale of these drinks. She said that she did not want customers in her shop who were drunk.
- 4.6 The applicant said that she should not be held responsible for the bad behaviour of street drinkers. There was no evidence to suggest that alcohol had been bought from her shop by street drinkers. In an effort to help prevent street drinking, she would not sell alcohol to customers who were drunk, they would keep a refusal book, would not allow people to gather in the area after 10pm and CCTV would be installed. She said that residents had told her that they feel safer walking the streets late at night, knowing that her shop was open.
- 4.7 The licensing policy would be adhered to and the granting of the licence would not mean that they would be contributing to bad behaviour in the area. Alcohol would not be sold to those under 18 and she emphasised that super strength drinks would not be sold.
- 4.8 There had been a complaint regarding the noise of the fridges in the shop. The applicant did not understand why a closing hour of 11pm was being requested because these appliances would still have to be left switched on. Ms Yabaci said that she had contacted council officers who confirmed that the appliances were the same as in other shops and the noise was not too loud. These officers said they

could be contacted if anyone had any concerns, however, they had not received any noise complaints regarding the premises.

- 4.9 In response to questions, the applicant advised that she intended to move her business from 81 to 91 Sydenham Road, but did not have a date in mind for when this would happen. She confirmed that she had had a 24/7 licence for 16 years.

Representation

- 4.10 The local ward Councillor Chris Best, addressed the committee on behalf of local residents and the Sydenham Society. She said that she lives in the area and was pleased that the applicant had agreed to add a condition to the licence to prevent the sale of super strength alcohol in the shop.
- 4.11 The applicant manages a business at 91 Sydenham Road, and is the only business which has a 24/7 premises licence. Other traders in the high street who do not have late licences to sell alcohol, had advised Councillor Best that they considered that they were at a financial disadvantage being unable to sell alcohol late into the evening.
- 4.12 Councillor Best said that a major concern for local residents was the number of street drinkers. The sale of cheap alcohol 24/7 presents a magnet for the street drinkers and beggars. In the past they had been loud and aggressive and residents did not want to return to that situation, particularly late in the evening when residents were returning on the late trains and want to be able to walk home without worrying about their personal safety.
- 4.13 Residents in the flat above the shops had witnessed aggressive behaviour by street drinkers who gather in the high street and create noise. The report from the Chair of the Sydenham SNT ward panel at the Sydenham Assembly on Saturday 12 June advised that the police had to take action in moving on street beggars and street drinkers as well as tackling pilfering from shops along the high street.
- 4.14 There had been complaints from residents in Earlsthorpe Mews, which is located behind 81 and 91 Sydenham Road. They regularly complain about street drinking and the taking of drugs. Residents believe that restricting the sale of alcohol in the area would help to control late night drinking of alcohol and all the anti-social behaviour associated with it. Residents in Earlsthorpe Mews regularly clean the Mews which is littered with bottles, cans and debris left by street drinkers. They had recently had to pay for additional cleaning and were so concerned about the affect street drinkers were having on the area, they had contacted Councillor Best for her support. Extra policing had also been provided to try to manage the anti-social behaviour of the street drinkers.
- 4.15 Councillor Best raised residents' concerns about the possible lay out of the shop. The Crime, Enforcement and Regulation Manager advised that a plan of the shop had been submitted and the London Fire Brigade did not have any objections to the layout. Residents had also advised her that the applicants regularly had goods stacked outside the premises blocking the pavement. The Chair reminded those present, that planning matters could not be considered as part of this application.

- 4.16 In conclusion, Councillor Best recommended proposed revised hours of operation between 7am and 11pm for the sale of alcohol. She also asked the applicant to consider the layout of the shop, particularly the density, so that the fruit and veg was not in planters at the front of the shop. She also encouraged the applicants to be responsible traders and be considerate to the community.
- 4.17 In response to a question from Councillor Wise, Councillor Best said that at a meeting of the Sydenham assembly, it was clear that there had been a steady increase in street drinking which was due to the sale of super strength alcohol. Recently, police officers had not been able to dedicate as much time to manage the problems of street drinking. There had been several complaints from local residents and the Safer Neighbourhood Team had evidence of all the call outs.
- 4.18 Councillor Hall asked whether Councillor Best was the only objector to this application. Councillor Best said that she was speaking on behalf of the Sydenham Society and local residents, who had sent all objections to her in writing. Councillor Hall said that it would have been helpful if he had seen other objections.
- 4.19 In response to a further question from Councillor Hall, Councillor Best confirmed that she lives in the area, she was representing her local constituents and did not have a prejudicial interest in this application.
- 4.20 In conclusion, the applicant said that all health and safety standards had been met and she could provide evidence to prove this. Rubbish left on the street had been a mistake and this would not happen again.
- 4.21 The Chair said that the meeting would go into closed session. All parties would be advised of the decision within 5 working days. She thanked all those present for their attendance.

4 New Istanbul 81 Sydenham Road SE26 5EZ

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:

4 New Istanbul 81 Sydenham Road SE26 5EZ

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

4. New Istanbul 81 Sydenham Road SE26 5EZ

The Committee agreed the sale of alcohol for consumption OFF the premises

between the hours of 7am and 11pm.and subject to the proposed conditions outlined in the report and set out below.

Proposed Conditions for New Istanbul Ltd, 81 Sydenham Road, SE26 5EZ

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
3. The CCTV must cover all areas of the venue that the public have access to. There should be no obstructions to any internal camera that creates areas that are not wholly covered by CCTV.
4. No consumption of Alcohol permitted on site at any time.
5. The premises shall prominently display signage at all entrances informing customers: -
 - a) All persons entering the premise may have to produce identification,
 - b) CCTV is in operation throughout this premises and is made available to the police.
 - c) Prominent signage will be on display telling customers to respect the local residents and leave quietly.
 - d) No loitering outside the premises, do not disturb our neighbours.
6. All Spirits are to be displayed and sold within direct sight of the till area to ensure staff can supervise the sales of spirits.
7. All staff engaged in Sales of Alcohol must be trained and a training log must be kept showing the staff selling has been trained. This training must be refreshed every 6 months to ensure staff are current and up to date with training. This must reflect in the staff training log and dated when training was last conducted. DPS/ Personal Licence holder must sign to endorse/ date that training completed.
8. Staff on duty after 2200hrs are to ensure that no groups gather outside the premises causing disturbances to the local residents. Any persons seen hanging around must be asked to move away from the premises or Police should be called to move persons away. This is to reduce any Anti-social

behaviour taking place at night. If Police are called Cad ref number is to be entered into the Incident book as reference to assistance requested.

9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. The incident log will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received, neighbours or customers.
 - (d) Any incidents of disorder
 - (e) Any faults in the CCTV system equipment.
 - (f) Any refusal of the sale of alcohol
 - (g) Any visit by a relevant authority or emergency service.

The time, date and name/description of person should be noted for all the above.

10. The Premises Licence Holder shall ensure all persons have provided satisfactory proof of identification and right to work in UK and have carried out checks on the home office website to verify identification, visa and the right to work documents. These staff records are to be retained for a period of 12 months post termination of employment and made available to Police, Immigration and Local Authority Licensing officer upon request.
11. No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be at the premises with the exception of premium and craft beers/ciders.
12. A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, holographically marked PASS scheme identification cards.

The meeting ended at 8.05pm

Chair