

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 14 SEPTEMBER 2021 and held remotely at 7.30pm.

Present

Councillor Stamirowski (Chair) Councillor Brown (Vice Chair) Councillors, Elliott, Howard, Kalu and Latouche.

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

Also Present

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

Good Friend Takeaway 2a Douglas Way SE8 4AG

Applicant

Jill Hou – Presenting on behalf of the Applicant

Representation

P.C Butler – Metropolitan Police
Frank Olaniran Crime, Enforcement and Regulation Officer

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 10 August 2021 be confirmed and signed.

2. Declarations of Interests

None.

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

Crime, Enforcement and Regulation Manager

- 3.2 The Crime Enforcement and Regulatory (CER) Manager said that members were being asked to consider an application for a premises licence for Good Friend Takeaway 2a Douglas Way SE8 4AG. She outlined the application. Following a representation from the CER Service on the grounds of public nuisance, the application was amended to include late night refreshment 11pm until midnight and sale of consumption on the premises 11am to 11pm Monday to Sunday. Four representations had been received from interested parties on the grounds of public nuisance, public safety and the prevention of crime and disorder.
- 3.3 The CER Manager said that conditions had not been agreed between the applicant and Police, or CER Service. She outlined the steps available to members of the Committee having considered all the evidence presented to them and when making their decision.
- 3.4 The Chair reminded those present that this application had been postponed from the last meeting on 10 August 2021 to allow further discussion between the parties. Apart from the application, she asked whether there had been any further changes. The CER Manager said that she was not aware of any other changes.

Applicant

- 3.5 Ms Hou addressed the Committee on behalf of the applicant. She said that Covid19 had had a significant impact on the business and as a result of this negative effect, the applicant wanted to change the style of the business. In doing so, the nature of the complaints received from local residents, had been considered. The application had been changed to include late night refreshment and the sale of alcohol only.
- 3.6 Ms Hou said that there had been discussions with the Police with regard to their recommended conditions. The applicant agreed with all conditions except for numbers 20 and 21. Item 20 related to the need for a noise limiter and item 21 referred to the need for a qualified acoustic engineer. These conditions were not considered to be appropriate because the application had been amended and there would not be an application for Karaoke
- 3.7 Ms Hou said that the applicant was addressing issues raised by residents and admitted that mistakes had been made in the past regarding unnecessary noise that neighbours had to ensure. The applicant apologised for the noise nuisance and would be willing to meet with neighbours to assure them that this would not happen again. It was for this reason that Ms Hou said that the sound limiter would not be required and would be very costly to install.
- 3.8 Ms Hou confirmed that the applicant agreed with the installation of the CCTV and had discussed the matter with P.C Butler. It would be installed if the application was granted.
- 3.9 Councillor Elliott asked whether the applicant still wanted conditions 24-26 removed. Ms Hou said that they did not want them removed, they required clarification. She had discussed the issue with P.C Butler and gave an example with regard to loitering. P.C Butler advised the applicant that staff would be

expected to ask patrons to behave but were not responsible for their behaviour. If they continued to cause a public nuisance, this should be logged in the incident book and the Police advised. Having received clarification of these three conditions, the applicant was happy for them to remain on the licence.

Representation

- 3.10 P. C Butler said that since the last meeting of this Committee he had been in discussions with Ms Hou and the applicant. He said that he was pleased that the applicant agreed to the installation of the CCTV before the business starting operating. However, the applicant did not consider it to be necessary to install a noise limiter. There had been several records of noise nuisance, and Police were concerned that neighbours had been disturbed by noise.
- 3.11 P.C Butler said that the Police wanted to keep in place the condition regarding customers being allowed to remain on the premises eating and drinking between 11pm and midnight. The Police wanted to put measures in place to prevent the public and local residents being disturbed by noise. There had been several complaints regarding noise emanating from the premises. P.C Butler considered condition 27 to be important to alleviate the noise for the local community by preventing the delivery drivers from hanging outside the premises disturbing the community. The number of these vehicles had increased considerably since Covid19.
- 3.12 In response to a question from Councillor Brown, the CER Manager said that the conditions recommended by the Police were normal for a business applying for Karaoke and showing films etc. However, officers also considered the background to an application; there had been a number of noise complaints from local residents. All the conditions recommended by the Police were considered to be appropriate. P. C Butler agreed and said that a noise limiter would also assist the premises because if the business was being managed correctly, it could prove that noise was not emanating from their business. The CER manager advised members that a noise limiter would cost in the region of £1,500 – £2000 depending on the sophistication required.
- 3.13 Councillor Howard asked whether there were still concerns that delivery drivers and patrons would create noise outside the premises if all conditions were agreed. P.C Butler said that the conditions had been recommended to prevent noise nuisance. The business is situated in a very busy area of the borough, and residents already endured noise nuisance and Police wanted to reduce the impact of noise in the area.
- 3.14 The Chair then invited the CER Officer to speak. He said that the CER service had grave concerns with regard to complaints of noise nuisance from the premises. There were three reasons why the service considered it important that the sound limiter should be installed:
1. On 7 July 2020, the CER service witnessed amplified noise coming from the premises
 2. The CER service had received reports there had been Karaoke on Sundays when the premises was known to be closed during the day. If a licence were granted, they would have an on licence which would permit them to have Karaoke

up to 11pm. Officers still had concerns about noise nuisance from Karaoke. The additional condition of a noise limiter was considered proportionate.

3. With regard to delivery discussed at the last meeting, there were concerns regarding patrons entering and exiting the premises, and these concerns continued. Officers considered that the onus should be on the applicant to take reasonable steps to mitigate noise nuisance, and uphold the licensing objectives

- 3.15 The CER Manager clarified that the live music act allows deregulation of music between 11am and 11pm. Karaoke could be played up until 11pm without a licence.
- 3.16 Councillor Latouche asked about the applicant's response to complaints from neighbours. The CER manager said that the applicant had not worked with the CER service on any of the noise issues reported. The manager at the business had not made any changes and reports of noise nuisance continued. The CER Officer said that reports of noise nuisance to the service had continued after the abatement notice.
- 3.17 Ms Hou said that she had contacted P.C Butler and the CER service in an effort to meet to have a frank and open conversation with the complainants. She said that at 9pm the business already closed windows and the double doors. Ms Hou said that they were currently engaging with the CER service. There had been miscommunication in the past and was the reason why there had not been contact with the service. She said that the business was moving in the right direction but no one had engaged with them to hold these meetings. The applicant did not know the contact details of the objectors so could not arrange a meeting with them. Noise could not be heard when the windows and doors were shut and she asked members not to approve conditions 21 and 22 regarding the installation of a noise limiter.
- 3.18 The CER Officer said that he believed that the service were supporting the applicant and was the reason why it was recommending that the application be amended to safeguard key licensing objectives rather than refused. If the licence was granted with the added conditions, and the applicant managed the business well whilst upholding the four licensing objectives, then the CER service would welcome a variation to the licence. Measures were in place to support the business.
- 3.19 The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. The clerk read out the names of those present and they all confirmed that they had been present throughout the meeting and had not internet disruptions.
- 3.20 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.

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:

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

3. Good Friend Takeaway 2a Douglas Way SE8 4AG

The Committee granted the application for a new licence and all 28 conditions recommended by the Police outlined in the agenda.

The meeting ended at 8.05pm

Chair