

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on THURSDAY 28 OCTOBER 2021 and held remotely at 7.30pm.

Present

Councillor Stamirowski (Chair) Councillor Brown (Vice Chair) Councillors, Campbell, Elliott and Hall.

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

Also Present

Lisa Spall - Crime, Enforcement and Regulations Manager
Richard Lockett - Crime, Enforcement and Regulations Officer
Jay Kidd-Morton – Lawyer

Suya and Lobster, 4 Deptford Broadway SE8 4PA

Applicant

Mrs Gloria Iwelu - Presenting on behalf of the Applicant

Representation

Lisa Spall - Crime, Enforcement and Regulation Manager
Stuart Collings - Resident

Tropical Juice, Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ

Applicant

Juan Chicaiza – Designated Premises Supervisor
Ramiro Enríquez

Representation

P.C Butler – Metropolitan Police
Richard Lockett - Crime, Enforcement and Regulations Officer

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 14 September 2021 be confirmed and signed.

2. Declarations of Interests

None.

3 Suya and Lobster, 4 Deptford Broadway SE8 4PA

- 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 Enforcement and Regulations Officer to introduce the application.

Crime, Enforcement and Regulation Officer

- 3.2 The Crime Enforcement and Regulations (CER) Officer said that members were being asked to consider an application for a premises licence for Suya and Lobster, 4 Deptford Broadway SE8 4PA. He outlined the application and said that representations had been received from two residents within close proximity to the premises primarily on the grounds of prevention of Public Nuisance.
- 3.3 The CER Manager then outlined the powers available to members when making their decision.

Applicant

- 3.4 Mrs Iwelu then addressed the Committee. She said that the complaint received from members of the public was based on public nuisance particularly noise. There had been reference to 29 August 2021 when noise nuisance was heard up to 5am.
- 3.5 Mrs Iwelu said that Suya and Lobster, had been hosting late night events under Temporary Event Notices. There had been over 21 TENS. Only one complaint had been received following all these events. The application had been made for an alcohol licence until 3am not 5am because of complaints regarding a 5am finish on 29 August 2021. The small number of complaints received proved that the four licensing objectives would be upheld if the licence was granted.
- 3.6 Mrs Iwelu said that residents claimed that there had been a fight on the premises on 29 August 2021. She said that this was not true, in fact there had not been any visits from the Police or the CER team regarding fights on the premises.
- 3.7 Members were advised that a noise limiter would be fitted in the premises. This device would be fitted by a qualified sound engineer to reduce noise and had been recommended by the Police.
- 3.8 Members were also advised that Suya and Lobster had a dispersal policy which would ensure that patrons did not gather in the vicinity of the premises causing

noise nuisance for local residents. Patrons would be provided with telephone numbers for local taxis, transport information and signs would be posted to encourage patrons not to cause noise nuisance. Management had also agreed that there would not be any outside seating after 10pm.

- 3.9 Mrs Iwelu said that all doors and windows would be closed at all times except where patrons were entering and exiting the premises. She said that management wanted to be accountable for, and monitor these changes so there would be an incident log where any issues would be recorded and would be available to the licensing team and the Police.
- 3.10 Mrs Iwelu said that management had applied for an alcohol licence until 3am because other establishments had similar licensing hours. Deptford is a bustling area with late night economy and was what the community wanted. She believed that Suya and Lobster was being managed well and granting of the application would enhance the area.
- 3.11 Councillor Campbell asked when the noise limiter would be installed and asked for information about the dispersal policy; particularly regarding the dispersal of crowds gathering outside the premises. Mrs Iwelu said that security would be hired on days when the premises was open until after midnight. The area would be monitored and security staff would have information for patrons as they assist them leave the area quickly. Several patrons were local to the area. Mrs Iwelu said that it was, therefore, in their interests to keep patrons safe in their community. Management would have open communication with patrons and ensure that staff received full training.
- 3.12 Mrs Iwelu said that the noise limiter would be installed within a month of the licence being granted.
- 3.13 Councillor Elliott said that noise nuisance was a major concern for residents. He asked where patrons would be smoking and how management would control the noise escaping from the premises as patrons entered and left the building. Mrs Iwelu said that patrons would enter and leave via the same door. This would enable management to control the sound better. Patrons would be encouraged to respect neighbours.
- 3.14 Mrs Iwelu said that management were committed to ensuring that no large groups would congregate outside the premises. A maximum of 4 people would be allowed to smoke at the front of the premises. This had been recommended by the Police.

Representation

- 3.15 The CER Manager said that the CER team had objected to the application on the grounds of the potential of public nuisance. Lewisham had a licensing policy, and the preferred hours for district hubs was up to 11pm Monday to Thursday and 1am Friday and Saturday.
- 3.16 A CER Officer visited Suya and Lobster on 15 June 2021 to discuss the application, and management were advised of the preferred opening hours. Suya and Lobster were situated in an area classed as the New Cross district hub.

3.17 The CER Manager said that officers had received three further complaints of noise nuisance. These complaints related to noise dispersal of patrons at closing time, noise from use of outside seating and smoking areas, noise from drunken behaviour and from related crime and anti-social behaviour.

3.18 The CER Manager confirmed that there was a TEN in place on 29 August 2021 as advised by Mrs Iwelu, for the event until 5am. However, there had been complaints of loud music. Therefore the CER recommended that the hours of business should be as follows:

Alcohol for consumption ON the premises
08:00 – 00:00 Sunday – Thursday
08:00 – 01:00 Friday - Saturday
Recorded & live Music, Late Night Refreshment
23:00 – 00:00 Sunday – Thursday
23:00 – 01.00 Friday – Saturday

3.19 28 conditions had been agreed between the Police and the applicant. The CER Manager said that officers also recommended the addition of the following condition:

All sales or supply of alcohol at the premises between the hours of 8am and 10am shall only be to a person(s) seated, taking a table meal there and for consumption by such a person as ancillary to their meal.

3.20 Mr Collings addressed the Committee. He said that he was concerned about the licence application, as were the residents in the other 4 homes in his block as well as residents in Tanners Hill. Their main concerns were in relation to noise pollution and the unruliness outside the premises. Their concerns stemmed mainly from the events that took place on 29 August 2021. There was video and photograph evidence of some of the events that took place during the evening.

3.21 Mr Collings said that there was a doorman on the front door but the side door was open permanently during the night and the sound of the music permeated out onto Deptford Broadway until the music was turned off at 5am. It did not appear that management had considered the impact the noise nuisance had on local residents which lasted until the early hours of the morning.

3.22 At 4am on 29 August, Mr Collings spoke to the doorman. There were a lot of patrons outside the premises and several chairs which encouraged patrons to remain outside. The doorman said that management had a licence to play late, loud music. Mr Collings said that there were no double doors so there was nothing to stop the noise escaping from the venue. The side door was permanently open.

3.23 Mr Collings said that intense noise from the music could be heard two streets away. He said that, a neighbour advised him that they had witnessed a fight and they called the Police were called. They attended the scene but the outcome was not known.

- 3.24 In response to residents' concerns about noise escaping from the building, Mrs Iwelu said that the venue has two doors. The door left open permanently was a small door. The larger door remained closed to help reduce noise escaping. The event on 29 August was held under a Temporary Event Notice. In their application, it was agreed that there would not be any seating outside the venue after 10pm and a noise limiter would be fitted. The Police had made recommendations and they would be adhered to. There were many young students in the area and Mrs Iwelu believed that the hours of opening in their application were the hours that residents wanted.
- 3.25 The Chair said that a decision letter would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

4 Tropical Juice, Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ

- 4.1 The Chair then welcomed the applicant for Tropical Juice, Ramiro Enríquez to the meeting and asked the CER Manager to present the application.
- 4.2 The Crime Enforcement and Regulations (CER) Manager said that this hearing was in relation to representations to a full variation application for Tropical Juice, Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ. She outlined the application and the current licensed hours. She said that two representations had been received from responsible authorities; P.C Simon Butler and Frank Olaniran from the CER team, on the grounds of prevention of Prevention of Crime and Disorder and Prevention of Public Nuisance and Public Safety.
- 4.3 The CER Manager then outlined the powers available to members when making their decision.

Applicant

- 4.4 The Chair welcomed the applicant Ramiro Enríquez and he addressed the Committee. He said that he had considered recommendations made and he wanted to accept the reduced hours to midnight and all the recommendations made by the Police and the CER service.

Representation

- 4.5 The CER officer said that along with his colleague, Mr Olaniran, they had made representations against the application on behalf of the CER team on the grounds of public nuisance and public safety.
- 4.6 Over several years, the CER service had received several complaints from residents with regard to noise nuisance emanating from the premises causing disturbance in the area. Three establishments within La Placita Mall had licences to sell alcohol. During officers' ongoing investigation of noise complaints, noise nuisance was not witnessed. Tropical Juice provide Karaoke, and officers had provided advice on how to facilitate this without generating complaints. Despite warnings to management, the CER service had received reports of loud music, karaoke and fighting taking place at the premises in April 2021.

- 4.7 The CER Officer said that talks with management and monitoring had continued. On 2 August 2021, the CER service was made aware of an incident that took place on Sunday 1 August. Video footage was provided, and three male patrons from the premises were involved in a fight; a female was assaulted. The applicant did not take the appropriate steps to resolve the matter and the applicant could be seen holding one of the males and talking to him to the floor.
- 4.8 The CER Officer said that the service was also advised that the main instigator of the fight was seen entering the premises the following day with the applicant and allowed to consume alcohol.
- 4.9 On 7 August 2021, the CER Officer said that he made a site visit to Tropical Juice with the intention of inspecting the premises' incident log with regard to the incident on 1 August. He was informed that the incident book had been taken home by the applicant and was unavailable for scrutiny, which was a breach of their licence conditions. There was a book behind the counter, but it did not show any details of the encounter. No summary licence was available on arrival but rectified during the visit
- 4.10 The CER Officer said that his main concern, during the visit on 7 August, was that current licence holder left the premises when he noticed him arrive with his colleague Mr Olaniran. Officers would then have been able to explain the correct response to the events that took place on 1 August and the importance of an incident book.
- 4.11 The CER Officer recommended that the application be rejected in its entirety in order to prevent further complaints of noise nuisance. He referred members to Lewisham's licensing policy which recommends a preferred closing time of 1am Friday and Saturday and midnight Sunday to Thursday.
- 4.12 However, due to the complaints received, and the recent incident that had taken place, the licensing authority was of the view that no extension to times should be granted. If, however, the Committee was of the view that this application should be granted, the Licensing Authority recommended the removal of the current Designated Premises Supervisor Juan Chicaiza.
- 4.13 The CER Officer said that the CER team had also recommended a number of conditions along with those during the application process that would be essential if the premises was to be open beyond the currently licensed hours.
- 4.14 P.C Butler said that he had visited the premises and it was very problematic .It had a history of bad management and Police wanted the premises to be run responsibly, with a marked decrease in Police Cads being reported. He said that the Police had several concerns about the management of the premises. A GBH offence was alleged to have taken place on 1 August 2021 outside the premises. Criminal investigations were on going. There were serious concerns about the staff and management at the premises and how they conducted themselves. In addition to the reports of noise nuisance received by the CER service, Police had also received crime reports that had been included in the Licensing Committee agenda.

- 4.15 P.C Butler said that having spoken to the applicant, there was an agreement in place with regard to the conditions which were strict and with multiple recommendations including the use of SIA staff on duty to help control patrons' behaviour on the premises. The fact that the applicant agreed to all the recommendations by the CER service and the Police was a step in the right direction. He recommended that the Committee should not allow the business to operate beyond midnight. Management could then prove to the Police and CER team that they could act in a responsible manner.
- 4.16 The CER Manager clarified the current licensable hours for Tropical Juice.
- 4.17 Mr Ramiro Enríquez said that Juan Chicaiza wished to make clear that when CER officers came to speak to him at the premises on 7 August, he had not seen them. Mr Chicaiza had not been feeling well and needed to go home. He had hoped to extend his alcohol licence until 2am but would accept 12 midnight.
- 4.18 The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. Members confirmed that they had been present throughout the meeting and had not experienced internet disruptions.
- 4.19 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:

3 Suya and Lobster, 4 Deptford Broadway SE8 4PA

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

3. Suya and Lobster, 4 Deptford Broadway SE8 4PA

The Committee granted the application for a new licence. The hours of business were agreed as recommended by the CER service along with all the conditions recommended by the Police outlined in the agenda. An additional condition recommended by the CER was also agreed; that all sales or supply of alcohol at the premises between the hours of 8am and 12 noon shall only be to a person(s) seated, taking a table meal.

4. Tropical Juice, Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ

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

4. Tropical Juice, Unit 5 La Placita Mall 149 New Cross Road SE14 5DJ

The Committee rejected the application.

The meeting ended at 8.20pm

Chair