



AGENDA

LICENSING COMMITTEE

Date: WEDNESDAY, 16 JUNE 2021 at 7.30 pm

Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>.

Enquiries to: Clare Weaser
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MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Bill Brown (Vice-Chair)
Councillor Juliet Campbell
Councillor Colin Elliott
Councillor Alan Hall
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Samantha Latouche
Councillor Susan Wise
1 vacancy

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 8 June 2021



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

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Licensing Committee

Minutes

Date: 16 June 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to consider the Minutes of the meetings of the Licensing Committee, held on 26 May and 1 June 2021.

Recommendation

That the Minutes of the meetings of the Licensing Committee, held on 26 May and 1 June 2021 (Copies to follow) be confirmed and signed.

MINUTES OF THE LICENSING COMMITTEE

Wednesday, 26 May 2021 at 8.50pm.

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

1. Licensing Membership

RESOLVED that the following membership of the Licensing Committee for the Municipal year 2021/22 be confirmed:

Councillor Eva Stamirowski (Chair)
Councillor Bill Brown (Vice-Chair)
Councillor Juliet Campbell
Councillor Colin Elliott
Councillor Alan Hall
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Samantha Latouche
Councillor Susan Wise
(1 Vacancy)

2. Licensing Election of Chair and Vice Chair

Resolved that Councillor Eva Stamirowski be elected as Chair and Councillor Bill Brown be elected as Vice Chair for the Municipal Year 2021/22.

The meeting ended at 8.51pm.

Chair

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 1 JUNE 2021 and held remotely at 7.30pm.

Present

Councillor Brown (Vice Chair – in the Chair) Councillors Campbell, Elliott, Hall, Howard and Latouche.

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

Also Present

Lisa Spall - Crime, Enforcement and Regulation Manager
Frank Olaniran – Crime and Enforcement Officer
Jay Kidd-Morton – Lawyer

Original Jerk Bites Ltd 235 Bromley Road SE6 2PG

Applicant

Luke Elford – Applicant's Representative
Chris Nixon – Applicant's Representative
Kevin McKenzie – Director of Original Jerk Bites Ltd.
Angel – Senior Manager of Original Jerk Bites Ltd.

Representation

Jeff Worthy – Ravensbourne Residents Association
Lorraine Lau – Resident

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 27 January 2021 be confirmed and signed.

2. Declarations of Interests

None.

3. Original Jerk Bites Ltd 235 Bromley Road SE6 2PG

- 3.1 The Chair welcomed all parties to the Licensing Committee. He introduced those present, and outlined the procedure to be followed for the meeting. He then invited the Crime and Enforcement Manager to introduce the application.

Licensing Officer

- 3.2 Ms Spall said that members were being asked to consider an application for a new premises licence for Original Jerk Bites Ltd 235 Bromley Road SE6 2PG. She outlined the application and said that 14 representations had been received from interested parties. Conditions had been agreed between the Police, Crime and Enforcement Team and the applicant which were included in the agenda.
- 3.3 Ms Spall outlined the options open to members of the Committee having considered all the evidence presented to them and when making their decision.

Applicant

- 3.4 Luke Elford said that there had been changes to the original hours of operation as set out in the case summary circulated to all members of the committee and all interested parties. The latest hour of operation had been amended to 1am on a Friday and Saturday, midnight Sunday to Thursday and applied to all the licensable activities. In addition the request for live music had been removed so that only recorded music would be played. The request for later hours on Christmas day and Easter Sunday had been withdrawn.
- 3.5 Mr Elford said the premises would be managed as a small takeaway business. The applicant wanted to provide licensable activities from the premises for a small number of people. There would not be any more than 10 customers on the premises plus staff at any one time. Any alcohol sold would be ancillary to food, this was one of the conditions offered by the applicant.
- 3.6 Mr Elford advised those present that the applicant owns the Coconut Palm restaurant which is a few doors down from 235 Bromley Road. It operates under the same hours as those proposed for the Original Jerk Bites Ltd. It is a well-run business and apart from a comment from the planning department none of the responsible authorities had objected to the application.
- 3.7 The application had been vicariously described as a prospective night club. Mr Elford said that he could see why there had been this misunderstanding because an application for a premises licence until 3am and live music could indicate the possible management of a night club. However, the premises was too small for this type of activity because it could only accommodate 6 people standing.
- 3.8 In conclusion, Mr Elford said that the applicant had considered the objections received from local residents, and in an effort to allay some of their fears, he

suggested measures that would promote the licensing objectives. He referred members to the conditions in the case summary.

3.9 In response to questions from councillors, Mr Elford responded as follows:

- There would be five seats at the premises. Small stools that would abut the counter at the front of the premises.
- The business would be a small take-away business. Jerk chicken would be sold. There would be a small selection of alcohol which would only be served with food. Inside the restaurant, customers could wait for the food for take away or eat on the premises.
- A capacity condition had been agreed by the applicant because of concerns that the business could turn into a night club. The applicant did not expect to be busier than serving 5 patrons in the premises with 5 patrons waiting in a queue.
- Coconut Palm is a restaurant that is well-run by the applicant and it was expected that Original Jerk Bites would be managed in the same way.

Representation

3.10. Jeff Worthy said that he was speaking on behalf of the Ravensbourne Residents Association. He referred to the residents' letter to the Licensing Authority dated 28 April 2021 and wished to make clear that residents welcome new business to the area. However the premises is in a suburban family area of predominately semi-detached houses and flats, not a town centre location. Any music, live or recorded, would be a disturbance and inappropriate at any time in a residential family area.

3.11 The application makes no reference to the Council's Statement of Licensing policy 2020 – 2025. He gave the following examples:

- There appears to be no planning consent for Jerk Bites to operate in the way set out in the licensing application. Sections 2.26 and 2.27.
- The application takes no account of the nature of the locality, nor reflects the nature of the area in any way. Section 2.32.
- There is no meaningful demonstration in the application of sufficient knowledge of the area including close proximity to residential premises and how their proposed activities will likely impact on these. Section 3.5 Such activities include selling alcohol into the early hours.
- There had not been any consultation with the local community. Section 5.52
- Section 7.9 sets out potential nuisance issues including patrons returning to parked cars in nearby roads in the early hours of the morning.

- 3.12 Mr Worthy said that there was no off-road parking provision at the premises, which would exacerbate the potential nuisance issue recognised in the Council's policy. Residents were concerned about customer parking outside their homes late at night. He said that the applicant had demonstrated a lack of knowledge and a disregard for the local community, causing local residents a good deal of upset.
- 3.13 Lorraine Lau addressed the Committee. She said that she appreciated the change of hours of operation to 1am but considered that the hours should be brought forward to 11pm to comply with the Licensing Policy 2020/25 as outlined in paragraph 15.7.

Conclusion

- 3.14 Mr Elford thanked residents for their representations. However, he said that members' decision should be evidence based. Having heard all the evidence, the only decision that members should make was to grant the premises licence, subject to the revision made and the raft of conditions agreed.
- 3.15 In response to a question from Councillor Hall, Ms Spall explained the content of paragraph 15.7 and the preferred hours for a takeaway. She said that when granting a premises licence, they do not have to be those hours, but they are the preferred hours.
- 3.16 Mr Worthy said that he would have liked to have seen the case summary earlier. The documents had been received on the Friday afternoon before the meeting, but he had not received them until lunch time on the day after the bank holiday.
- 3.17 The Chair said that the meeting would go into closed session. All parties would be advised of the decision within 5 working days. He 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 The Original Jerk Bites, 235 Bromley Road SE6 2PG.

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

3. The Original Jerk Bites, 235 Bromley Road SE6 2PG.

The Committee granted a licence for the following hours of operation and with the added conditions as follows:

- The sale of alcohol (on and off-sales) from 9am to midnight Sunday to Thursday and from 9am to 1am Friday and Saturday;
 - To provide late night refreshment from 11pm to midnight Sunday to Thursday and from 11pm to 1am Friday and Saturday;
 - To provide regulated entertainment in the form of recorded music only from 11pm to midnight Sunday to Thursday and from 11pm to 1am Friday and Saturday.
 - The opening hours from 9am to midnight Sunday to Thursday and from 9am to 1am Friday and Saturday.
 - No extension of standard timings on Christmas Day or Easter Sunday.
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 ~~is~~ ~~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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 4. Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take drinks or containers with them.
 5. No customers shall be permitted to leave the premise with any glass or open containers.

6. Unaccompanied children are not permitted on the premises.
7. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which 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 faults in the CCTV system, searching equipment or scanning equipment
 - (e) Any refusal of the sale of alcohol
 - (f) Any visit by a relevant authority or emergency service.
8. Advertise a number for complaints from the public and all complaints to be recorded in the incident book.
9. A noise limiter will be fitted. To be installed in order to assist with complaints and this may form part of a process of pacifying the complainants if they arise. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter.
10. An appropriately qualified acoustic engineer* must be engaged to carry out an installation to show it is functioning correctly to be able to evidence levels are within acceptable levels.
11. 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.
12. No beer, lagers or ciders of 6.5% BV (alcohol by volume) or above shall be sold at the premises.
13. 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.
14. When music is being played, the doors and windows are to remain shut to reduce the noise for local residents. No doors and windows are to be propped open when music is being played.
15. No restocking deliveries are to be accepted between 2300hrs and 0700hrs to reduce noise disturbance for neighbours.

16. Any deliveries that take place, by contractor or premises own staff, should not have mopeds riding up on the pavement and leaving running engines on while waiting for orders to be prepared.
17. Delivery staff and operators must not wait directly outside the premises after 2000hrs in groups to reduce the noise disturbances for residents.
18. Customers must only consume Alcohol at tables when seated and consuming a meal purchased at the Premises.
19. The Premises Licence Holder shall ensure that the exterior of the Premises is kept clean and tidy and that a final clean of the exterior is conducted prior to the Premises closing.
20. The number of persons accommodated at the Premises at any one time (excluding staff) shall not exceed 10 persons.
21. After 22:00 daily no more than 2 persons (4 prior to 22:00) shall smoke at the front of the premises at any one time. Smokers may leave and re-enter the Premises but must not take any glasses or drinks outside into the street when doing so.

The meeting ended at 8.10pm

Chair

Agenda Item 2



Licensing Committee

Declarations of Interest

Date: 16 June 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
 - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

Agenda Item 3



Licensing Committee

Report title: Flower of Kent, 135 Lewisham Way, SE14 6QP

Date: 16 June 2021

Key decision: No.

Class: Part 1.

Ward(s) affected: Brockley

Contributors: Community Services – Crime, Enforcement & Regulation Service, Head of Law.

Outline and recommendations

Determination of New Premises Licence Application submitted by Vernandah Francis.

After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

The Application was advertised in accordance with regulation 25 of the Licensing Act 2003.

The last day for representations was 20 May 2021.

This matter must be heard within 20 days from the day after the last day of representations unless otherwise agreed with the applicant.

1. Summary

1.1. The following activities were applied for by the applicant:

Regulated Entertainment (Recorded Music)

19:00 – 23:00 Monday - Wednesday

23:30 – 01:00 Thursday

02:00 – 03:00 Friday - Saturday

23:30 – 01:00 Sunday

Sale of Alcohol for consumption ON and OFF the premises

23:30 – 01:00 Thursday

02:00 – 03:00 Friday - Saturday

23:30 – 01:00 Sunday

Removal of conditions

Annex 2 - There shall be no admittance or re-admittance to the premises after 00:00.

Annex 3 - There shall be no admittance to the premises after midnight on Fridays and Saturdays.

Amendment of conditions

Annex 2 - Any alcohol, purchased within the premises, must be consumed by 02:00 hrs to be changed to 03:00hrs

Seasonal Variation

Any day preceding a Bank Holiday until 02:00, to be changed to 03:00.

Change of opening hours

10:00 – 01:30 Thursday

10:00 – 03:30 Friday - Saturday

12:00 – 01:30 Sunday

- 1.2. Currently Licensed for activities:

Regulated Entertainment (Recorded Music)

23:00 – 23:30 Thursday

23:00 – 02:00 Friday - Saturday

19:30 – 23:30 Sunday

Sale of Alcohol for consumption ON and OFF the premises

10:00 – 23:00 Monday - Wednesday

10:00 – 23:30 Thursday

10:00 – 02:00 Friday - Saturday

12:00 – 23:30 Sunday

Current opening hours

10:00 – 23:30 Monday to Wednesday

10:00 – 00:00 Thursday

10:00 – 02:30 Friday and Saturday

12:00 – 00:00 Sunday

Seasonal Variation

Any day preceding a Bank Holiday until 02:00

- 1.3. Representations were received from 17 interested persons on the grounds of public nuisance including 2 local councillors, 1 from Police licensing officer PC Simon Butler and 1 from Crime Enforcement & Regulation officer Frank Olaniran. The representations received from interested parties have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 1.4. Members should note that the closing hours applied for exceed the recommended closing hours outlined in 15.7 of the Council's Licensing Policy

2020-25.

2. Recommendations

- 2.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of crime and disorder and public nuisance. The steps available to the Licensing Authority:
- 1.) Grant the new premises licence as applied for,
 - 2.) Grant the licence subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives
 - 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 4.) Refuse to specify a person in the licence as the designated premises supervisor;
 - 5.) Refuse to grant the application.
- 2.2 Either party has a right of appeal to the Magistrates Court against a decision which should be submitted to the court within 21 days of the date of the decision letter.

3. Policy Context

- 3.1. Decisions by Members of the Licensing Committee should have regard to the Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which includes the following:
- Protection of Children from Harm
 - Prevention of Crime and Disorder
 - Prevention of Public Nuisance
 - Public Safety
- 3.2. Members should also have regard to the Licensing Authority's Statement Licensing Policy 2020-25.
- 3.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

4. Financial implications

- 4.1. Applicants have the right of appeal against any decision by the Licensing Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

5. Legal implications

- 5.1 The Licensing Authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

5.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

6. Equalities implications

6.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

6.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

6.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

6.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

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[technical-guidance](#)

6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7. Climate change and environmental implications

7.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

8. Crime and disorder implications

8.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.

8.2. It is a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

9. Background papers

9.1. Application received 23 April 2021

9.2. 17 Representations as served.

10. Glossary

Term	Definition
Appeal	asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Licence	an authority to do something.

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Term	Definition
Licensee	the holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.
Licence Objectives	Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
Interested Person	A person who lives in the vicinity of the premises A body who represents the persons who live in that vicinity A person involved in a business in that vicinity A body representing businesses in that vicinity An elected member of the council
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.
Responsible Authorities	Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows: <ul style="list-style-type: none"> • Licensing Authority • Chief Officer of Police • London Fire Brigade • Trading Standards • Planning Authority • Public Health • Environmental Enforcement (with respect to Noise) • Children's Services • Home Office Immigration

11. Report author and contact

- 11.1. Lisa Hooper, Crime, Enforcement & Regulation Manager,
lisa.hooper@lewisham.gov.uk, 020 8314 6324.

Is this report easy to understand?

Please give us feedback so we can improve. **Page 20**

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



Licensing Team
 4th Floor Laurence House
 1 Catford Road
 London
 SE6 4RU
 020 8314 6400

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Vernandah Francis

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL 0047

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

135 Lewisham Way
 New Cross
 SE14 6QP

Post town

New Cross

Postcode

SE14 6QP

Telephone number at premises (if any)

0208 694 4963

Non-domestic rateable value of premises



Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|---------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | no
<input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | no
<input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | no
<input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | yes
<input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | no
<input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | no
<input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

no
X

Sale by retail of alcohol (if ticking yes, fill in box J)

yes

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun								

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	yes X <input type="checkbox"/>
				Outdoors	no <input type="checkbox"/>
				Both	no <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Recorded music played either by DJ or CD. Amplified <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) On seasonal days, extended for the required time allowed by The Council or if not apply for a TEN notice. <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) We Would like to extend the licence for music to include the following: 7 days a week CD or DJ amplified. Mon – Weds 7pm to 11pm Thursday & Sunday 7pm to 1am Friday & Saturday 7pm to 3am		
Mon					
Tue	19.00	23.00			
Wed					
Thur	19.00	23.30			
Fri	19.00	02.00			
Sat	19.00	02.00			
Sun	19.00	23.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) We do not currently have any LNR on our licence		Indoors	X <input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Nothing currently in place but would like the same as hours below			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) Mon – Weds 12.00-22.00 Thurs & Sun – 12.00 – 23.30 Fri & Sat 12.00 – 01.00			
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) Seasonal variations as allowed until 03.00		
Mon	10.00	23.00			
Tue	10.00	23.00			
Wed	10.00	23.00			
Thur	10.00	23.30			
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	12.00	23.30	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) We would like to extend the supply of alcohol to the following: Thursday & Sunday until 1am Friday & Saturday until 3am		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).n/a</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) n/a. Extend to 3.30am Friday and Saturday and 1.30am Thursday and Sunday.
Day	Start	Finish	
Mon	10.00	23.30	
Tue	10.00	23.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) We would like to extend the opening hours to the following: Thursday & Sunday to 1.30 am Friday & Saturday to 3.30 am
Wed	10.00	23.30	
Thur	10.00	00.00	
Fri	10.00	02.30	
Sat	10.00	02.30	
Sun	12.00	00.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I believe that the Licence is a fair licence but our trade is seriously being affected by the conditions set out in Annex 3 regarding no entry after midnight. This was imposed on the Licence back in 2005 and recently we have had no noise complaints. With our business rates being so high for a small pub, our takings are low because of this. The current Covid -19 Pandemic has made it a more challenging year than most.

We are a community pub and with no trouble, our customers are very regular and loyal and protective of the premises.

In the main our customers are from a Black and Ethnic minority and many customers are engaged in late employment and would like to enter the building after work sometimes at midnight but we are very strict on no entry so we receive many complaints about this as this generates noise outside. At present many try to enter the premises after midnight which can cause problems with security stopping them entering even though they are regular pub users who we know very well. We are seeking no extension Monday to Wednesday but one hour on Thursdays and Sundays when we have recorded music. On Friday and Saturday, the Licence at present is to 02.00 and we are also asking for one extra hour on both those 2 days.

To offset any potential difficulties I would employ an extra security guard on Friday and Saturday nights so increasing from 2 to 3 as well as our usual patrolling by ourselves. We will provide due diligence. We are a member of the Safer Lewisham Project which gives us extra support should we need it. The Flower of Kent has a good reputation for not calling out the Police, your records will show that. I keep an Incident

Log book but there is very little to report but it is open for inspection. We have been very co-operative with displaying all the required notices. Since I took over in May 2019 I keep in regular communication with adjoining neighbours via notices inviting them to contact us regarding any issues they may have with the pub. Sometimes we have had noise complaints that are not ours. The off licence which is on the opposite corner has a very, very late licence and many times people make a lot of noise which has nothing to do with the pub at all.

At the present time we are only allowed to have music once a month on a Tuesday night, but would like this to be extended to include Monday, Tuesday & Wednesday if required. Occasionally we might have a DJ on a Tuesday but most times it would be recorded music via CD or I-pad as we cannot afford to pay a DJ expenses regularly.

We are a trouble free pub with no drug issues or fights. There is a very good atmosphere and for many people we are a place to go whereby people can play games, listen to music, meet their long-time friends & we enjoy family visits as we are a safe environment and accommodating to children up to 9pm. Our music policy suits people over 30 years of age and our average age range of clientele is between 40 and 60 years of age.

We are in direct competition with other local pubs (eg The Amersham Arms) who have a much later licence than ourselves (4am) and whom have no stipulation of the midnight rule nor do any other competitors that I know.

Just to reiterate, this is a good family run pub. However the business rates have recently doubled, staff wages and running costs increased and on the onset of Covid-19 have made it a very difficult time financially for the hospitality sector. We believe that the extension of opening hours and retraction of Annex 3 regarding no entry after midnight, is what the business requires.

Please tick as appropriate

- I have enclosed the premises licence
yes
- I have enclosed the relevant part of the premises licence
yes

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
n/a

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

I uphold the 4 Licensing Objectives and support their conditions as stated by law on the Licensing Law of 2003. I consider myself very experienced in the public house trade and have held a Licence for many years.

I would take this opportunity to explain how I will uphold the 4 objectives in relation to my application.

b) The prevention of crime and disorder

1. To maintain the current good practice of providing security which will be enhanced from 2 to 3 on certain days of the week, namely Friday and Saturday nights.
2. To continue in having a search policy from 9pm and to have a woman security officer as well as two men.
3. To ensure that clients are redirected to the rear of the building for smoking and general socialising.
4. To liaise with the Safer Lewisham Team of which I am a member.
5. To record any incidents of anti-social behaviour into our Log Book.
6. To extend our CCTV coverage of all areas, back and front.
7. To have signage up for our clients to read and act upon.

c) Public safety

1. To regularly patrol all areas of the pub by myself and my security team.
2. To remove all outside furniture from the front of the building (eg chairs) so as to dis-encourage gathering of people.
3. To instruct the security team to move on people from outside who are not using the pub.
4. To refuse admission of anyone who is found carrying any offensive weapon and this to be recorded into our Incident Log Book.
5. To confiscate any drink that is attempted to be brought into the pub which has not been purchased from the pub.
6. To call minicabs when requested.
7. To ensure we do not promote events of ask 'Guest DJ's to work at the pub.
8. We never produce flyers for any evening and our only advertising is within the pub.

d) The prevention of public nuisance

1. To ensure we have a Sound Limiter that is used whenever music is played by DJ's and to record our findings in a Sound Limiter Log book.
2. To disconnect our bass speakers and to adjust the volume controls on the CD mixer to a setting whereas the bass knobs are disconnected.
3. To reposition are two speakers in order not to let the music 'escape' outside to annoy neighbours.
4. To install large industrial fans so that people do not feel the need to exit the building back or front
5. To continually instruct our security team and senior bar staff to ensure the music is low towards the last 10 minutes of the evening to ensure a quiet dispersal.
6. To limit the use of the mic after one.
7. To regularly update signage.
8. For DJ's to announce before closure for patrons to leave quietly.
9. To continue as per the conditions on our existing Licence of not allowing anyone to go outside with a glass bottle or a glass. We provide plastic cups.

e) The protection of children from harm

1. To carry on with our present policy of not allowing children to remain on the premises after 9pm on any night.
2. To ensure that children are accompanied with their families, not at the bar.
3. To continue with our policy of zero tolerance for any underage drinking.
4. To make sure that bar staff and security challenge anyone who they estimate to be under age.
5. To record any incidents in our Log book.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	16 - 4 - 2021.
Capacity	Premises licence holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.

5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

OBJECTION 1.

From: McGeevor, Cllr Sophie

Sent: 23 April 2021 10:31

To: Olaniran, Frank

Cc: Penfold, Cllr Stephen; Adefiranye, Cllr Obajimi

Subject: Objection: RE: 135 Lewisham Way, SE14 6QP - Flower of Kent - Full Variation of Premises Licence Application

Dear Frank,

Please can you note my objection to the variation in change of opening hours, and seasonal variation at the Flower of Kent, on the grounds of public nuisance.

Brockley councillors have historically received noise complaints about these premises and this extension would arguably only exacerbate existing concerns about noise.

Kind regards,

Sophie

Cllr Sophie McGeevor | Cabinet Member for Environment and Transport | One of three councillors for Brockley Ward (Labour)

OBJECTION 2.

From: Penfold, Cllr Stephen

Sent: 24 April 2021 17:19

To: Olaniran, Frank

Cc: McGeevor, Cllr Sophie; Adefiranye, Cllr Obajimi

Subject: Re: 135 Lewisham Way, SE14 6QP - Flower of Kent - Full Variation of Premises Licence Application

Dear Frank,

Like my co-Councillor, Sophie McGeevor, I have had quite a large amount of casework concerning noise nuisance and anti-social behaviour emanating from this establishment. The existing opening hours seem more than generous. I feel that any extension would exacerbate an already unsatisfactory situation.

Kind regards,

Stephen Penfold

One of 3 Labour Councillors for Brockley Ward

Telephone: 020 8314 8817

OBJECTION 3.

From:

Sent: 28 April 2021 14:14

To: Licensing

Subject: Oppose Flower of Kent SE14 6QP Vernandah Francis Change of Hours, Alcohol sales and readmittance

Dear Sirs,

We strongly oppose the 26/04/21 notice of application for variation of premises licence on the following basis:

- The request to extend the alcohol hours, opening and music hours will put the pub and its' owners on a continual path of conflict with the residents in this residential street due to the public nuisance associated with the request. Florence Road has a pub at either end of the the road, heavy traffic associated with a B road, and an ongoing littering problem outside the Flower of Kent and Costcutter convenience store (years of copy correspondence to council supplied on request). This application would increase the public littering, and the public nuisance of pub goers coming and going, potentially dispersing in the middle of the morning (3am!!) outside open residential windows in the height of summer, after having consumed alcohol all night.
- Florence Road is a narrow residential road with one of the closest kerbside to front door distances in the borough. There is controlled parking on one side of the road Mon - Fri 9am to 6pm. The Flower of Kent pub does not have any car parking facilities. Not a single car parking space on its' premises. Under the pre covid licence pub frequenters often sat in their cars parked in the residents bay playing loud music, smoking and chatting. Other pub goers left parked cars in the resident bays, not returning till late the following day at the weekend, or returning only just before 9am on a Monday. Other pub goers park on the single yellow lines opposite the resident bays, especially at the weekends causing traffic to be reduced to a single lane on Florence Road. Three residents cars have been written off, when cars are forced into a single lane when there is parking on both sides of the road in the last 3 years. To have cars double parked at the weekends, pub goers returning to their cars throughout the night and morning, others occupying spaces during more than 24 hours at the weekend, preventing residents from using the parking bays, will cause excessive noise, stress, grief and anger for all local residents.
- By closing the doors on the Florence Road side of the pub late in the evening, this will do nothing to prevent the parking and associated public nuisance caused by pub goers, whether they drink drive, have a named driver or collect the car the following day.

Kind regards

OBJECTION 4.

From:

Sent: 29 April 2021 04:21

To: Licensing

Subject: Objections to extend license

Dear sir / madam

My name [REDACTED] and I live at

[REDACTED]

I will like to object to the extension of late trading license for the pub called the flower of Kent 135 Lewisham way se14 6qp in the name vernandah Francis.

The road next the the pub is florence Road and is a residential area with familys living in the area. I have lived in this area for 30 years.

And at moment we are getting alot of disturbance in the weekends with to many cars coming in the area and partying on the road and making noise sometimes people fighting With and police getting involved.

I don't see that extending the license will benefit the local resident and community it will cause more problems.

Kind regards

OBJECTION 5.

-----Original Message-----

From:

Sent: 28 April 2021 22:02

To: Licensing

Subject: Flower of Kent

Hi,

I wish to object to the change of licence being applied for by the Flower of Kent on Florence Road/Lewisham Way.

The pub is on a residential street and I think it is completely inappropriate for a pub in such an area to be allowed to stay open until 3am on a Friday and Saturday, and 1am on Sunday.

This will have huge consequences for the residents of Florence Road.

Cars already park all the way up both sides of the road on Saturday and Sunday nights. We have to put up with the noise of people coming and going, playing music loudly in their cars. I don't want to be kept up until 3am every weekend with the noise of people piling out of the pub at closing time.

The houses all have tiny front gardens so the cars are very close to the houses. The parked cars cause traffic jams, hooting when there are jams, and much damage to residents' parked cars as the space is too tight when the narrow road is full of parked cars on both sides.

Staying open until that time will inevitably mean residents will have to put up with an increase in antisocial behaviour from drunken customers of the pub.

This is a very worrying development for residents of the street.

I urge you to turn the application down.

It would be greatly unfair on those of us that live in the street to put up with the extra noise and mess that will result from an extension to the licence. This is not the right location for a late night bar.

Yours faithfully,

Sent from my iPhone

OBJECTION 6.

From:

Sent: 02 May 2021 19:12

To: Licensing

Cc:

Subject: Flower of Kent Pub Lewisham Way -Changes to opening hours

To whom it may concern

As residents of Florence Road we object to the flower of Kent pub request to change there opening hours as we believe that this would be detrimental to us, the road and community due the noise that is caused by their customers and the parking

In 2019 ourselves and numerous neighbours were affected and kept away all night by arguments, fights, drunkenness and fighting over parking which resulted in the police being called

Lastly we have had 2 cars that have been damaged by people who have attended the pub due to bad driving and parking

Regards

OBJECTION 7.



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

PL - Lewisham Borough

9 Holbeach Road,
Catford. SE6 4TW
Telephone: 07795 801039
Email:
Simon.Butler@met.police.uk
www.met.police.uk
Your ref:
Our ref:
5th May 2021

Dear Licensing Team,

Police have received an Application for a Full Variation to Licence at The Flower of Kent Public House, 135, Lewisham Way SE14 6QP.

Police wish to object to this Full Variation on ground of Prevention of Public Nuisance and Prevention of Crime and Disorder. The Variation application was submitted to me on 23/04/2021, and I have been informed that Representations need to be in by 20th May 2021.

I am aware that any concerns that are highlighted below are also to be taken into account that very recent issues have Not arisen, due to All Licensed premises having been forced to Close for a long period of time due to a National Pandemic.

This may appear that information given is "Old" and may be considered "out of date". However, with The Flower of Kent, I am also aware that this premises has under gone a substantial period of closure with Refurbishment, prior to a Pandemic being announced making the period even longer since any dealings with its management and incidents pointed out.

Investigations that have taken place –

1/ Saturday 4th July 2020 at 2250-2305hrs reports made to Police that people being let inside via the rear private door during Pubs refurbishment period.

Result – Found multiple empty bottles of Drink found and evidence of on site drinking had taken place. Meeting arranged with DPS on 7th July 2020 with LA in attendance found that friends and public had been let into the Bar area. Admitting to allowing drinking to take place, as well as admittance from DPS that they had also allowed drinking inside to builders working on the premises at some point. Request to view cctv found that the system was down and being upgraded, so unable to view the drinking that was taking place. DPS served a Notification of Offences form 694 for Breaching licensing conditions after admitting to allowing drinking to take place.

2/ On 13/03/2020 at 2000hrs Compliance visit was made by Police Licensing with LA Enforcement Officers.

Result – Found Incident book was Not being kept up to date and recent logs that should be updated were Not completed. Concerns raised about Cctv and the quality of the system that was insufficient to identify people inside the premises, Not fit for purpose. DPS stated that a substantial refurbishment was soon to take place. Action on Premises to get refurbishment completed and update cctv system and fully complete incident logs that were part of the Licensing conditions. As part of the stepped approach words of advice were given and any further failings would entail enforcement.

Prior to Pc Butler taking over Police Licensing Role records show –

On 4th July 2019 Notice had been served by LA and Action plan given out due to Breaches in Non Admittance. Door staff allowing people to Breach Annex 2 and Annex 3 Conditions permitting re entry to premises on 30/06/2019 after midnight.

Areas of Concern –

Currently on the Premises Licence Annex 2 around No Admittance times as well as further Annex 3 Conditions added around No Admittance after Midnight Friday/ Saturday and around No exit from doors in Florence Road after 2230hrs, would also suggest that history and complaints must have been received by the Local Authority.

Florence Road is known to Police as a residential road and suggestions to add an Annex 3 condition must have highlighted serious issues in the past to a Licensing Committee in order that these be added to the Licence. It has to be noted that also the licence has requirements that the exits have to be supervised after 11pm also shows some kind of concerns around Neighbour nuisance and disturbances having taken place or reported.

Police reports have been documented regarding various calls of an Anti-social behaviour and also highlights concerns regarding nuisance to the neighbours. Record of general bad behaviour surrounding intoxicated people and rowdy behaviour having been reported to police during 2020 even though restricted service for the premises was enforced.

Cad on 28/09/2020 – Female drunk refusing to leave premises.

Cad on 19/08/2020 – 100 people inside reported partying and concerns regarding Covid social distancing issues raised.

Cad on 27/05/2020 – Drug dealing around the outside of the pub being reported.

Police reporting January 2020 – General Loud music being played and Smell of Cannabis from inside a busy pub.

Police wish to Object under Prevention of Crime and Disorder and Prevention of Public Nuisance due to the impact that the increased, extra hours of irresponsible drinking and noise disturbance that could be brought to the area and the local residents. This would have a serious impact on the local community and the harmony that the residents should be looking to authorities to uphold.

Police notice that the Variation that has been submitted does suggest a Noise Limiter although no consideration has been given to simple conditions of keeping doors and windows closed while music is being played or any possible sound proofing of the inside of the premises. These considerations should have formed a basic level of cover for Disturbances to the local community that do not appreciate Music that is being asked for 7 days a week until 1-3am.

Incidents of Concern –

Concerns should be considered regarding the current Licensing conditions not being adhered to and Incident Logs Not completed to a satisfactory level.

Local Competition –

It has been stated in this Application by the DPS, that Not granting the Variation to extend operating hours would put The Flower of Kent at a disadvantage. The application suggests it compares itself with The Amersham Arms, that play live music sets. Having completed checks on local businesses to assist a committee hearing, The Flower of Kent, has two main competitors listed as very close (4 min walk) to the Premises and very much closer than The Amersham Arms.

- a) The Fat Walrus, 44 Lewisham Way SE14 6NP, opening hours Sunday to Thursday until midnight, Friday / Saturday until 0030hrs.
- b) The Royal Albert, 460, New Cross Road SE14 6QP at the other end of Florence Road. Opening hours Sunday to Thursday until 0030hrs and Friday/ Saturday until 0130hrs.

Both premises currently have more restricted hours than the Flower of Kent.

Under Crime and disorder, the amount of extra hours of drinking in a residential area would attract more crime and disorder and an increase in the number of

complaints regarding nuisance and Anti-social behaviour. Police would not support an increase of Alcohol being served any longer with added noise disturbances into an area that already has a high level of Licenced premises and nearby pubs in a residential area. The impact on the local community would be a considerable for police to control when Alcohol is also a major factor.

I object on grounds of Crime and Disorder and Prevention of Public Nuisance.

For your consideration

Regards

Simon Butler

Police Licensing Officer for Lewisham Borough

9 Holbeach Road, Catford SE6 4TW

Further to my Objection regarding the above request for the Licence Variation to The Flower of Kent. Objection submitted on 5th May 2021.

A meeting was held on 10th May 2021, with the Management of the Premises, Mr Frank Olaniran (Local Authority Officer) and Pc Butler (Police Licensing Offiecr), and the matter discussed around the variation applied for.

On 11th May 2021, I would like to make an amendment to my original Representation made.

At the meeting Police and Local Authority highlighted concerns raised by the public and responsible authorities with their application. They premises management advised that they are in need of the extension of hours to survive and operate due to the effects of the Pandemic, and face potential bankruptcy from July, if they do not find a way forward with the variation they have requested.

In listening to the pleas from the business and with regards to balancing the impact on the local community then Police would suggest a possibility in allowing the business to amend the two current conditions they have in place. As forming part of a stepped approach in allowing extra flexibility in the operations of the business and to allow time in which to show responsible management and control. The extra custom they would get from this small change would be less impact on the community with regards to hours and support the business with progression to allow them to survive. The relaxing of the two suggested conditions would have less impact on the community and allow flexibility, assisting the business survive.

Proposed Amendment of conditions:

Annex 2 - There shall be no admittance or re-admittance to the premises after 00:00 changed to 01:00

Annex 3 - There shall be no admittance to the premises after midnight on Fridays and Saturdays changed to 01:00.

In regards to the hours being extended, This would still be an Objection from the Police, at this time, as this would have the most dramatic impact for the local community.

Police would suggest that a period of relaxing the conditions and with a more stepped approach to the Variation would have less impact on the local community.

Public expectation and the sudden opening and back to normal business is showing a rise in Complaints around noise and disturbances as business returns to normal practice. Having all premises closed for a year and then a sudden extension of the hours straight away with conditions change would have a major impact in the local area.

A suggestion to the Chair/ Licensing Committee that the installation of a Noise limiter condition, prior to any extension of operating hours may also assist in putting in place a way of operating with control and may help with regards to community concerns around any increase of noise. This may help with monitoring levels of noise disturbances in a residential area that the premises is situated in. This would be the minimum they would need from this application.

For your consideration

Simon Butler

Police Licensing Officer for Lewisham Borough

OBJECTION 8.

From:

To: licencing@lewisham.gov.uk <licencing@lewisham.gov.uk>

Sent: Sunday, 16 May 2021, 14:25:24 BST

Subject: The Flower of Kent opening hours

Hello,

I have been made aware of the proposal by the above named Public House to extend their licencing hours.

This is a residential street populated by people with children, people who work for a living,

The main issues are potential noise and parking. Again noise. Also, why are you driving if you are drinking?

In the past we have had to endure abuse from customers, the stench of skunk weed, and our pathways being used as lavatories.

I live on a corner. Being surrounded by cars and noisy customers is frankly, intimidating.

I have lived here for over 30 years. People do not behave as one would expect.

Will the pub have bouncers who will direct customers away from resident's homes?
How will the 'No re-entry' rule be enforced?

We are concerned about this. It was bad enough in the past, how will this be any different?

One blessing of lockdown was the peace and quiet. Apart from the parties at No. 52. A repercussion of this sort of situation will hopefully not be repeated.

Yours sincerely,

OBJECTION 9.

FLOWER OF KENT OBJECTION MAY 2021

Dear Lewisham Licensing Team

We are writing to object to ALL aspects of the full variation of the Licence of the Flower of Kent pub on the grounds of Prevention on Public Nuisance and Prevention of Crime and Disorder.

Due to the very serious threatening and aggressive behavior we have suffered from customers of the pub in the past (some outlined further in this objection); we ask that you please remove our personal details from any published form of this objection.

Whilst we appreciate that pubs have had a difficult time over the last year, and may wish to try and claw back lost revenue through extended opening hours, this should not be to the detriment of local residents' ability to have a peaceful night, enough sleep and enjoy their own homes. We have suffered extreme noise, anti-social behavior (ASB), crime and disorder from customers using the pub for a number of years. Our issues have been well documented with both Lewisham Crime, Enforcement & Regulation Team and the Police. We include a table at the end of this objection detailing some of the public nuisance, and crime and disorder incidents we have endured as evidence, but this is by no means an exhaustive list.

The main grounds of our objection are:

1) PREVENTION OF PUBLIC NUISANCE: The key public nuisance issues are:

i) Parking

The pub is unusual compared to other local pubs in the area in that most of its customers seem to drive to the pub on their busy music nights Thursday-Sunday, so are obviously not local. They park their cars at the top of Florence Road near or outside residents' properties including ours (in areas that residents can't use during the day as they are on a red route/yellow lines), parking in Masher Brothers front car park (97-103 Florence Road), or sometimes even double parking at Mashers' car front and the pavement on Florence Road. As they leave, they often shout extremely loudly at each other (sometimes lingering on the street for some time), they often beep their car horns needlessly and extensively, and blast their car stereos. This regularly wakes us and our daughter and it is often impossible sometimes to get any sleep until they have all left. I have to sleep with ear plugs and the windows closed yet we can still hear them. We are all actually dreading the hotter weather as we are unable to open any windows in our property when the pub is open.

Some evenings there can be an additional 20-40 cars parked on our street, with another 5 or 6 parked in Mashers car front. When the pub has been serving alcohol until 2am, we have subsequently suffered this noise until 3am or even later sometimes.

In 2017 the pub applied for and was granted a later licence to serve alcohol until 2am (previously 1am) at the weekend. The licence was granted despite objections

from local residents including ourselves. Residents' concerns were only addressed by two additional conditions given at the hearing (which had no real impact on our issues), one of which was: "*Posters to be displayed in the premises stating "Patrons are requested not to park in Florence Road"*".

Whilst there has indeed been a poster, this has had no effect whatsoever on the number of cars parking on the street or in Mashers, and the associated noise/ASB. In fact the number of cars and associated issues seemed to increase drastically after the extension was granted (again documented with complaints to Lewisham Crime Regulation & Enforcement Team– see evidence in table below). A poster was always unlikely to have little effect on these issues, as we mentioned to the council at the time, as customers have already parked up before they even might see it.

ii) Noise and ASB from Customers Gathering in Mashers Car Park and on Florence Road carrying on drinking and shouting loudly

When customers leave the pub after closing (and also at times when the pub is still open) customers often gather in the car front at Mashers or on the street on Florence Road shouting loudly, and some carrying on drinking and sometimes smoking drugs which we have witnessed – see table below with evidence. They sometimes stand right outside our house underneath our daughter's bedroom shouting. They have in the past sometimes leant on our fence which we have had to repair at our expense a number of times. They have also openly urinated on our fence and in the car park and have dumped their rubbish i.e. bottles, plastic cups etc. inside our front garden. See the table at the end of this document for examples/evidence of this.

iii) Noise from smoking area at rear of pub

In addition to the noise when people leave the premises we also suffer noise from customers using the smoking the area at the back of the pub, although not as loud or serious as those on Florence Road or in Mashers car park, it does impact us particularly in the summer months. When the council extended the licence from 1am to 2am in 2017 the second condition to address residents' concerns was that: "*No one is allowed to take any drinks outside to the smoking area after 22.30pm*" However in our experience we don't think this has been strictly applied, and have heard large groups gathered in this area right up until the pub closes and seen some drinking – see table below for examples- (indeed the pub refers to smoking and *general socialising* in this area in its application).

iv) Other public nuisance issues: we experience include rubbish i.e. bottles, cups, alcohol etc. being dumped in our front garden; and public urination – we have witnessed customers openly urinating in Mashers car front and even on our fence.

All these issues mentioned above will be greatly exacerbated if the current application is granted as follows:

EFFECT OF EXTENSION OF HOURS WEEK/WEEKEND

Extending hours until 1am -pub closing at 1.30am – (NB an additional hour and a half on the existing licence rather than the hour mentioned in the pub's application) on Thursdays and Sundays will mean we will be putting up with the noise and ASB until probably 2am on days we have to get up for work and school. [We know this because these are busy music nights, particularly the Thursday vinyl night, and we have often suffered noise until well after midnight on these nights when the pub stops serving at 11.30]. I am up at 6am for work and my daughter is up at 7am for

school. It is totally unreasonable to expect local residents to survive on 4 or 5 hours sleep, particularly children and young people. This will seriously affect my ability to do my job effectively, and will seriously impact on our daughter's education and future prospects as she is currently studying for exams. It will therefore seriously affect our health, mental health and wellbeing.

Extending serving alcohol hours until 3am on a weekend (Fri/Saturday) will mean we have to put up with this noise and ASB until 4am or later. This is far too late for a pub in a residential street and will again seriously impact on our family's health and wellbeing. I work for a charity and have to work occasional weekends and my ability to do this effectively with hardly any sleep will be seriously impacted. My daughter is studying for her exams at school and obviously needs to study at the weekends too. We will also be too tired to enjoy any family time at weekends.

This pub is on a residential street with families, and thanks to previous licensing committee decisions, is already open much later than the other pubs in the area in similar locations (e.g. the Fat Walrus serves alcohol until 11pm at weekend and the Talbot, and Royal Albert until 1am).

EFFECT OF REMOVAL OF EXISTING CONDITIONS

We are very strongly opposed to the removal of the Condition on no new admittance/re-admittance after 12 policy. Currently when the pub is open (and enforcing this policy) we experience a quieter time between Midnight and 2am. We would like to stress that this no re-admittance policy has cut incidents dramatically in Mashers car park during opening hours, not all incidents but most. What we have experienced in the past (when this rule was not being strictly enforced) was that customers were continually leaving and re-entering the premises to gather in the car park at Mashers, or on the street. In our experience they gather in this area, rather than the smoking area at the back, to smoke cannabis (as obviously they can't do this on the pub's premises) which we have witnessed on a number of occasions. They often have drinks with them and shout loudly often right under our daughter's bedroom window (see table below for examples). Sometimes the customers have got more alcohol from Costcutters off-licence, or from their cars, to drink while there, before eventually going back to the pub. They have even hidden spirit bottles in our fence. This has in the past also attracted other people passing by who then join customers there to drink there or smoke drugs. This issue of customers gathering in this way, has had the most negative impact on us as a family and we are extremely worried about these issues returning if this condition is removed.

Removal of this condition will also mean that more cars/customers will be arriving/trying to park between these hours and all the extra noise that brings.

Indeed this condition was reinforced by Lewisham Crime, Enforcement & Regulation Team in November 2018-March 2019 when whilst under previous management, the pub was placed under an Action Plan by Lewisham Crime Enforcement & Regulation Team, because of the issues/complaints by a number of residents of various issues including this condition not being strictly adhered to, as well as customers gathering in Mashers car front. We noticed that when this Action Plan was in place and the condition was strictly enforced, issues were much better and is probably why complaints about that issue reduced after this time.

2) PREVENTION OF CRIME AND DISORDER:

Much more seriously than the Public Nuisance issues, we have also suffered and witnessed a number of crime and disorder issues. Some of these are highlighted in the table at the end of this document, but include:

- Being physically assaulted and having phone stolen when attempting to take a photo of the large crowd of customers gathered in Mashers car park after the pub closed to use as evidence with Lewisham council– see table below 11/5/2018. The same evening having our fence smashed and in the morning finding a butcher cleaver knife in the planting in our front garden
- Having a drink thrown in face and threatened after politely asking customers not to lean on our fence drinking directly under our daughter's bedroom window - See table below 6/7/2018
- Numerous incidents of people smoking cannabis in the car park at Mashers on the street and under our window – See examples in table below
- Witnessing people driving after drinking or taking drugs (e.g. see table 8th September 2017)
- Finding class C drugs in our front garden morning after customers had been gathered there (see table below 27 July 2018)
- Fighting in Florence Road after customers have left the pub – see table below 31/8/2018
- Being threatened when politely asking a customer not to urinate in the car park at Mashers right in front of our young daughter!
- Just after pub closed one Thursday having a very drunk man ring our door bell, barge into our home when door answered, and threaten with stabbing (see table Dec 2016)

These very serious issues have seriously affected our mental health and caused us severe anxiety. We obviously no longer try to speak politely to any customers directly, and I actually no longer feel safe walking past the pub on my own when the pub is open late at night. We also now lock our front gate at night.

The potential for further issues like those mentioned above will be greatly exacerbated if the current application is granted:

Extending the pub's licence: will mean serious issues are more likely, given likelihood of more alcohol being consumed, and also means we will have these issues until much later in the night.

Removal of the admittance/re-admittance condition: will lead to more customers gathering in Mashers car park and on the street to take cannabis/drugs away from the pub when it is open after midnight. We have seen numerous incidents of this – see examples in the table below. As mentioned above this issue of customers gathering in this way, has had the most negative impact on us as a family and we are extremely worried about these issues returning if this condition is removed.

FULL APPLICATION

We have reviewed the pub's application in full and can see no measures in their additional steps to uphold the licensing objectives section, that we feel will address the serious issues mentioned above.

We realise that many of the serious issues we have mentioned took place before the new management took over. The applicant mentions they have relatively few complaints recently, but with the Covid pandemic, the pub has largely been closed during this time, or under 10pm curfew. In the short time they have been allowed open late, we have still suffered some issues with groups in the car park at Mashers after closing, one noted in table below and other occasions when we did not unfortunately log the dates.

We have met the new manager who reached out to us when first taking over, which we did appreciate. The manager mentioned that she had a long association with the pub working as a member of the bar staff (so should have been aware of some of these issues mentioned above and why restrictions on admission/readmission were reinforced). The customers (some of whom have been responsible for issues mentioned above) of the pub have obviously also not changed.

Also In regards to the condition on re-admittance/admittance being removed the applicant mentions they have had no complaints recently, but aside from being largely closed or under 10pm curfew, the Action Plan in place just before the new management took over particularly on entry/re-entry reduced these issues, and thereby reduced complaints. Removing this condition means the old issues will return (and complaints would increase).

The applicant also seems to lay the blame for noise complaints at Costcutters off-licence in their application. This is not what we have experienced. The only issues we have had with Costcutters have been when customers of the Flower of Kent get more alcohol from Costcutters after leaving the pub, and then drink it in Mashers car front, or on the street before then returning to the pub, or going home if the pub is closed. Indeed Costcutters has been open throughout lockdown, whilst the pub has mostly been closed, and we haven't suffered any noise issues from Costcutters customers whilst the pub has been closed.

The application also mentions they have no issues with drugs but unfortunately this is not the experience of residents. As mentioned earlier and in the table below, customers sometimes leave the pub to take drugs near residents' properties.

LEWISHAM LICENSING POLICY

We would also like to point out that Florence Road is classed as a Residential area in Lewisham Licensing Policy - we are not in the central part of New Cross (a district hub) as defined in the core planning strategy, and we understand this status as a residential area was confirmed to a neighbour by Lewisham's Licensing Team. The preferred latest operating hours of pubs in residential areas on page 41 of the Policy are Monday-Sunday until 11pm. Whilst I understand each application is taken on its own merits, and the policy applies to new applications rather than existing premises, surely these preferred hours should be taken into consideration when deciding whether to grant existing premises longer opening hours. The Flower of Kent is already open 3 hours longer than these preferred hours at the weekend (thanks to the previous Licence Committee decision). Even District Hubs have a preferred closing time of 1am and the Flower of Kent already closes one hour later than this. The policy also states that "*The Council deems unsociable hours for noise between 11pm and 6am*", yet we already endure noise until 3am or later which will only get worse if this application is granted.

We also think this is the wrong time for the council to be considering such an application. There is little recent evidence that can be used as the pub has largely been closed or under 10pm curfew, and representations need to be made before the first weekend of restrictions being lifted.

Apologies for the length of this objection, but having objected back in 2017 and our objection seeming to have very little weight on the committee's ultimate decision to extend the pub's licence until 2am, we thought it best to give a very detailed evidenced explanation of the horrendous issues we have endured, particularly as a result of this decision (which seriously exacerbated the issues we were previously suffering).

Finally we have heard comments saying that people shouldn't move next to pubs if they are going to complain. We would like to point out that our family has been living on Florence Road for over 30 years. We have seen during this time how decisions made by the licensing committee have negatively impacted our lives i.e.

Up to 2005 – the pub was licensed to serve alcohol until 11pm as were most pubs at the time

2005 – 2017 – Following the change in licensing rules the pub was granted a licence to serve alcohol until 1am Friday Saturday, 11.30pm Sunday and 11pm Mon-Thursday – (Closing hours 30 mins later).

May 2017 – the pub applied for and was granted a licence to extend to serve alcohol until 2am Friday Saturday, 11.30pm Thursday (Closing hours 30 mins later) despite residents objections.

We have therefore seen the Flower of Kent change from what was a corner local pub that closed at 11pm and didn't really cause much of a problem, to the current situation, particularly over the last 10 years, where the recent/current management seems to be trying to create some kind of destination nightclub at the weekends, that people drive to. This pub is in a residential street with lots of families, has no car park, and is not in a suitable place for such an establishment, particularly given that most people drive to it and the above issues that this causes. The pub's customers/staff can choose when they visit the pub/work and have a late night, but the long suffering local residents unfortunately cannot.

EVIDENCE OF INCIDENTS

This list is my no means exhaustive, as we unfortunately did not note every incidence where we had endured incidents of public nuisance or crime and disorder, particularly more recently, but it is a representation of the situation we have endured on a regular basis. Many of these incidents have also been communicated to the council previously. We did not always contact the council or police as sometimes tried to deal with management directly, sometimes more successfully than others. [We have only listed examples after 2016 but suffered numerous other incidences prior to this].

DATE	INCIDENT
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11/9/2020	PUBLIC NUISANCE: Large crowd gathered in Mashers car park after the pub closed until 3am loudly shouting and singing. [NB 10pm curfew and then subsequent lockdown came into force not long after this]
Nov-2018 – Mar 2019	ACTION PLAN IN PLACE 26/11/2018 UNTIL END MARCH 2019 DUE TO COMPLAINTS FROM RESIDENTS.
Friday 14/9/2018	PUBLIC NUISANCE: Friday evening/early hours of Saturday there were groups of people still lingering/drinking/shouting on Florence Road and the car park after the pub closed at 2am, with no signs of management/security trying to move people along. It went on for just over half an hour, but was extremely loud and impacted on all our sleep. One group was drinking opposite our house with a bottle of spirits/other drinks actually on the roof of their car and were all shouting. The noise from shouting in the pub smoking area at the back of the pub had also been extremely loud that night right up until the pub closed.
Friday 27 July- Saturday 28/7/2018	CRIME & DISORDER Early in the morning as I was clearing away the bottles that are still left by customers of the pub every weekend in our planting, I found a few packets of pills called Neurontin hidden with the bottles. Informed the police, and found out they are class C as they have been sold on the streets and used by drug abusers, and linked to a number of overdose deaths. Whilst obviously we can't say definitely these were left by customers of the pub, it does seem highly likely as they were not there earlier on the Friday evening, and were amongst the bottles left.
Friday/Sat urday 31/8/2018- 1/9/2018	PUBLIC NUISANCE: There were a large amount of people from the pub once again congregated in the car park at Mashers and on Florence Road after the pub closed at 2am, carrying on drinking and shouting for hours. From when the pub closed at 2am I didn't see any signs of security or management from the pub wearing high viz attempting to move customers on as the Licensing Team said they should. At 3am I saw someone right outside our house leaning on our fence still drinking from a glass. CRIME & DISORDER: At 3.10am there was then a large fight between some of the customers with resulting screaming and shouting just over the road from our house, with people fighting on the pavement and spilling out into the road. After the fight eventually fizzled out there were still customers shouting on the street and in the car park until around 3.50 am – almost 2 hours after the pub had closed. Once again bottles etc. were all dumped in our front garden.
1/9/2018	PUBLIC NUISANCE: After coming home on Saturday night at about 12.15am after meeting friends, we noticed that the pub was still letting customers in (when there is supposedly no admittance and no re-admittance after 12).
6/7/2018- 7/7/2018	CRIME & DISORDER: At about 12.20am on Friday night my daughter and I were again disturbed by people from the pub gathered in Mashers car park and right outside our home. There were a group of people drinking/shouting and leaning on our fence. They had their alcohol bottles/cups inside our fence on our wall next to our planting, right under

	<p>our daughter's window. At one point I witnessed one of the people who was leaning against our fence, rolling and then smoking/passing round a joint, actually seeing him burn and put the cannabis in after the tobacco.</p> <p>At about 12.50am my husband returned home after he had had a night out with friends himself. Seeing the group shouting, leaning on our fence, with their drinks inside our garden, right under our daughter's window, he very politely asked them to move away as our daughter was sleeping upstairs, and politely asked them not to treat our wall as a bar. He was inside our front garden at the time. One of the men then threw the alcohol he had been drinking from his plastic cup in my husband's face, and then shouted at him and threatened to hit him. Hearing the commotion, I popped outside to see if he was OK, saying I would call the police, at which point the man that had threatened and threw the drink at him was dragged off in the direction of the pub by another man that was with him. We obviously couldn't see if they were then readmitted to the pub as the entrance is round the corner.</p> <p>In addition to the 6 or 7 that were right outside our fence there were 2 other groups of people in Mashers car park drinking/smoking. We had suffered noise for over half an hour from customers in this area that probably would have gone on longer if my husband hadn't returned when he did.</p>
1/6/2018	<p>PUBLIC NUISANCE: We suffered another intolerable night of noise and disorder from people leaving the Flower of Kent involving larger groups of people, with noise and disorder continuing until nearly 3am. The worst of the noise started at about 1.40am with a group of people in the car park at Mashers on Florence Road shouting, screaming and drinking from plastic glasses or bottles. At around 2.10am as the pub closed more people arrived and continued shouting, screaming and swearing in Mashers car park or on the pavement on Florence Road near our home. Many people were arriving from the direction of the pub with plastic glasses filled with alcohol, or bottles, and continued drinking. At one point a woman right outside our home screamed at the top of her voice at other people right at the top of the street walking down from the pub. At another point a man ran down the middle of the road following a car literally screaming wildly and excessively, with ensuing chaos from cars beeping etc.</p> <p>I also witnessed two men right outside our house front window shouting, one of whom then got out a substance from a plastic container in his pocket and passed this substance to another man. There was no sign of any security or management trying to move the customers along. Some people started drifting away from about 2.35am and getting into their cars and driving away, but there were still some people in the car park shouting after that, and it wasn't eventually quiet until 2.55 am. Many of the bottles people had been drinking from were also once again dumped in our front garden or on our fence.</p>
Wednesday 6 June	<p>PUBLIC NUISANCE: Unfortunately the problem is now not only confined to weekends, last night we were disturbed by people again in the car park at Mashers who were there shouting very loudly from about</p>

	11.30pm until just after midnight. Although not as late as at the weekends, the impact is greater as we have to get up very early for work/school.
Tuesday 29 May 2018	PUBLIC NUISANCE: I was awoken at 11.20pm by the noise of extreme shouting again from customers in the car park which went on for about 20 minutes.
11/5/2018	CRIME & DISORDER: Friday evening/early hours Saturday at about 2.15 am there was still a large group of customers shouting loudly and carrying on drinking. Feeling frustrated by getting no long term solution to all our problems following the extension in licensing hours granted by the council, I thought I would take a photo of the people standing there to send to the council as evidence. This resulted in one of the customers (a female) seeing me, physically assaulting me in my front garden, and stealing my phone. I was badly bruised on my arms, and quite shaken up. Someone also broke part of our fence which we had to repair. The police were informed but ultimately dropped the case due to a slim chance of a prosecution. On Saturday morning amongst the empty alcohol bottles that are regularly dumped every single week by the pub's customers inside our fence, we also found a large butcher's meat cleaver knife , which the police officer who came to investigate the assault/robbery on me, took away with him.
28 April 2018	PUBLIC NUISANCE: Just after midnight there were so many customers parked at the top of Florence Road that other traffic couldn't get passed as there was only enough space for one way traffic. This led to numerous arguments on the street between drivers, and loads of beeping horns for hours, as there was no width for them to move.
Friday 2 Feb 2018	PUBLIC NUISANCE: this was a particularly bad night – there had been loud shouting from the back garden all night until the pub shut at 2am – then at 2.15 a large group gathered on Florence Road and in Mashers car park shouting and screaming. No signs of any dispersal policy – or door supervisors moving them on. Two customers were also leaning on our fence smoking what looked like cannabis and shouting at each other. As the customers eventually got into their cars, they all were beeping their horns etc. at each other. At 2.35am the drivers of two cars started having a conversation with one of cars blocking the middle of the road – all the other cars trying to get up Florence Road couldn't move so this resulted in more loud beeping and shouting.
12 Jan 2018	PUBLIC NUISANCE: 2.15-2.30 am – customer car was parked outside under my daughter's window. Once the pub closed the customer got in their car and blasted their stereo so loudly for 15 minutes, it woke all my family and the whole house was shaking.
8 th Sep 2017	PUBLIC NUISANCE: On Saturday evening/early hours of Sunday having gone to bed at about 11.45 with all windows closed and wearing earplugs (as the only way I can attempt to get any sleep these days), I was woken at around 1am by the sound of excessive shouting and screaming from customers of the pub which was so loud it was impossible to sleep through. The noise was coming from both the pub's smoking area at the back of the pub, and even more loudly from customers once again

	<p>gathered in Mashers car park on Florence Road and on the street on Florence Road right next to our home. I thought there was supposed to be no admittance to the pub after 12 but customers appeared to be gathered here and then heading back and forth in the direction of the pub. Following previous discussions with the council/police we were assured that the pub was supposed to ensure that customers do not gather in the car park at Mashers or on the street in Florence Road, whilst the pub was open or just after it has closed, but there were no signs of any security or management checking this area. I could also hear the music from the pub intermittently – I’m not sure if the doors were open?</p> <p>This excessive shouting went on at the smoking area at the back of the pub until almost 2am when the pub closed. I was looking forward to then be able to get some sleep when customers finally left the pub, but the noise coming from the customers shouting in the car park at Mashers and from customers on the street in Florence Road actually got worse after 2am when more customers leaving the pub when it had closed then joined the people already gathered there, and they continued shouting and drinking in the car park at Mashers, and along the street at Florence Road. This noise continued until almost 3am. There were no signs of any security or management from the pub trying to move customers on, no signs of any ‘dispersal policy’ that the pub says it has in place. As far as I can see the dispersal policy must consist of moving customers from directly outside the pub nearer to residents’ homes.</p> <p>Some of the customers were drinking and some smoking what looked like cannabis joints. Some seemed to arrive with small plastic glasses with what looked like alcohol in, or bottles of stout. Some seemed to have alcohol with them (I’m not sure if this came from the pub or maybe from their cars parked there), and some seemed to go and get more alcohol from Costcutters on the corner of Florence Road/Lewisham Way.</p> <p>The customers also dumped their bottles and plastic glasses in our front garden. We are used to finding a bottle or 2 on Saturday and Sunday mornings, but on the Sunday morning it was worse than ever with about 6/7 stout/ale bottles, 2 small spirit bottles and 2 plastic glasses all dumped inside our front garden and planting. There was also once again the sound of beeping car horns as customers eventually got in their cars and left and beeped their horns at the people still gathered on the street. I even heard some customers on the street who were shouting saying they were waiting for cabs that they had ordered to pick them up from Florence Road outside residents’ homes.</p> <p>CRIME & DISORDER: What is even more worrying was that I witnessed a customer drinking alcohol/smoking what appeared to be cannabis, then driving off in their car. This was a potential danger to other drivers on the road and pedestrians.</p>
Friday 25/8/2017	<p>PUBLIC NUISANCE – after an evening out for dinner myself – I returned at about 1am with two friends who came to my house to order a cab, and we saw lots of customers gathered outside the pub on Lewisham Way,</p>

	along the side of the pub on Florence Road, in Mashers car park and right outside my house.
Friday 4/8/2017	PUBLIC NUISANCE: loud blasting of stereo from car parked in Mashers at 2.20am and still people shouting in front of our house until 2.20am.
Friday 21/7/2017	PUBLIC NUISANCE: shouting again from pub smoking area until almost 2am, noise and shouting in the street in front of our home until 2.50 am
Saturday 15/7/2017	PUBLIC NUISANCE: loud shouting from smoking area at back until almost 2am. Cars double parked at front.
Friday 30/6/2017	PUBLIC NUISANCE: the cars were actually triple parked by the car park at Mashers near our home, blocking the pavement, with resulting noise and chaos until after 2am. We were also once again disturbed by excessive shouting from the smoking area at the back of the pub on this evening.
Friday 9/7/2017	PUBLIC NUISANCE: At 1.25 am we were disturbed by a group of about 10 people who were shouting right under our daughter's bedroom window and lingered there for about 10 minutes shouting loudly. One of them was parked right next to our home, and eventually they left. At 1.40 am another group of about 6 people then started shouting in exactly the same place right under our daughter's bedroom. They seemed to be arranging for a lift right outside our home and eventually a car turned up a picked most of them up. There were lots of people also gathered in Mashers car park making noise as they seemed to be waiting for lifts to pick them up at about 1.45. The fact that customers are arranging for lifts to pick them up right outside our home is completely unacceptable. There was also extreme noise from beeping of car horns, right up until around 2 am as the rest of the customers left.
Saturday 17/6/2017	PUBLIC NUISANCE: The noise and disorder was much worse on this evening. We suffered excessive noise at the front of our home from 2am until after 3am with large groups of customers gathered on the street or in the car park at Mashers Brothers shouting excessively, and lingering for some time before getting in the cars. At 3 am there was still a large group in Mashers car park (with some drinking from plastic glasses). We didn't see any signs of security or management trying to move customers along. On the same evening we also suffered noise from excessive shouting at the back of our home from the smoking area until nearly 2.30 am. At one point at about 2.20am we could even hear the DJ. I'm not sure if perhaps they had left a door open to his area?
25 MAY 2017	PUB GRANTED LATER LICENCE UNTIL 2AM (PREVIOUSLY 1AM) SO INCIDENTS BELOW ARE FROM WHEN THE PUB SERVED ALCOHOL UNTIL 1AM AT WEEKENDS
Sunday 14 th May	PUBLIC NUISANCE: Customers of the pub gathered at the car park at Mashers on Florence Road drinking (with some smoking cannabis) whilst the pub is still open (when they were also leaning on our fence),
Monday 22 May and Tuesday	PUBLIC NUISANCE: Customers of the pub gathered at the car park at Mashers on Florence Road drinking (with some smoking cannabis) whilst the pub is still open and woke up our daughter. They were not there late at night, and only whilst the pub was open, but the shouting was noisy enough to disturb our enjoyment of our home, and keep our daughter

23 May 2017	awake on nights she has to get up early for school the following day. Following discussions with the council, the pub was supposed to ensure that customers do not gather in this area when the pub is open or has just closed.
Sat 20 May 2017	PUBLIC NUISANCE: We suffered from excessive shouting from the area at the rear of the pub until about 2.15am - this when I think the pub should have finished serving at 1am (unless they had a TEN that night?).
Friday 21/4/2017	PUBLIC NUISANCE: Friday night our family was woken by the noise of customers leaving and excessive shouting on the street near our house until 1.45am
Thursday Dec 2016	CRIME & DISORDER: A very drunk person rang our doorbell late at night. My husband answered the door in case it was someone in trouble, and this man then tried to barge his way into our house. My husband managed to push him out the front door. He then threatened to stab my husband. We have no way of proving this person came from the Flower of Kent, but it was very coincidental that it was about the time when customers leave their regular Thursday Vinyl night. We rang 999 and the police attended and subsequently paid us another visit, but they couldn't find the man and said it was like trying to find 'a needle in a haystack'. This was a terrifying experience for all of us, but particularly for our daughter.
Friday 20 May 2016	PUBLIC NUISANCE: Despite the no admittance/re-admittance after midnight policy, there were still about 20-30 customers openly standing outside the front of the pub, and about another 10- 15 outside the side of the pub on Florence Road at nearly 12.30 am. They were not leaving and my husband witnessed them still going in and out of the pub, when there is supposed to be no-one admitted after 12.

OBJECTION 10.

From:

Sent: 20 May 2021 09:45

To: Licensing

Subject: Objection: Flower of Kent licence extension

I am writing to object to the application to extend licensing hours and conditions at the Flower of Kent pub on Florence Road.

Florence Road is a residential street. Many of the people who live here are couples and young families who have chosen to live here because of the combination of traditional Victorian housing and the vibrant local community in the surrounding area. We have established a lively and supportive community of our own on the street, often helping each other out with help and advice. Lately, the topic of potential extended hours at the Flower of Kent has dominated our conversations, and it's easy to see why.

The Flower of Kent is a regular, modestly sized London corner pub on the end of a residential street. It's absolutely not a location where you'd expect to find a venue keeping nightclub hours. I would have thought that alone should argue against this application, but there are also some specific reasons for my objection.

The first concerns the possibility of criminal damage. Shortly after I moved to Florence Road in 2013 I experienced first-hand what can happen when people leaving late-night venues find themselves on a residential street. My car was one of two written off after a fire was lit in a gutter in the parking bays on the East side of the street. I've no reason to suspect that whoever did this had been at the Flower of Kent but the police were firmly of the opinion that the perpetrators would have been partying into the small hours somewhere locally. I gather there have been other incidents of vandalism and disturbing behaviour too. It seems to me that granting a late licence to a venue so close to a residential homes and property would be simply inviting further incidents of this kind.

The second issue concerns the more general nuisance created by people leaving the pub in the early hours of the morning. Florence Road's narrow pavements are regularly clogged with cars on weekend evenings, which is a nuisance in itself. When the drivers and their passengers leave the pub and come to pick up their cars the noise can be incredibly disturbing. Most of houses on the street have at least one bedroom facing the pavement, typically only a few feet away from the cars being

parked there, and many of us leave our windows open in the summer. We're already regularly disturbed by the noise not just of so many cars being driven away at the same time but of so many people congregating on the street before they leave. There's often shouting; sometimes even arguing and fighting. This is bad enough when it happens around 1am. You can imagine how we all feel about it happening at 3:30.

I gather than the pub encourages people to leave via the Lewisham Way exit, but clearly that makes little difference if they're collecting cars on Florence Road.

I understand the pub has also asked that the ban on entry after midnight be lifted. I gather from people who live closest to the pub that the level of noise and disturbance has been reduced as a direct consequence of this licensing condition. On that basis I would like to object to this change too.

I've no wish to stand in the way of a local business's progress. I gather they cite the Amersham Arms as a main competitor but I don't believe that's a legitimate comparison. The Amersham Arms is a much bigger pub that has been specifically configured as a music/entertainment venue and – crucially – it is located on a main road not a residential street.

For the general and specific reasons outlined above I passionately feel it would be a mistake to grant this change to the licence.

I ask that my name and address be redacted from any formal documentation.

Thank you.

OBJECTION 11.

From:

Sent: 20 May 2021 15:28

To: Licensing

Subject: application for removal of existing conditions

I am writing to you in my capacity of the Freeholder ...

My concern is the proposed application for the removal of existing licensing conditions that has been made by

VERNANDAH Francis

The Flower of Kent

136 Lewisham way

SE14 6QP

I want to object to any amendment to the present conditions, as they will prolong the continual public nuisance that emanates from this establishment's late night/early morning hours clientèle and has done for numerous years. It is this nuisance and behaviour that led to the now imposed restrictions and the reason that the conditions and restrictions have been enforced, Their removal will cause nuisance levels to revert back to what we have seen in the passed, free and ease of access will increase the noise and commotion for longer periods into the earlier hours of the morning.

The public house is what might be considered as a destination venue rather than a local amenity i.e., bringing clients from out of the area. the relaxing of entrance and exit restrictions will increase and encourage continuous arrival and departure of cars and taxis for sustained periods into the earlier hours, which in turn increases the demand on very limited parking space down Florence road spreading the noise intrusion to its residents for a considerable stretch, as the public house has no parking facilities and Lewisham Way is a red route.

I regard the late night urinating by male revellers in the approach to the front door of my property and the basement, which has be reported, to me by my tenants, antisocial behaviour in the extreme as well as a public offence.

With regards the prevention of crime and disorder the lifting of the restrictions will make the control and prevention and enforcement of drug use impossible to police and residents will once again be exposed to a major historical problem as this late night venue reverts back to these former antisocial behaviours, increasing the need for police surveillance while further draining the public purse.

Kind regards.

OBJECTION 12.

From:

Sent: 20 May 2021 20:29

To: Licensing

Subject: Flower of Kent Pub Licensing Objection

Dear Lewisham Licensing Team,

I would like to place a strong objection to the Flower of Kent pub on the corner of Lewisham Way and Florence Road extending their license on the grounds of "Prevention of public nuisance" and "Prevention of crime and disorder as set out in your licensing policy"

Florence Road is a residential street which as set out in your policy the preferred closing time is 11pm. They are currently open to 2:00am on Friday and Saturdays.

In their application, they compare themselves to The Amersham Arms as their direct competition (open 'til 4am), but The Amersham Arms is a live music venue in an area designated as a 'district hub' and not a fair comparison. The Flower of Kent is a public house in a residential area which already has the latest opening hours in the area (compared to Royal George, Fat Walrus, Wickham Arms, New Cross House, Star and Garter etc., all of which have earlier closing hours that they fail to mention in their application). For example, the pub at the other end of the road, the Royal Albert, closes at 1am on Fridays and Saturdays which is far more reasonable. The no-admittance policy is in place currently because of noise from patrons on the street, perhaps if they wish to remove the no-admittance policy, they could consider bringing their opening hours in line with Lewisham residential neighbourhood policy and their direct competitors in the area thus reducing noise in unsociable hours.

They are applying to play music every day of the week which will cause disturbance to us as their nearest neighbours (<50m) and will cause more noise pollution to the rest of us that are nearby. Our bedrooms face onto the street so are within 50m of the pub.

In response to their application notes that they are struggling financially, we'd like to suggest that revenue from food typically far outweighs net profit, so they might reconsider their business model from a venue that plays music late into the night directly disrupting their neighbours to a local residential pub that sells food as well which would add more value to the neighbourhood.

I cannot see any benefit to the local residents in this application.

As an extra note, one other serious issue that stems directly from the pub, especially on event nights, is the amount of cars parked illegally on Florence Road. Not only does it create a lot of extra traffic early in the morning but means we also can't park on our own road. There is one other obvious question that stems from this, why are people driving to a pub in London and then why does that pub need to be open till 3am, to sell drivers alcohol. Are police going to actively police this?

Signed,

OBJECTION 13.

Sent: 20 May 2021 10:34

To: Licensing

Subject: Objection to extended hours

Dear Sir,

I would like to object to the application for later opening hours by the **Flower of Kent** pub at **135 Lewisham Way SE14 6QP**.

I am a resident at [REDACTED] where I live with my partner and young daughter. Following various issues on our road over the last few years, I am shocked to see an application by the landlord of the pub to extend its opening hours. We have witnessed various issues on the road directly related to the pub and I worry these extended hours will only increase these issues.

The reasons for my objections are as follows:

- The rear of our house faces the same direction as the pub's garden. During later opening hours, we can hear music from the pub/garden within our property which disrupts our daughter's sleep. This is amplified during the summer months when our windows are open. The garden has a BBQ which draws more people and increases noise.
- Our road is used for parking by visitors to the pub, despite a notice in the window of the pub telling visitors to park elsewhere. Who is going to read a notice in a pub window? Our road is always at capacity, especially at the weekends, which makes it impossible for local residents to park near to their home.
- Due to parking restrictions relaxing over the weekend (parking on yellow lines allowed) cars are parked on both sides of our narrow residential road which results in heavier traffic. Traffic has to queue along the street as only one car can pass through whilst cars are double-parked. This also results in cars using their horn and frequently traffic becomes stuck and cannot move.

- The increase in traffic has also resulted in damage to cars. A neighbour's car was hit by an intoxicated driver who had left the pub. It absolutely baffles me as to how such a large number of people DRIVE to and from a pub!
- The extended hours would only lead to increased intoxication and the potential for drivers to drive whilst intoxicated.
- Typically, visitors to the pub meet their friends next to their parked cars, before walking to the pub together. This can last as much as an hour. They talk loudly, shout and consume drinks beside their cars. We have seen an increase in litter due to this. I have witnessed people use our bins for their litter and also 'spike' plastic/polystyrene cups onto the spikes of the railings outside my neighbour's house. This continues after the pub closes, where noise again becomes an issue and with the proposed later hours, this will be happening in the middle of the night.
- I would also like to raise concerns over the garden and the use of the area. I have noticed the fence of the garden has been burnt, presumably from the BBQ.
- Generally, the issues of noise arise when the pub closes and people are outside our homes. We have had issues with noise during the night. Particularly, during the summer when windows are open, as mentioned.
- And finally, I do not understand how an application for such a late licence can be granted on a residential street such as ours. There are many families (with young children) on this street and therefore one would assume standard opening hours are sufficient and much more appropriate considering the pub's location.

Many thanks,

OBJECTION 14.

Sent: 17 May 2021 11:22

To: Licensing

Subject: New/Variation Premise Licence/ Vernandah Francis / Flower of Kent 135, Lewisham Way SE14 6QP

Dear Licencing Committee

Re: New/Variation Premise Licence/ Vernandah Francis / Flower of Kent 135, Lewisham Way SE14 6QP

I am the owner of a property at the Lewisham Way end of Florence Road

I strongly object to the application made to remove the conditions and change the hours of opening at the Flower of Kent.

These conditions were wisely put on the Licence granted to the Flower of Kent by the committee for good reasons. Removing these conditions and changing the hours means we will revert to the previous problems experienced by the local residents and will make keeping and enforcing order by the police extremely difficult.

The hours of opening on the existing permit, if this is licence is still valid, are already too long.

Public safety: The fights and arguments that often used to break out with customers coming and going in the early hours made them feel very unsafe and intimidated.

The prevention of public nuisance: The customers of the Pub regularly used the front door area of my property, which is set back from the road, to urinate. The noise of people coming in and out of the pub late at night is excessively noisy and not only wakes up and but keeps the local residents awake. The constant banging of car doors, loud conversations and arguments are a nuisance and intimidating.

Changing the conditions would revert back to this. The present restrictions help to calm this.

The prevention of crime and disorder: there have been fights and arguments, some where the police have been called out . This was exacerbated by customers coming in and out of the pub in the early hours and hanging about outside. Removing the conditions would make policing the premises much more difficult and time consuming.

The hours already allowed are more than adequate and already more than the residents would like. Extending the hours on a Thursday would greatly impact those who have to rise to go to work having being disturbed half the night.

There is no a good reason to extend the hours and change any of the existing conditions which have improved the historic situation.

These conditions were put on in response to the many complaints from local residents.

with regards

OBJECTION 15.

Sent: 19 May 2021 16:58

To: Licensing

Subject: Flower of Kent pub

To whom it may concern

I am writing to object to the proposed extension of opening hours for the Flower of Kent pub - to 3am Friday and Saturday, and 1am on Sundays.

This is a residential road containing 95 houses, some split into flats. My main concerns are on these two points below:

1. The prevention of crime and disorder. This relates to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises. A licence holder/applicant cannot generally be held responsible for the conduct of individuals once they leave the premises.
2. Prevention of public nuisance. This can relate to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.

This is a small pub, running music nights and the impact on extending the opening hours will severely impact our living.

Currently on late opening nights, the road is packed with cars. The pub have a notice on the window to notify customers not to park on our road and to respect us neighbours - this isn't adhered to. On late nights, both sides of our road are fully parked up with cars and some customers seem to be totally unaware of the noise that they are creating and that it's a residential street. On these nights, we are unable to find space to park our own cars if we go out for the day and end up parking elsewhere. There is also noise outside once they leave the pub to return to their cars.

Most of us residents have bedrooms facing the front of our properties. And our walls are not as thick as you would like to think. Conversations outside our homes can be heard clearly and there is little space between our front doors and the road - everything

Due to the pandemic, a growing number of us are working from home. Having the pub open until 1am doesn't take our sleep into consideration before our working week. And we have young children whose sleep will be disrupted by the noise outside before school the next day.

I personally feel there is no real need to extend the licence any further for these reasons:

- This is a residential road. I totally sympathise about the pub's loss of earnings due to the pandemic. But this pandemic has affected a lot of us financially. Granting them an extension is not the solution.
- The pub argues that recently there have been no noise complaints - the pub has been closed for a considerable amount of time over the lockdown (from March 2020).

- It isn't a fair argument to compare their application to the late hours issued to the Amersham Arms. The Amersham Arms is on an A-Road, their patrons are unable to park up around the venue due to this, and is actually a well renowned and credible guitar music live venue. The Flower of Kent is a pub not a live venue.
 - Please note that other pubs in the area do not open beyond 1am.
 - The idea of permitting re-entry after 12 is chaotic - this will no doubt lead to more anti-social behaviour as news gathers about a 'late-night bar' in the area.
 - Littering is an issue on our street - even worse after a late night at this pub.
- I would urge the council to take the resident's concerns into consideration.

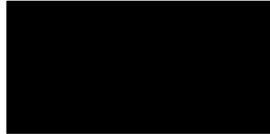
Yours sincerely

OBJECTION 16.

Sent: 19 May 2021 15:51

To: Licensing

Subject: Flower of Kent Pub, 135 Lewisham Way SE14 6QP



19th May 2021

Lewisham Council Licensing

Dear Sir / Madam

Alteration of licence for the Flower of Kent Public House, 135 Lewisham Way SE14 6QP

With reference to the proposed changes in hours and conditions of entry after midnight –

I live with my husband and son at [REDACTED] We have lived here since 1988, and we also own number [REDACTED], which we have let.

I do feel that the pub is generally well run, and that the current landlady has made efforts to respond to any concerns of local residents, but I am concerned that the changes to the licence would have a detrimental effect on our family, and on our tenants, who live significantly closer to the pub than we do.

I am aware,that the past fourteen months have been exceptional, and I can sympathise with the pub as the loss of income has been significant. I can agree that they would be keen to increase takings when they are able to re-open, but I do feel that we need to consider the local residents and the right to quiet enjoyment of our homes.

The current licence conditions are probably the full extent that I would be satisfied to accept.

Although the pub address is Lewisham Way, with the only public entrance being on Lewisham Way, the newly renovated pub 'garden' abuts Florence Road, which is solely residential, and there is an entry/exit on Florence Road. Once the pub re-opens, I am concerned that this will create a noise nuisance. There had been problems in the past with noise, which have been addressed, this would be a new issue and I await to see if it causes a problem.

We suffer from the increased traffic and parking on the road when the pub is busy, usually Thursday to Sunday, with the road full of patrons' cars. I note that the pub has displayed signs asking patrons not to park in Florence Road, and that they

cannot police this, but it is a fact that it happens. The noise and disruption this causes is not insignificant.

Our tenants have complained to us of people using the front garden as a urinal, or people standing beside the cars at closing time, chatting, and playing music, before leaving. This cannot be solely attributed to the patrons of the pub, of course, but the traffic at closing time can only be from the pub.

For this to be happening even later, with also people arriving up to closing time, would add to the problem. I do not accept the statement regarding customers wanting to come out to the pub after a late finish at work, as I work shifts myself, it has never been an issue that I could not go into a pub after finishing work at midnight.

There is litter from empty bottles, glasses and cigarette ends on the forecourt of the Masher Brothers Joinery, which appears over the weekends, when the pub has been open, some of which has to be attributed to their customers, and I have personally witnessed male customers of the pub urinating against the fence bordering the pub yard and the forecourt.

So my objection is based on points 1 and 3 (Anti-social behaviour, and prevention of public nuisance)

Yours

████████████████████

(with the joint objection of ██████████)



OBJECTION 17.

LICENSING TEAM
9 Holbeach Road
London
SE6 4TW

Crime Enforcement and
Regulation Service
9 Holbeach Road
Catford
London SE6 4TW

Direct line: 0208 314 7237
Email: cer@lewisham.gov.uk

Date 24th May 2021
Our ref WK/202107670

Dear Licensing Team,

RE: Objection to Full Variation - The Flower of Kent Public House, 135, Lewisham Way SE14 6QP.

I am writing to object to the application for a Full Variation made by Vernandah Francis for the aforementioned premises on the grounds of Public Nuisance.

The Crime, Enforcement and Regulation (CER) Service has received complaints from local residents over 16 years with regards to noise nuisance from the premises causing a disturbance in the area.

Since Vernandah Francis became the licence holder in May 2019, the premises has subsequently been observed by the CER Service on a number of occasions breaching their licence conditions, specifically the following conditions;

Annex 2 - There shall be no admittance or re-admittance to the premises after 00:00.

Annex 3 - There shall be no admittance to the premises after midnight on Fridays and Saturdays.

These incidents took place on:

Sunday 26th January 2020

- At approx. 00:24 a male was observed being permitted entry onto the premises
- At approx. 00:25 a female was permitted entry onto the premises
- At approx. 00:26 2 females were permitted entry on the premises

17th August 2019

- At approx. 00:28 a male was observed being permitted entry onto the premises by door staff after persistent coercion.

30th June 2019

- At approx. 00:06 officers witnessed SIA door security working for the Flower of Kent Public House permit entry to 2 males on to the premises, one of which was a re-admittance. This was admitted by the doorman when officers challenged this incident.
- At 00:11 officers witnessed the admittance of a male on to the premises. This was also admitted by the doorman and the duty manager when officers challenged this incident.

Since highlighting these concerns to Vernandah Francis, the Licensing Authority have observed improvements with the operation of the premises, one being the change of door staff at the premises, preventing late arrivals onto the premises after midnight.

The CER Service has received 2 reports of noise nuisance from local residents both in January 2020.

While investigating these concerns, officers have been unable to confirm a statutory nuisance taking place with regards to noise due to Covid 19 restrictions. These restrictions have also prevented the business operating normally over the last 18 months.

Following a meeting on 10th May 2021, with the applicant, Pc Butler (Police Licensing Officer), and the Licensing Authority, the applicant has advised us of the changes made to the premises as a way of mitigating reports of nuisance from residents.

In light of this and having understood the position of the premises in this current climate, the Crime, Enforcement & Regulation Service acting as the Licensing Authority are of the view that the following amendments to the current licence would be reasonable:

Annex 2 - There shall be no admittance or re-admittance to the premises after 00:00 changed to 01:00.

Annex 3 - There shall be no admittance to the premises after midnight on Fridays and Saturdays changed to 01:00.

By permitting this change, the Licensing Authority is allowing the premises to cater to their regular patrons who attend late and allow them to recoup lost revenue as a result of restrictions placed upon the hospitality industry.

It is also expected that there will be a reduction in the amount of people loitering around the premises, causing a nuisance to local residents as they will be denied re-entry.

At this present time, the Licensing Authority feel it is necessary to object to any extension of hours for existing licensable activity at this premises, as a way of safeguarding local residents from the possible negative impact.

The Licensing Authority would like to see the following conditions added to the licence, should the Committee agree that the amendment to the conditions is reasonable:

Noise Limiter:

- (a) If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises License.
- (b) The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter. An annual calibration of the noise limiter must take place by a qualified sound engineer and recorded in the incident book.
- (c) When musical entertainment is offered at the premises after 23.00 hours, management will ensure regular monitoring in the vicinity of the premises to establish if there is noise breakout from the premises.

In the event the premises is able to demonstrate that these amendments will not impact negatively on key licensing objectives, the Licensing Authority will welcome an application in the future to reconsider its position on the possible extension of licensable activity.

Should you require further information, please let me know.

Kind regards

F. Olaniran

Frank Olaniran
Crime, Enforcement & Regulation Officer

Premises licence number

PL 0047

Premises name

FLOWER OF KENT

Part 1- Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

135 Lewisham Way

Post town London**Post code** SE14 6QP**Telephone number**

02086944962

Premises licence holder name

Vernandah Francis



Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW

Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Provision of regulated entertainment

Recorded Music

Sale by retail of alcohol

for consumption on and off the premises

The times the licence authorises the carrying out of licensable activities

Recorded Music

23:00 - 23:30 Thursday

23:00 – 02:00 Friday

23:00 – 02:00 Saturday

19:30 – 23:30 Sunday

Seasonal Variation: Any day preceding a Bank Holiday until 02:00

Alcohol

10.00 - 23.00 Monday

10.00 - 23.00 Tuesday

10.00 - 23.00 Wednesday

10.00 - 23.30 Thursday

10.00 - 02.00 Friday

10.00 - 02.00 Saturday

12.00 - 23.30 Sunday

Seasonal Variation: Any day preceding a Bank Holiday until 02:00

The opening hours of the premises

10.00 – 23.30 Monday to Wednesday

10:00 – 00:00 Thursday

10.00 – 02.30 Friday and Saturday

12.00 – 00.00 Sunday

Any day preceding a bank holiday until 02:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Vernandah Francis

[REDACTED]

[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Vernandah Francis

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

LEW [REDACTED]

London Borough of Lewisham

Annex 1- Mandatory conditions

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

No supply of alcohol may be made under the Premises Licence.

- (a)** At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b)** At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a)** a holographic mark or
- (b)** an ultraviolet feature.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula

$$P = D + (DXV)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1 Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3.For the purposes of this section:

(a) 'security activity' means an activity to which paragraph 2(J)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2-Conditions consistent with the operating Schedule

The premises shall install and maintain a comprehensive colour and digital CCTV system as per the minimum requirements of the Metropolitan Police. 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 authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations. The CCTV system shall cover all areas of the premises to which the public have access including the car park and smoking areas.

As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the Local Business Partnership crime reduction scheme (LBBAC), approved by the police, and local radio scheme if available.

An incident log shall be kept at the premises, and made available on request to an authorised Local Authority or Police Officer, which will record the following:

- a) all crimes reported to the venue
- b) any refusal of the sale of alcohol
- c) any complaints received
- d) any incidents of disorder
- e) any visit by a relevant authority or emergency service
- f) any faults in the CCTV system, searching or scanning equipment
- g) all ejections of patrons
- h) any seizures of drugs or offensive weapons

Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

A clearly visible notice shall be placed at each entrance to the premises advising those persons attending any private function that entry is for that function and not open to members of the public.

At least 14 days before any "significant or promoted" event is held at the premises, the DPS must serve on the Metropolitan Police Service an approved risk assessment for (F.696)

(A "significant or promoted" event is any event which is promoted or advertised to the public at any time before the event, and predominately features 'DJs' or 'MCs' performing to a recorded backing track and is provided between the hours of 10pm and 4am).

Polycarbonate/plastic drink ware is to be used by all persons during any significant or promoted event or private function, all alcoholic and 'soft' drinks are to be decanted by premises staff into such drink ware at the point of sale.

At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 21:00 on Friday and Saturday until close of business.

At least 2 SIA licensed door supervisors shall be duty at the entrance of the premises throughout the duration of any significant and promoted events or private functions or when recorded music is being played.

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.

Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer. The records will be retained for 12 months.

Any alcohol, purchased within the premises, must be consumed by 02:00 hrs.

There shall be no admittance or re-admittance to the premises after 00:00.

A guest list of all persons invited and/or attending all private functions is to be given to each member of the door supervising staff at the commencement of their shift to ensure that only those persons listed are allowed entry. The list is to be made available for inspection by Police or any Licensing Authority Officer.

Member of local Pub Watch.

Display of anti-crime notices e.g. anti-drugs.

Fire equipment e.g. fire extinguishers, to date, fire signs, smoke alarms.

Notices reminding customers to leave premises quietly.

Children are not permitted on the premises without a parent or adult.

Children are not permitted on the premises after 9pm.

Annex 3- Condition attached after a hearing by the licensing authority

There shall be no admittance to the premises after midnight on Fridays and Saturdays.

There shall be no exit **from the premises onto Florence Road** after 10.30pm.

Notices advising patrons to leave quietly shall be displayed **on the premises**.

Management to take steps to supervise exit from the premises after 11pm.

Management shall take all reasonable steps to ensure glasses are not taken **off** the premises.

No one is allowed to take any drinks outside to the smoking area after 22:30

Posters to be displayed in the premises stating "Patrons are requested not to park in Florence Road".

Annex 4- Plans

Full plans available at Licensing Services, London Borough of Lewisham

Ground Floor Ref - 0065



Licensing Committee

Report title: Tai Kitchen, 106 Foxberry Road, London, SE4 2SH

Date: 16 June 2021

Key decision: No.

Class: Part 1.

Ward(s) affected: Ladywell

Contributors: Community Services – Crime, Enforcement & Regulation Service, Head of Law.

Outline and recommendations

Determination of New Premises Licence Application submitted by LABL Ltd.

After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

The Application was advertised in accordance with regulation 25 of the Licensing Act 2003.

The last day for representations was 20 May 2021.

This matter must be heard with 20 working days from the day after the last day of representations.

1. Summary

1.1. The following activities were applied for by the applicant:

Sale of Alcohol for consumption ON and OFF the premises

11:00 – 22:30 Monday – Sunday

Seasonal Variation

None

- 1.2. Representations were received from 1 interested person on the grounds of public nuisance, public safety and prevention of crime and disorder. The representation received from interested parties have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 1.3. Conditions were agreed between the applicant and the Police and Crime, Enforcement & Regulation Service and can be found in the appendix.
- 1.4. Officers have attempted to mediate the concerns raised in the representation and the applicant has offered additional conditions to be added on the licence as a compromise to promote licensing objectives, however this was not agreed by the objector.

2. Recommendations

- 2.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of crime and disorder and public nuisance. The steps available to the Licensing Authority:
 - 1.) Grant the new premises licence as applied for,
 - 2.) Grant the licence subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives
 - 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 4.) Refuse to specify a person in the licence as the designated premises supervisor;
 - 5.) Refuse to grant the application.
- 2.2 Either party has a right of appeal to the Magistrates Court against a decision which should be submitted to the court within 21 days of the date of the decision letter.

3. Policy Context

- 3.1. Decisions by Members of the Licensing Committee should have regard to the Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which includes the following:
 - Protection of Children from Harm
 - Prevention of Crime and Disorder
 - Prevention of Public Nuisance
 - Public Safety
- 3.2. Members should also have regard to the Licensing Authority's Statement Licensing Policy 2020-25.
- 3.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

4. Financial implications

- 4.1. Applicants have the right of appeal against any decision by the Licensing Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

5. Legal implications

- 5.1 The Licensing Authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 5.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

6. Equalities implications

- 6.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 6.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 6.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 6.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical->

[guidance](#)

6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7. Climate change and environmental implications

7.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

8. Crime and disorder implications

8.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.

8.2. It is the a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

9. Background papers

9.1. Application received 22 April 2021

9.2. One Representation as served.

9.3. Agreed Conditions

10. Glossary

Term	Definition
Appeal	asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Licence	an authority to do something.

Is this report easy to understand?

Please give us feedback so we can improve.

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Term	Definition
Licensee	the holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.
Licence Objectives	Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
Interested Person	A person who lives in the vicinity of the premises A body who represents the persons who live in that vicinity A person involved in a business in that vicinity A body representing businesses in that vicinity An elected member of the council
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.
Responsible Authorities	Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows: <ul style="list-style-type: none"> • Licensing Authority • Chief Officer of Police • London Fire Brigade • Trading Standards • Planning Authority • Public Health • Environmental Enforcement (with respect to Noise) • Children's Services • Home Office Immigration

11. Report author and contact

- 11.1. Lisa Hooper, Crime, Enforcement & Regulation Manager,
lisa.hooper@lewisham.gov.uk, 020 8314 6324.

Is this report easy to understand?

Please give us feedback so we can improve.

App ref: 1065294

Capita ref: 096760 paid £190

Submitted: 22/04/2021

London Borough of Lewisham

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We LABL Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tai Kitchen 106 Foxberry Road Brockley			
Post town	London	Post code	SE4 2SH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5,600.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name LABL Ltd
Address 27 Mortimer Street London W1T 3BL
Registered number (where applicable) 12192643
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

Day	Month	Year
2	0	0 5 2 0 2 1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

A

Please give a general description of the premises (please read guidance note 1)
 An existing restaurant/takeaway premises to be a new licensed restaurant over a ground floor with an outside area, located in a mixed commercial and residential area.

The premises will provide fresh tasting food featuring dishes from Thailand including curries, stir fries with hot, sour, sweet and salty spices and flavours. The Tai Kitchen currently trades as a takeaway business.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/a

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			<u>Please give a description of the type of entertainment you will be providing</u>			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)			
Wed						
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)			
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun						

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11.00	22.30			
Tue	11.00	22.30			
Wed	11.00	22.30			
Thur	11.00	22.30			
Fri	11.00	22.30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11.00	22.30			
Sun	11.00	22.30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name ●●●●●●●●●●
Date of birth ●●●●●●

Address ●●●●●●●●●● ●●●●	
Postcode	●●●●●
Personal Licence number (if known) To be supplied before premises trades licensable activities	
Issuing licensing authority (if known) To be supplied before premises trades licensable activities	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	11.00	23.00	
Wed	11.00	23.00	
Thur	11.00	23.00	
Fri	11.00	23.00	
Sat	11.00	23.00	
Sun	11.00	23.00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

The surrounding character of the area is predominantly residential with some commercial premises. However, the premises has traded without issues adversely affecting the licensing objectives. Having considered London Borough of Lewisham’s Licensing Policy, the trading time for the proposed restaurant has been restricted and will close at 23.00, Included in the application are robust conditions to limit any negative impact on neighbouring residents.

b) The prevention of crime and disorder

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 available 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 outside area will be covered by CCTV that is to the same standards as the internal CCTV system.

c) Public safety

1. The premises Licence Holder and/or Designated Premises Supervisor shall keep up to date policies and staff training records in relation to the following:
 - a) Requirements of the challenge 25 scheme, drugs, identification & recognition of drunks,
 - b) identification recognition and responsibilities of dealing with vulnerable persons
 - c) the correct procedures to be followed when refusing service
2. Regular training will be provided to all staff involved in the sale of alcohol at least every six months, a record of the training will be maintained for at least twelve months.

d) The prevention of public nuisance

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. Use of the outside area for licensable activities shall cease at 22.00.
3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
4. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
5. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
6. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
8. Delivery drivers must not leave their engines running whilst waiting for orders nor must they congregate on the road outside the premises.

e) The protection of children from harm

1. A proof of age scheme, such as Challenge 25, must be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed.
2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected
- ***[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]*** I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

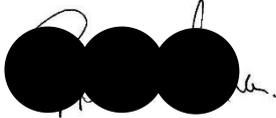
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 14)
--------------------	---

	<ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	22/04/2021
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Steve Burnett Poppleston Allen Solicitors The Stanley Building 7 Pancras Square			
Post town	London	Post code	N1C 4AG
Telephone number (if any)	0203 859 7759		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
s.burnett@popall.co.uk			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable

structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the following documents (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below)

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person

who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds;
or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work check service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and /or documentation applicants will need in order should submit copy documents as set out above.



I Proposed Ground Floor Plan
Scale: 1:100

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT

ANYTHING SHOWN ON THIS PLAN, WHICH IS NOT REQUIRED BY THE PLANS REGULATIONS FOR THE LICENSING ACT 2003, IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE LICENCE

KEY

- =Illuminated fire exit sign
- =Zone covered by emergency lighting.
- =Smoke alarms and Fire alarms sounder.
- =Heat alarms.
- =Call point.
- =Areas where licensable activities take place



Notes

Revision	Date	Description
-	06/04/21	Issued for Licensing

Gundry + Ducker
Gundry + Ducker Architecture Ltd
3 Garrick Street
London WC2E 9BF
+44(0)203 417 4895
info@gundryducker.com

Project	Tal
Drawing title	Proposed General Arrangement
Scale	1:50 @ A3
Date	April 2021
Status	LICENSING

Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of the designer and is not to be reproduced without permission.

To: Licensing Team,
London Borough of Lewisham
Holbeach Office
9 Holbeach Road, London, SE6 4TW

RE: Objection to Section 17 application
Tai Kitchen, 106 Foxberry Road, Brockley, London, SE4 2SH.
Proposed License Hours 11am – 10:30pm

14th May 2021

Existing consequences of Tai Kitchen on residents:

- Food waste strewn over the road and pavement
- Greasy Pavement
- Excessive Cigarette butts & rubbish
- Constant delivery scooters
- Blocking of double yellow lines throughout business hours
- No effort to communicate with street residents
- Delivery riders fighting & shouting

Additional consequences that would arise from the granting of an alcohol license

- Creates a precedence for future business to sell alcohol in the heart of a residential street.
- Customers would be directed to smoke outside, which would be noisy and increase rubbish
- Increase congestion in an already strained street scene
- Noise from people leaving the premises after 11pm, 7 days a week
- unsupervised customers who have been drinking, exiting premises

Dear Lewisham Licensing Team,

I would like to register my objection to the granting of an alcohol license to Tai Kitchen.

My objection is based on:

- A lack of responsible management of the business operations to date
- An already negative impact from business activity
- Prospect of increasing the scope of a business already inappropriate for a residential street.
- It is a change to the premises status from BYO to fully licensed which adds noise and number of drunk people on our doorsteps 7 days a week.

There has been no evidence that the owners can act responsibly selling alcohol given trading so far. It is certain to have a detrimental effect on the living environment for the existing residents of Foxberry Road, Harcourt Road, Howson Road.

Current Situation

Presently the business is operating as a take away, serviced mainly by various motorbike / scooter based delivery services with passing trade from cars. It appears that the business intends to begin trading on the premises which would add noise, foot traffic and disturbance to an already noisy, messy and unmanaged situation.

Please keep in mind that this is a quiet residential setting with nothing remotely as busy or noisy as a take away restaurant.

Public Safety

The volume of motorbike / scooter traffic picking up from the premises has grown significantly over the last 3 to 4 months and this has increased the noise, rubbish and congestion of both Foxberry Road and the junction. There is not the capacity in the street scene to accommodate an increase. Every bike stops on the double yellow lines as do the private pick-ups. This congests the junction and makes turning dangerous.

This is not a designated loading bay or drop off, it is a double yellow line to preserve visual clearance for vehicles to be able to safely use a junction on a quiet residential street.

Public Nuisance

There are 50+ motorbikes / scooters, 7 nights a week speeding around the once quite streets. There is constant noise as the bikes pull away. As you can see from the picture below, the bikes and cars are constantly parked on the double yellow lines on all but 1 of the 4 corners of the junction.

The delivery riders drop their cigarettes which blow around the street and front gardens. This would seem a trivial point but it amounts to many a month. This would increase with customers drinking on premises as they would be directed to smoke outside. This would also increase the noise, 7 days a week and until 11pm.

Crime and Disorder

I have witnessed fights between the delivery drivers, One of which was serious enough that I had to intervene (my children were woken by the shouting and swearing) as a large man was pulling another out of a car by the hair and punching him repeatedly in the face. The staff of the restaurant locked the door and would not come out or call the police, even though it was their responsibility. Add alcohol to this and 7 days a week and the consequences would be dire.

The business appears to be overwhelmed by the speed with which the trade has increased and this creates chaos in the street outside and multiple motorbike drivers waiting for their delayed order (this is evident in the reviews), they bang on the glass door and shout as they get frustrated. I have yet to see a member of staff control this daily scene.

There appears to be no management presence on premises, only kitchen staff. That means that there is no responsibility taken for the management of the drivers and walk in trade, let alone the chaos in the street. The management of alcohol requires correct management which has not been evident to date.

The food waste from the restaurant is left in plastic sacks that is often ripped open by foxes and so strewn across the street (see picture). This in turn makes the pavements greasy, slippery and smelly.

The Tai Kitchen does not have a phone number and the hello@taikitchen.com email has yet to answer any emails in 4 months. I have tried knocking on the shop door many times but the staff say they do not know who I should talk to and to come back later which when I do I get the same reply.

The Brockley Brewery 50m down the road are not allowed to have anyone outside the building, they have a pizza van twice a week and already the resident's opposite are complaining because of the 15 or so people collecting pizzas. It cannot be acceptable that The Tai Kitchen can already cause so much disturbance from a delivery business, would be

allowed to add alcohol sales, increasing noise, traffic and the behavior that comes with alcohol.

It would seem obvious that with such ambition to expand the business remit that a quiet residential street is not the location.

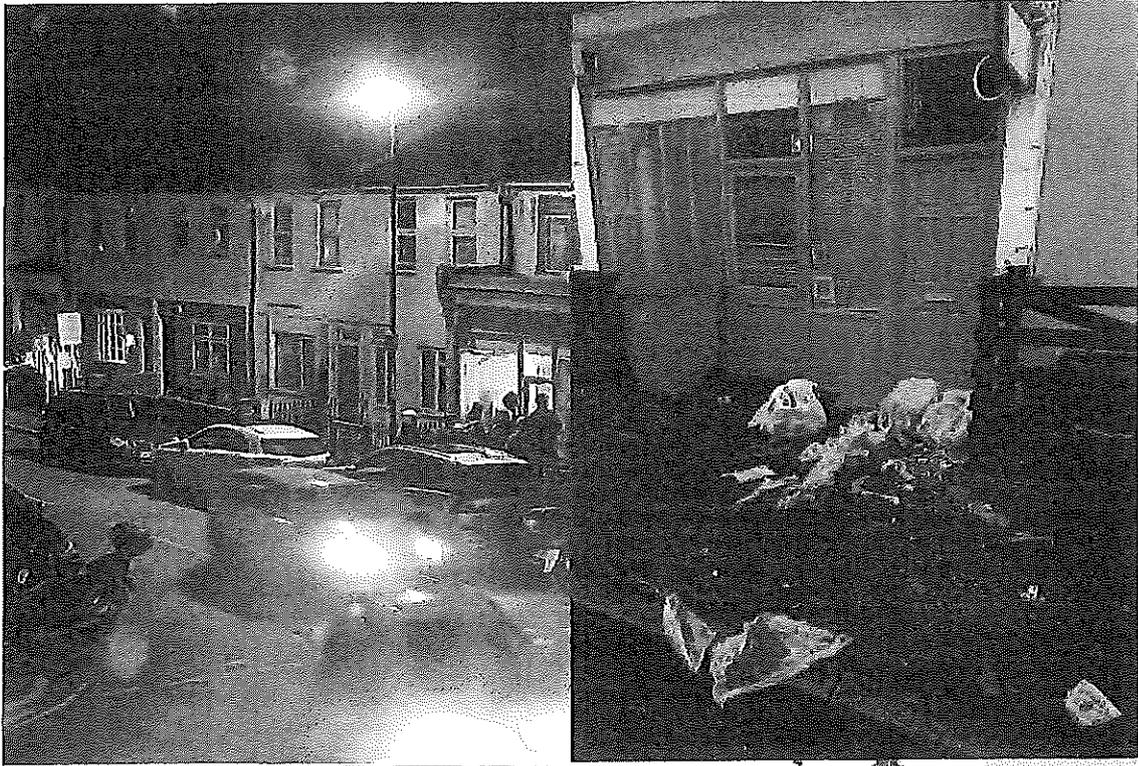
The previous business at the same location was a bring your own take away and restaurant. It was quiet and had no delivery element, BYO creates a more restrained drinking culture and the owners lived on site and so managed the behavior of their clients.

Why would this volume of bikes be acceptable in a residential street? And when alcohol is added, with an obvious absence of management or concern, it will be much worse.

With so much downside and with no apparent concern from the owners it is hard to imagine that responsible sale and management of alcohol will take place given the lack of regard shown so far.

Yours thankfully





Proposed Conditions for Tai Kitchen, 106 Foxberry Road SE4 2SH.

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 available at all times and premises licence holder shall provide a contact number for a person who can provide immediate cctv images when required.
3. The CCTV must cover all areas of the Licensable area, that the public have access to. There should be no obstructions to any camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly covering men's urinals.
4. Any outside dining area is to be closed by 2200hrs and not reopened until the next working day, and tables and chairs removed from out front.
5. The premises shall prominently display signage at all entrances informing customers: -
 - All customers to leave quietly and respect the local residents when coming and going from the address
6. No more than 4 persons are permitted to smoke outside the front at any one time after 2100hrs, to reduce the disturbance for local residents.
7. The license holder shall make sure that all glasses, bottles and rubbish are removed from the outside area at the close of every day to prevent littering the public footpath.
8. No customers shall be permitted to leave the premise with any glass containers or open canisters containing Alcohol. Any alcohol purchased for Off Sales must be opened and consumed away from the premises.
9. The Premises shall provide a phone number to Neighbouring property to enable any complaints to be registered in the incident book and for the Management to actively engage in resolving complaints. If Complaints are recorded then the DPS or Management team must engage in ways to resolve matters raised in complaints.
10. Any deliveries and restocking must take place between the hours of 0700 and 2300hrs. To reduce disturbance to the residential properties surrounding the Premises.

11. A Refusal Book must be kept on site and a record any Alcohol refusals made must be recorded. If no refusals are made a monthly sign off is required by Management team showing that No refusal have been made.
12. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which 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) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system.
 - (g) Any visit by a relevant authority or emergency service.
13. 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.
14. No beer, lagers or ciders of 6.5% BV (alcohol by volume) or above shall be sold at the premises, unless Stout, Craft or Specialist Beers.
15. 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.
16. All staff responsible for the sale of alcohol shall be trained every year in relation to the following.
 - a. The lawful selling of age restricted products
 - b. Refusing the sales of alcohol
 - c. Drugs awareness.
 - d. Vulnerability awareness.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
19. No fumes or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

20. Delivery drivers must not leave their engines running whilst waiting for orders nor must they congregate on the road outside the premises.