



AGENDA

LICENSING COMMITTEE

Date: WEDNESDAY, 9 MARCH 2022 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
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk

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

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 4 March 2022



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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1.	Declarations of Interest	1 - 4
2.	Smoddy Sharp - 33-33a Dartmouth Road Forest Hill London SE23 3HN - 12th	5 - 41



INVESTOR IN PEOPLE

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Licensing Committee

Declarations of Interest

Date: 9 March 2022

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).

LICENSING COMMITTEE

Report Title	Smoddy Sharpe		
Key Decision	No		Item No. 2
Ward	Brockley		
Contributors	Community Services – Crime, Enforcement & Regulation Service Head of Law		
Class	Part 1	Date 9 March 2022	

Proposal: **Temporary Event Notice (TEN)**

Legislation: **Licensing Act 2003**

Premises: **Smoddy Sharp, 33/33a Dartmouth Road, London SE23 3HN**

Applicants: **Marie Robertson**

This matter is required to be heard within a short timescale to meet the statutory requirements.

The notice was served in accordance with section 100 of the Licensing Act 2003

1. Notice content

1.1 The Temporary Event Notice is for the following activity to take place
12th – 13th March 2022 from 20:00 – 03:00hrs

1.2 The provision of regulated entertainment from 12th – 13th March 2022 from
20:00 – 03:00hrs

The Sales by retail of alcohol ON the premises from 12th – 13th March 2022
from 20:00 – 03:00hrs for a birthday party.

1.3 The notice was served on the Metropolitan Police (MPS) and the London Borough of Lewisham Crime, Enforcement and Regulation Service. An objection were received from the Metropolitan Police within the specified time limit in accordance with section 104 of the Licensing Act 2003. The objection was received in relation to the Prevention of Crime and Disorder as well as Public Safety due to an ongoing police investigation.

1.4 The premises currently has a licence for:

Alcohol

13:00 – 23:00 Monday

13:00 – 23:00 Tuesday

13:00 – 23:00 Wednesday

13:00 – 23:00 Thursday

13:00 – 00:30 Friday

13:00 – 00:30 Saturday

13:00 – 23:00 Sunday

2. **Legal and Human Rights Implications.**

2.1 Where an objection notice is received following a Temporary Event Notice a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote the crime prevention and public nuisance licensing objectives.

2.2 The licensing authority is a public authority under the Human Rights Act 1998. Therefore the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. 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.

2.3 The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

3. **Equalities Implications**

3.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.

3.2 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 those who share a protected characteristic and those who do not.

3.3 As for the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

4. **Determination of Objection Notice**

4.1 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. Therefore the Licensing Committee may;

1. Decide no action is appropriate to promote the prevention of crime and disorder and public nuisance therefore the temporary event may go ahead OR
2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead

4.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

Background Papers

<u>Short Title of</u>	<u>Date</u>	<u>Appendix</u>
<u>Document</u>		
<u>Applicant</u>		
Applications rec'd	24.2.22	
Met police	01.03.22	
Objection rec'd		

Should you require any further information on this report please contact Lisa Spall at the Crime, Enforcement & Regulation Service on 020 8314 8390



**Lewisham
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@lewisham.gov.uk
Telephone: 020 8314 7237

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ music - 20:00 to 03:00

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9**PREVIOUS TEMPORARY EVENT NOTICES** ([See also guidance on completing the form, note 15](#))

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9**ASSOCIATES AND BUSINESS COLLEAGUES** ([See also guidance on completing the form, note 16](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lewisham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



TEMPORARY EVENT NOTICE

To: Marie Robertson
Of: 23 Godalming Avenue
Wallington
SM6 8NP

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: Smoddy Sharp
33/33a Dartmouth Road
Forest Hill
London
SE23 3HN

Date: 12th – 13th March 2022
Time: 20:00 – 03:00hrs

Activities Permitted: **Sale of Alcohol & Regulated Entertainment.**

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

Director of Communities,
Partnerships and Leisure
Proper Officer for Licensing
London Borough of Lewisham

SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL NOT BE PERMITTED.

A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED.

TEN SIGNATURE PAGE

PREMISES of Event: Smoddy Sharp
33/33a Dartmouth Road
Forest Hill
London, SE23 3HN

DATE AND TIMES of Event: 12th -13th March 2022 – 20:00 – 03:00hrs

AUTHORISING OFFICER: Andrew Grant

OFFICERS SIGNATURE:

A handwritten signature in black ink, appearing to read 'Andrew Grant', is written over a light blue rectangular background.

DATE OF SIGNING: 24th February 2022



Lewisham Borough Licensing,
Holbeach Office,
9 Holbeach Road,
Catford,
London,
SE6 4TW.

Sam Bobb PC4745SE
Lewisham Borough Licensing,
Holbeach Road,
Catford,
London,
SE6 4TW.

Telephone:
Email: samuel.bobb@met.police.uk
www.met.police.uk

Your ref: 1184429
Our ref: PLH22117
25th February 2022

**Objection to T.E.N. reference 1184429 –
Smoddy Sharp, 33/33a Dartmouth Road, Forest Hill, London, SE23 3HN**

Dear Mr. Grant,

Police Licensing would like to object outright to the recent T.E.N. submitted by Marie Robertson on Thursday 24th February 2022, Ref. 1184429 under primarily the Prevention of Crime and Disorder licensing objective. The application is for the premises to be open for the 45th birthday and members' only event from 2000 hours on Saturday 12th March 2022 until 0300 hours on Saturday 13th March 2022.

I thank the applicant for measures they have already identified within their application, though we initially have the following outstanding concerns following our visit to the premises on Friday 25th February 2022 and discussion with Rohan Spencer (Personal Licence Holder):

On our visit we went through the Licensing conditions which the Designated Premises Supervisor agreed to have and found that there were several breaches. Firstly, was that there was no working CCTV. After some time the CCTV monitor was eventually turned on and there were images of some of the areas on the screen however Mr. Spencer was unable to show and previously recorded footage. The condition on their licence states that "All recordings shall be stored for a minimum of 31 days with the date and time stamping. Recordings shall be made available immediately upon request of Police or authorized officer throughout the preceding 31 day period."

Secondly, there was no incident book / log at the premises. Mr Spencer stated that the last time that he saw it was in December 2021. The condition on the licence regarding the incident book states: "An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police."

Additionally, there were no notices showing where the smoking area is and to respect the needs of the local residents

Crime and Disorder- Without working CCTV and an Incident Log there is the likelihood that any incidents which occur in the premises are going to pass without any way of any footage being gathered that could detect crime. Also a consideration is Public Safety for anyone attending the premises.

I must add that the original application was for the times listed in my first paragraph and the number of people expected to attend was two-hundred (200). A second application was sent out with a reduced number of attendees of sixty (60). There is also a condition for the rear outside area which states that it should not be used after 2130 hours I suspect due to possible noise complaints from local residents.

As a result of the breaches I completed and handed to Mr. Spencer a 'Notification of alleged offences' form and 'Closure notice – Section 19' form.

Police licensing acknowledge that all options are open to committee, but the application for this T.E.N. in its current form cannot be supported by Police. Police licensing would strongly recommend that this application be denied, but should the applicant wish to reapply Police licensing would be happy to assist in the preparation.

Yours sincerely,

Sam Bobb
Police Licensing Officer
South East BCU



Lewisham Borough Licensing,
Holbeach Office,
9 Holbeach Road,
Catford,
London,
SE6 4TW.

Sam Bobb PC4745SE
Lewisham Borough Licensing,
Holbeach Road,
Catford,
London,
SE6 4TW.

Telephone:
Email: samuel.bobb@met.police.uk
www.met.police.uk

Your ref: 1184429
Our ref: PLH22117

04th March 2022

**Objection to T.E.N. reference 1184429 –
Smoddy Sharp, 33/33a Dartmouth Road, Forest Hill, London, SE23 3HN**

Dear Mr. Grant,

This letter is in addition to the letter which I sent on 28th February 2022. I have addressed further concerns about the applied for Temporary Events Notice from Smoddy Sharp, 33/33a Dartmouth Road, Forest Hill, London, SE23 3HN.

Police licensing are objecting to the applied for T.E.N. on the additional grounds of Public Safety and The prevention of Public Nuisance.

Public Safety – The application for the Temporary Event Notice (T.E.N.) was initially for 200 people to attend. This original application was the withdrawn and an application was submitted for a maximum of 60 people. After going to the premises on Friday 25th February 2022 I have concerns that the premises is too small to accommodate this number of people safely. I would say that a safe and more manageable number of people for the space available at the premises would be no more than 40. If for any reason there needed to be an evacuation of this number of people from the premises the only exits would be out of the rear into the small walled garden which is accessed from the basement or by the front door out onto the street. I am concerned that if more than 40 people attend there could be a public health and safety risk.

The prevention of Public Nuisance – The applicant from the premises has stated that the event is for a 45th birthday party. On speaking with Mr. Spencer who works with the applicant, on Friday 25th February 2022, further details of the event were gathered. In addition to the 45th birthday party the evening will also incorporate a 90's nostalgia event with a DJ playing music for members of the Barber Shop. The membership of the Barber Shop is over 1000 and it is quite possible that a far greater number than 60 will be invited or would attend. The premises is located in an area where there are a vast number of residential properties in-between and above

businesses on that road. A condition of their licence states that the rear court yard (Garden) shall only be used by patrons until 21:30 hours. If the premises is allowed to have this T.E.N. I can see the likelihood of the garden being used for smokers after 2130 hours and quite possibly up to the proposed finishing time of the event at 0300 hours. I suspect the outside area has this time limit for the reason of reducing the possibility of noise nuisance to local residents as the premises can be allowed to be open until 2300 hours most days of the week. I am aware that the conditions of the licence would be superseded by the T.E.N. An additional consideration is the area on the street outside of the front of the premises. This could also be used as an additional smoking area. This would cause noise disturbance and public nuisance to the residents who live nearby by way of raised voices and loud music in an otherwise quiet time of the night / morning. This will have a negative impact on the local community.

A further consideration is the reduced availability of parking in the area which is due to the nearby train station and major bus routes causing restrictions. Parking inconsiderately is likely and in turn would Public Nuisance on Dartmouth Road, Bird In Hand Passage and Derby Hill.

Smoddy Sharp is primarily a Barber Shop. The license was originally granted for a business and this is a business that would carry significant risks such as sharps and chemicals. Yes it has the licensable activity of sale by retail of alcohol as part of its business, however to sell alcohol on its premises for the purpose of entertainment is over and above its primary role. Having this event as applied for could cause a precedent of like events at such premises that would set a worrying trend.

I have carried out research on our system and found thirty (30) licensed premises on Dartmouth Road. The Charcoal Grill only provides late night refreshment (LNR) without alcohol until 0300, M.M.M. LNR until 0400 and Three Kings Food and Wine which is a 24hours off-licence. These are the only premises that operate licensable activities at 0300. None of these premises allow customers to remain on the premises having purchased alcohol. Allowing this event to have a terminal time of 0300 hours will cause significant disruption to the local residents as there will be people spilling out on to the street past this time into the early hours. Then there would be car doors being closed and engine noise from those attending.

On Thursday 3rd March 2022 I discovered that the T.E.N. they have asked for is advertised on the internet <https://smoddysharp.co.uk/blog-%2F-events-%2F-offers> and <https://www.eventbrite.co.uk/e/90s-nostalgia-rnb-hip-hop-slow-jams-new-jack-swing-and-much-more-tickets-272033508547> with tickets available to buy for £7 each per person. They are even promoting giving away two (2) free tickets to anyone who follows their Instagram page. From our conversations with Mr. Spencer this was not shared with me at all. And what they have applied for is not the total truth. There is no mention of the 45th Birthday party on the event website and there is no mention of the 90's nostalgia event which is available to be attended by general members of the public and not just members of Smoddy Sharp on the T.E.N. application. During our visit on Friday 25th February Mr Spencer was asked how many people had been invited. He was hesitant and couldn't be sure of the number. He stated that Marie Robertson (DPS) had also sent out invites. When asked how many had replied saying that they could make it he stated ten (10). I suspect that all of the members have been invited, but if only half were able to make it there would be hundreds of people in attendance which would much nearer the original number of people written on the first application. This would swell numbers beyond all sensible limits.

I have also learned that the premises which has been providing an on-site massage services as well as manicures and pedicures on a daily basis, but has no Special Treatments Licence. According to Lewisham council their last Special Treatment Licence expired nearly two (2) years ago. Therefore they have been carrying out these practices illegally without the relevant authority. This is another example of the applicants' credibility and shows a disregard for the Licensing authority.

Yours sincerely,

Sam Bobb
Police Licensing Officer
South East BCU

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 25/2/2002 Time Served: 12:20

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: Pt Cillian Pearce

Signature: Pt Cillian Pearce 2P/656

Name (if applicable) and address of the affected premises:

SMOODY SHARP 33 DARTMOUTH ROAD
FOREST HILL SE23 3HN

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

CCTV NOT WORKING, NO INCIDENT LOG
REGARDING SMOKING AREA

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

SECTION 19 OF THE 2001 ACT - OPERATING
LICENSING CONDITIONS

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

CCTV needs to be in working order recording
signage re designated smoking area. Obtain incident log

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details)

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name Robert Spencer

Signature [Signature]

Date 25/2/02

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 25/1/2002 Time Served: 12:20

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: Pt Gillian Beattie 21765E

Signature: Pt Gillian Beattie 21765E

Name (if applicable) and address of the affected premises:

Spencer School 33 Brompton Road
London SW1 2JF

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

DATE NOT WORKING, NO INCIDENT REPORTED
USE OF THE PREMISES

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

SECTION 19(6)(a) OF THE 2001 ACT - SPECIFICALLY
UNAUTHORISED USE

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

DATE NOT WORKING & NO INCIDENT REPORTED
USE OF THE PREMISES

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details)

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order;

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001

The Person (if applicable) on whom the closure notice has been served

Name: Simon Jones

Signature: Simon Jones

Date: 25/1/2002

From: Smoddy Sharp [<mailto:smoddysharp@gmail.com>]

Sent: 01 March 2022 06:00

To: Grant, Andrew

Cc: samuel.bobb@met.police.uk

Subject: Re: T.E.N. - Met. Police OBJECTION - Smoddy Sharp, 33/33a Dartmouth Road, Forest Hill, London SE23 3HN - 12th-13th March 2022

Dear Andrew,

Please note that the areas of objection were rectified on the day of the visit from Mr Bobb and his colleague.

I sent an email with the rectifications evidence to Mr Bobb on the day of the visit but have not heard back with an acknowledgement. This may be due to their firewalls perhaps?.

I attach pics for your reference also..

- The CCTV is in operation for the areas required and has a recording time that actually exceeds 31 days.

- All Signage is up and visible relating to no smoking and challenge 25

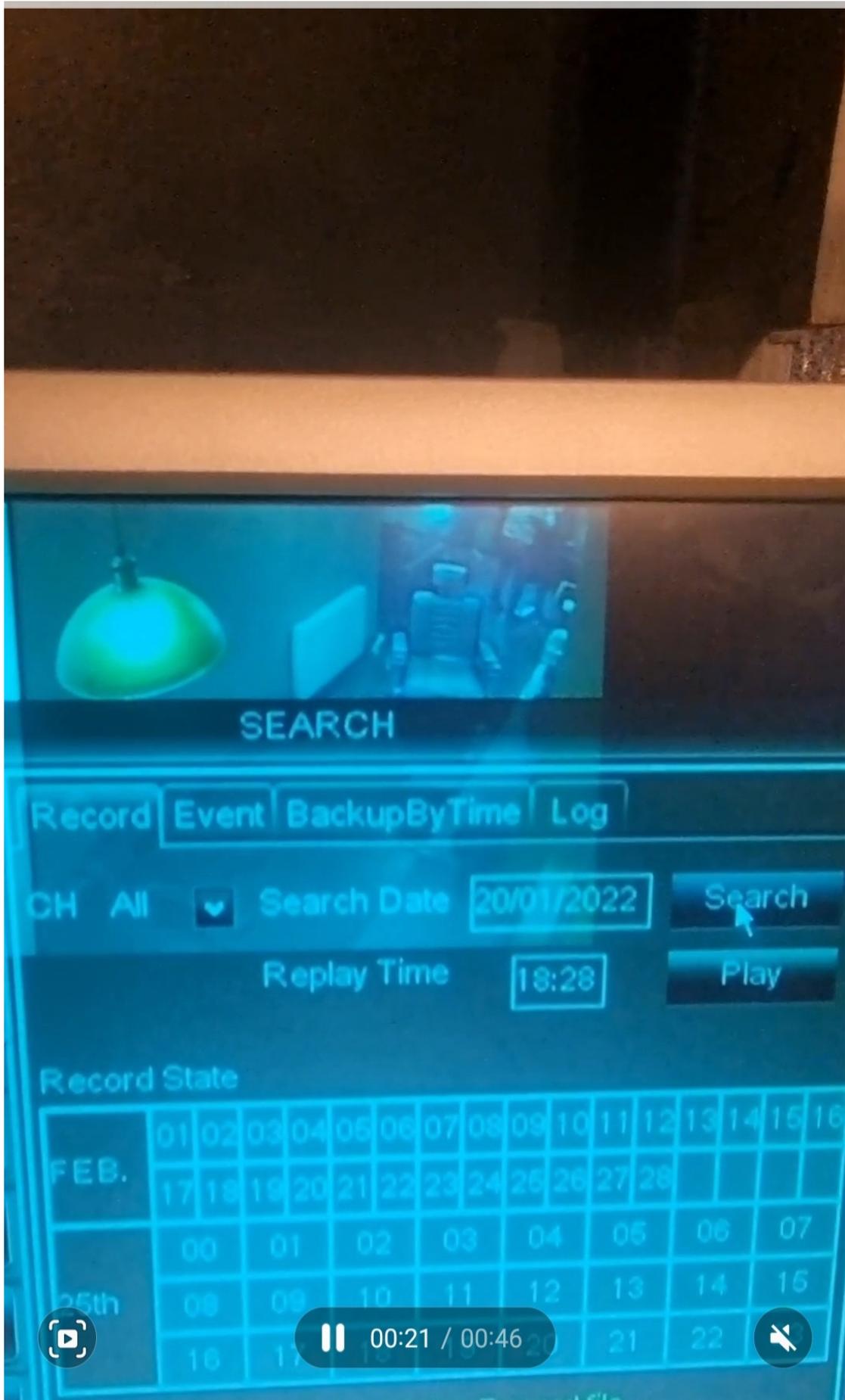
- Incident book. We have both a hard and a soft copy

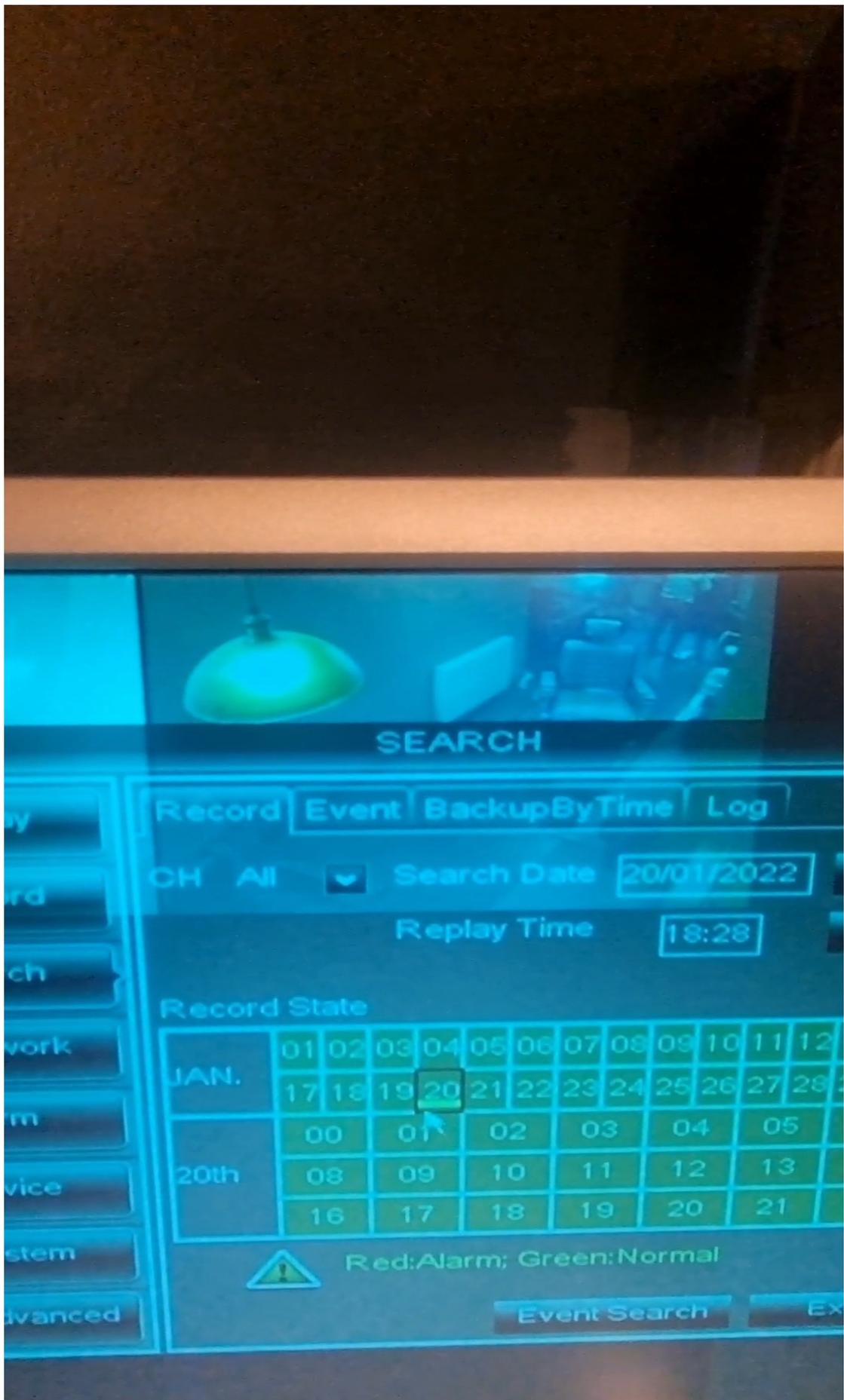
- I explained the error of the number of attendees from 200 to 60 in that my colleague had used an existing TENS template.

In addition

- I was advised by Mr Bobb and his colleague to book on to a WAVE training event supported by the MET Police on Thurs 3 March which I have registered for.

I hope this helps for the committee.







Security Incident Report Template

Name and role of person completing this form

Name

Signature of person completing this form (date)

Date

Incident

Date and time of incident

Date

Names of persons involved in the incident and their clubs/associations

Names

Description of incident

Description

Witnesses (include contact details)

Witnesses

Reporting of the incident to club/association

Incident Reported to

Name

Date Reported

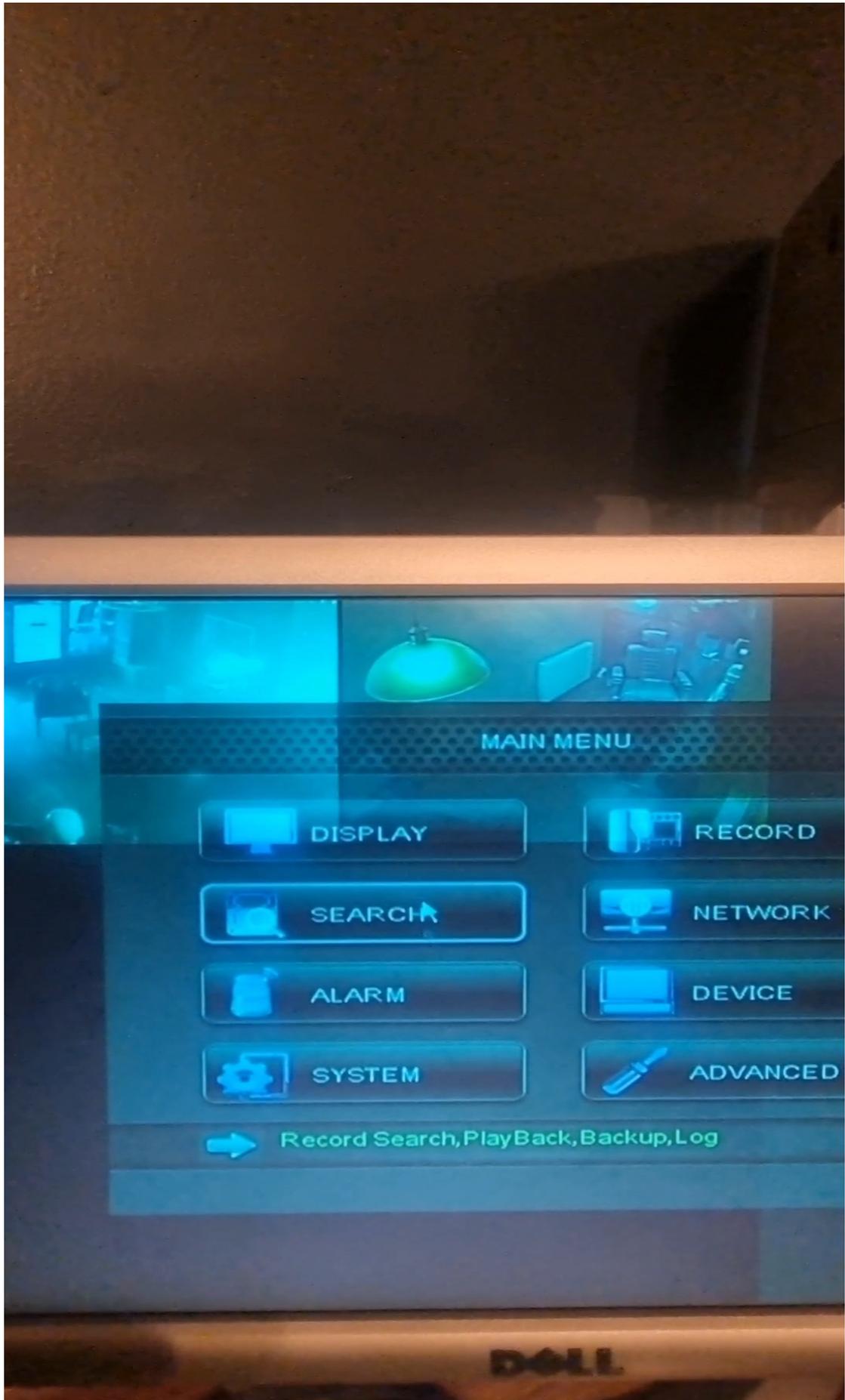
How (this form, in person, email, phone)

How

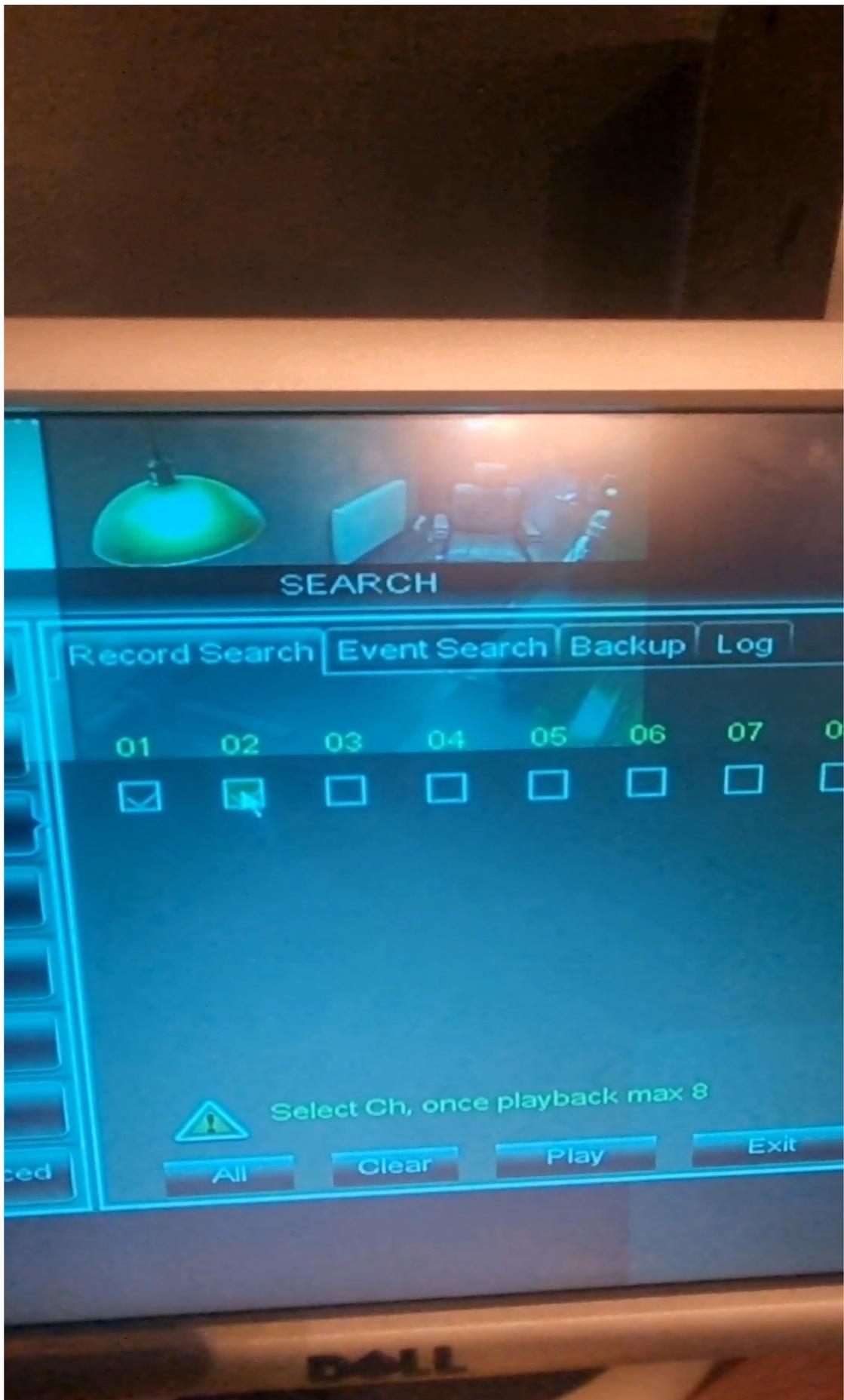
Follow Up Action

Description of actions to be taken

Description



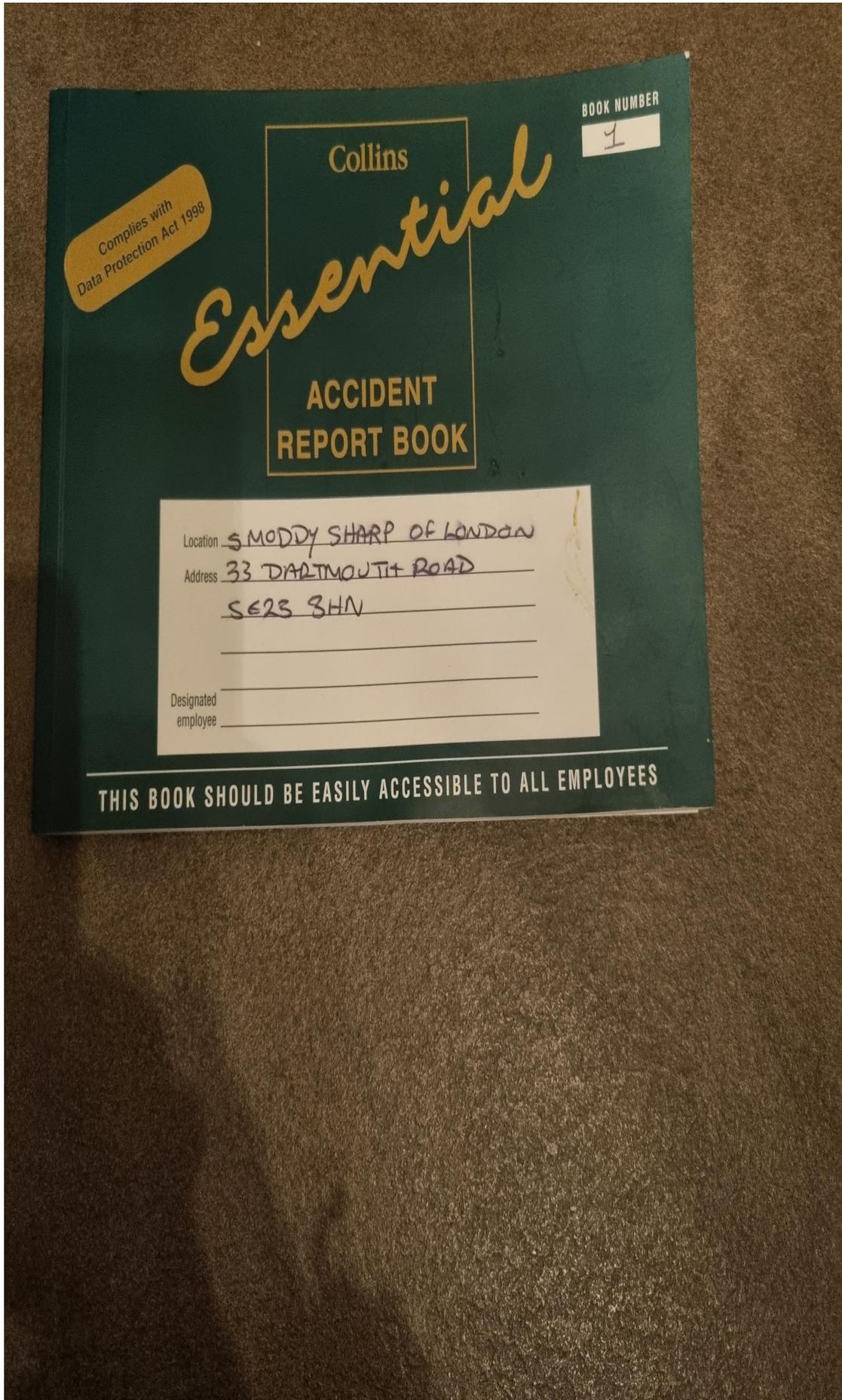












Email from applicant to the Metropolitan Police

Thank you for your email received on the 5th March with your further reasons for rejecting the proposed TENS.

Once again I would like to express our willingness and openness with licensing authorities and police to work together to have a safe event and with due consideration for our neighbours.

I thank Mr Bobb for his efforts in helping us to address concerns around public safety and public nuisance and so respond / clarify as follows:

- Numbers of attendees

Please note the attached agreed TENS for an event we held in 2019, it was for a maximum of 200 people. I have stated time and time again and informed both Mr Bobb and his colleague in person that the original form for this event was mostly pasted from our previous form and when the form was downloaded it copied the number-(please download the form and see that this is not very straight-forward).

We have never had any intention of inviting or hosting any more than 60 attendees hence why there are 60 limited available reservations and this is why this number was corrected and resubmitted.

There seems to be an unhealthy obsession with this 200 number which I would like ceased from this point on.

Mr Bobb has mentioned barbershop members in excess of 1000.

Please allow me to clarify that Smoddysharp male grooming offers Made to measure suits and shoes, grooming services, barbering, safe space services, meditation sessions. We are **not** a barbershop.

PLEASE SEE attachments including our write-up in the Lewisham Ledger and the Goldie magazine.

In the context of the conversation, when I mentioned our client list of 1000 it was in relation to the type of clientele we had at Smoddysharp. I also mentioned that they are mostly professionals and that there were only a limited number of invites.

Mr Bobb has mentioned that I was hesitant when asked how many people had confirmed attendance. I take issue with this statement as it has an inference without proper context. Please note that at the time I could only give the information I had available to me as it was my colleague who had submitted the TEN and we have different roles and responsibilities. What I knew for certain is exactly what I said in that there were less than ten attendees that had confirmed and that we had only 60 invites available in total.

PLEASE SEE eventbrite screenshot attached which shows that as of this morning we have only 8 (eight) confirmed attendees.

I am grateful to Mr Bobb for suggesting a number of 40 based on his opinion. In my opinion, I still think that we could accommodate 50-60 but I'm happy to reduce the number of available invites if this gives peace of mind to our Police colleagues.

It is useful to note that to date we have had 8 confirmed guests from 60 so I wouldn't imagine we will get any more than 50 attendees.

- Public Nuisance

Most of the points raised are opinion so I would only reiterate our stance that A) we have already had a successful event -(see approved TEN from 2019 in which we used the courtyard); and B) We are limited to a set amount of TENS per year so this would not be a regular occurrence.

At our last event, we informed our neighbours by letter yet again with our contact details which can be reached at any time during the event. Our attendees were very respectful and polite. It is also useful to note that our attendees will be in excess of 30yrs, smartly dressed which I believe does not fit into the usual anti social behaviour cohort.

We have taken Met advice and have put available signage regarding smoking and also a polite notice to neighbours.

- Parking Restrictions / Availability - I can clarify that at the time of the event, there are no parking restrictions and Mr Bobb may not be aware but a few years ago, Dartmouth Road was redeveloped to make additional parking bays in which, again, at the time of the event there will be no restrictions.

Public safety - It is stated that we are primarily a barbershop and so the premise for this is around chemicals and setting a trend for events. To reiterate what was said earlier, I find it hard to fathom how I have given a tour of our establishment and yet this opinion persists. Barbering is a part of our business in the same way Marks & Spencers sells food and clothes and so its business is retail.

We have hosted topical discussions around men's health and wellbeing (I myself lost a brother to suicide), we have hosted photoshoots and have been featured in local and international BBC news.

During lockdown we also facilitated online meditation sessions to help our clients who were at home.

Needless to say the only chemical we have is barbicide which is no stronger than bleach and naturally, all equipment and products will be locked away.

PLEASE SEE attachment of locked stockroom.

- Our integrity

Unfortunately, there were a few points raised by Mr Bobb that I believe, may have questioned our integrity or our respect for the licensing authority.

These seem to centre around understanding around the number of attendees and our invite process. I would reiterate that at the time of the visit, I could only answer the questions asked of me.

In respect of 90s Nostalgia, this was not discovered, this was mentioned and noted by his colleague at the time of the visit.

I would hope that the clarifications above have satisfied these concerns but to add to this, Eventbrite is one of the safest means of invitation and event management.

Due to this platform on which our invite clearly states that numbers are **limited**, we also have personal information on attendees including name and card details.

In essence, our events are very safe.

We can also add messages to confirmations e.g 'Please respect our neighbours', 'please only park in available bays' etc

It was deduced as the best way to handle the birthday request and so invitees have been directed to the page.

_Suits Photoshoot.jpg

 [_Goldie article.jpg](#)

 [_Lewisham Ledger.jpg](#)

 [_Suits Photoshoot.jpg](#)

In terms of our licensing for other activities, a simple phone call could have sufficed and Mr Bobb would have been reminded that two years of lockdowns meant that lapsed licensing had been extended and that administrative backlogs and communication had caused delays.

Needless to say, this has been corrected.

In Summary -

In my humble opinion, I think the overall learning from this is that we as business owners, the council and the police are seen as working together to help business owners to thrive and bring value to the community whilst also obviously considering public safety and environmental health.

We would be very grateful if you would approve our TEN.

Tickets

Admission Add-ons Promo codes Holds Settings

Add tickets

General Admission 8 / 60 £7.00 ⋮
● On Sale • Ends 12 Mar 2022 at 15:00

Next

