

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 11 JANUARY 2022 and held remotely at 7.45pm.

Present

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

The Hill Station, Telegraph Hill Community Centre, Kitto Road SE14 5TY

Applicant

Jacqui Shimidzu and Kristyn Mitchell – Applicants

Mike Nickson- Licensing representative

Representation

Two residents.

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 16 December 2021 be confirmed and signed.

2. Declarations of Interests

Councillor Elliott said that the premises was in the ward where he lives. He had been to the café and his wife was on the Telegraph Hill Management Committee up until 2017. He believed that he could make a fair and unbiased judgement on the application.

3 The Hill Station, Telegraph Hill Community Centre, Kitto Road SE14 5TY

- 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 Manager to introduce the application.

Crime, Enforcement and Regulation Manager

- 3.2 The Crime Enforcement and Regulations (CER) Manager said that members were being asked to consider an application for the variation of a premises licence for The Hill Station, Telegraph Hill Community Centre, Kitto Road SE14 5TY. She outlined the application and said that two representations had been received from 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 Mike Nickson said that he was Director of Licensing Consultancy in Confidence representing the applicants Jacqui Shimidzu, the Designated Premises Supervisor, and Kristyn Mitchell.
- 3.5 Mr Nickson said that there had not been any representations from responsible authorities. Slight amendments had been made to the application following discussions with the Metropolitan police.
- 3.6 The aim of the application was to seek a modest increase in the operating hours, remove the regulated entertainment, except the exhibition of films, and strengthen the licence holder's commitment to promoting the licensing objectives. The current licence only had 8 conditions. If the application was approved there would be over 30 new conditions. These conditions had been circulated to all interested parties.
- 3.7 There was clear commitment to the promotion of the licensing objectives. There was requirement for record keeping, training, complaint recording and management and the operation of an effective dispersal policy to minimise disturbance and promote public safety. If the application was not approved, the current licence with its limited conditions, would remain in place.
- 3.8 Further conditions had been proposed by the applicants to address the concerns of the residents regarding placing bottles in commercial bins late at night. He read out the condition which stated that no waste bottles would be moved in outside areas between the hours of 2200 and 0800. In addition, the terminal hour for licensable hours would remain as 2300 hours on any day. Not 2330 hours as in the application, with a closing time of 30 minutes later. The starting time for the sale of alcohol would be 12 noon rather than 10am. The only increase from the current licence would, therefore, be that alcohol could be sold from 12 noon rather than 6pm.
- 3.9 The removal of some historic conditions was being sought but this had been misinterpreted by residents. One of which was that doors would be closed while live music was being played. Since the advent of the Live Music Act 2012, this condition was redundant and unenforceable. However, the applicants would not disregard their responsibility to prevent public nuisance. They had installed acoustic curtains to help reduce noise.
- 3.10 The removal of the existing restrictions regarding serving spirits, was so that customers could be served cocktails and spirit-based drinks.

- 3.11 The premises had managed numerous Temporary Event Notices over many years. The responsible authorities had never made a written representation or issued any closure notices
- 3.12 Mr Nickson said that the proposed new schedule of conditions were robust and would promote the licensing objectives.
- 3.13 The applicants could only be held responsible for matters within their control and this did not include groups of people gathering outside the premises after closing time.
- 3.14 Mr Nickson thanked one of the objectors for responding to him and engaging with him over this application in a positive fashion. He hoped this would continue in the future. The applicants then gave more details about the history of the premises and the services offered to the community.
- 3.15 Councillor Campbell asked officers to confirm that keeping the doors of the premises closed when music was playing, was not enforceable. The CER Manager confirmed that this was correct. Following the Deregulation Act, there was no need for live music and certain types of recorded music to be licenced between 8am until 11pm because it was not regulated during these hours.

Representation

- 3.16 The first objector said that the main concern was that of noise nuisance emanating from the premises. It had been a problem for many years and caused a lot of stress for him and his partner. He considered the Hill Station and the café to be an asset to the community. They do a lot of good work with some positive events. However, the noise it created, particularly at night impacted their lives.
- 3.17 The objector said that the environment of the area was significant. He lived at the top of the hill and he explained the geography of the area created a corridor and was effectively a canyon which served to amplify and transmit noise.
- 3.18 The objector said that customers drinking outside the area, had also been causing problems. He did not agree with Mr Nickson's point that the applicants were not responsible for the behaviour of these customers. It was a licensed premises and the people outside were the responsibility of the licensees.
- 3.19 When music was played, the objector could hear it in every room in his house with the TV on. The noise from people outside the premises talking, could also be heard.
- 3.20 The objector said that he had tried to engage with management but he did not believe that they were listening or understood the problems they were causing him and his partner. Mr Nickson had said that the proposed new conditions were enforceable. He asked who would be monitoring them. He did not feel that he should have to go to the premises to complain and compile evidence for a community café. His understanding with regard to the conditions and the Live Music Act was that under a review, the committee could impose conditions and if

the noise nuisance continued and the doors left open, he would have no choice but to call for a review of the licence.

- 3.21 The objector's partner said that she had sent many messages regarding noise complaints to management since 2016. She had received apologies but nothing had changed and she had lost faith in the process of communication.
- 3.22 Following a question from Councillor Kalu, the objectors advised that there was not any one day when the premises was habitually noisier than any other day. The events tended to be "pop up" and could be held any day of the week.
- 3.23 The second objector said that the issue of noise in the area was important because there were strange acoustic effects at the top of the hill. The noise came from all directions. The reasonable noise from the venue become unreasonable and very noisy in other parts of the neighbourhood. Over the years, the noise experienced by residents was during and after an event and he had made 9 complaints through the website, email and directly to CER officers. The officer had been responsive and he thanked him for that. However, there had not been any response to any of their complaints in previous years.
- 3.24 In conclusion, he said that complaints were fundamentally based on noise and noise nuisance on and off the premises as a direct result of the extend hours of alcohol sales. Allowing bottles and spirits to be consumed outside would lead to more noise. Local parks were already littered with bottles and cans bought in local pubs. If the application was granted, customers of the Hill Station Community Centre would be able to buy alcohol in bottles up until 10pm and take it away to local parks exacerbating the noise nuisance and creating even more debris. He did not believe that complaint management had been effective and was concerned about how the new conditions would be managed.
- 3.25 Councillor Brown asked for the opinion of the CER service regarding the complaints made by local residents, the responses to those complaints by management of the Hill Station Café and whether the conditions proposed by the applicants would address these issues. The CER Manager said that the CER service had received a few complaints about activities at the premises, as outlined by the objectors. Officers had not been able to witness statutory nuisances but had visited the premises and spoken to staff. It was well managed and since it was opened in 2012 a small number of complaints had been received. Officers had not had any issues with the premises and believed that they would adhere to the new conditions.
- 3.26 Councillor Hall asked the CER Manager how relevant the Live Music Act was in these circumstances. The CER Manager advised that the live music deregulation meant that live music could be played at the Hill Station from 0800 until 2300 and it would not have to be licenced. The licence could not be reviewed on that which is not licenced. Action could be taken under different legislation but not the licensing legislation. The clerk advised that late documentation received from the applicant had been circulated to all interested parties.

Conclusion

- 3.27 The applicants summed but by saying that if the application was granted, robust conditions would be in place. They would be measurable and enforceable. Emails had not been received from the second objector for which they apologised. Attempts had been made to address the noise nuisance for neighbours and an acoustic curtain had been installed around the stage where music could be played, In future a curtain would be installed at the door to help prevent noise from escaping; residential houses were 100 metres across the street.
- 3.28 The first objector summed up by explaining that noise nuisance had been a big problem in the past and there had not been responses to their complaints. He did not have any confidence that these new conditions would assist.
- 3.29 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.
- 3.30 Members confirmed that they had been present throughout the meeting and had not lost connection.

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 The Hill Station, Telegraph Hill Community Centre, Kitto Road SE14 5TY

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

3. The Hill Station, Telegraph Hill Community Centre, Kitto Road SE14 5TY

The licence as applied for was GRANTED with a raft of conditions. In addition, the terminal hour for licensable hours will remain as 2300 hours on any day. Not 2330 hours as in the application, with a closing time of 30 minutes later. The starting time for the sale of alcohol would be 12 noon rather than 10am. The only increase from the current licence would, therefore, be that alcohol could be sold from 12 noon rather than 6pm.

The meeting ended at 8.25pm

Chair