



# AGENDA

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## LICENSING COMMITTEE

**Date: WEDNESDAY, 23 MARCH 2022 at 3.00 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](mailto: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: 18 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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INVESTOR IN PEOPLE

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## Licensing Committee

### Declarations of Interest

**Date:** 23 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:** Flower of Kent, 135 Lewisham Way, London SE14 6QP

**Date:** 23 March 2022

**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 Temporary Event Notice Application - 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

To consider the application for a Temporary Event Notice. The options open to members of the Committee are set out in paragraph 4 below.

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

**Legislation:** Licensing Act 2003

**Premises:** Flower of Kent, 135 Lewisham Way, London SE14 6QP

**Applicant:** Vernandah Francis.

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 & Objection

1.1 The Temporary Event Notice is for the following activity to take place

From 19:00 – 03:00hrs 25th - 26th March 2022 and from 19:00 – 03:00hrs on

26th - 27th March 2022

- 1.2 The provision of regulated entertainment from 19:00 until 03:00. The Sales by retail of alcohol ON the premises from 19:00 until 03:00 for 2 birthday parties.
- 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 Crime Enforcement and Regulation Service within the specified time limit in accordance with section 104 of the Licensing Act 2003 – The objection were received in relation to Prevention of public nuisance.
- 1.4 The premises currently has a licence for:

Recorded Music

23:00 - 23:30 Thursday

23:00 – 02:00 Friday

23:00 – 02:00 Saturday

19:30 – 23:30 Sunday

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

## **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 with 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 licensing objectives therefore the temporary event may go ahead.
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, AND if
  - 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**

Short Title of  
Document

Date

Appendix

Temporary Event Notice

Applications rec'd 10.3.22

Police Objection

Objection rec'd 15.3.22

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](mailto: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

Not Currently In Use

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

Your reference

BIRTHDAY

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

VERNANDAH

\* Family name

FRANCIS

\* 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.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

\* 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  /  /

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?

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

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 AND AMPLIFIED MUSIC UNTIL 3AM

**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

 /  / 

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" value="BIRTHDAY"/>
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: Vernandah Francis  
Of: 2b Radford Road  
Hither Green Lane  
London  
SE13 6RZ

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

Premises: The Flower of Kent  
135 Lewisham Way  
New Cross  
London  
SE14 6QP

Date: 25<sup>th</sup> – 27<sup>th</sup> March 2022

Date: 25<sup>th</sup> - 26<sup>th</sup> March 2022  
Time: 19:00 – 03:00hrs  
Date: 26<sup>th</sup> – 27<sup>th</sup> March 2022  
Time: 19:00 – 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: The Flower of Kent  
135 Lewisham Way  
New Cross  
London, SE14 6QP

DATE AND TIMES of Event: 25<sup>th</sup> – 27<sup>th</sup> March 2022  
25<sup>th</sup> – 26<sup>th</sup> March 2022 – 19:00 – 03:00hrs  
26<sup>th</sup> – 27<sup>th</sup> March 2022 – 19:00 – 03:00hrs

AUTHORISING OFFICER: Andrew Grant

OFFICERS SIGNATURE:

A handwritten signature in black ink, appearing to read 'Andrew Grant', written in a cursive style.

DATE OF SIGNING: 10<sup>th</sup> March 2022



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

LICENSING TEAM  
9 Holbeach Road  
London  
SE6 4TW

**Direct line:** 0208 314 7237  
**Email:** [cer@lewisham.gov.uk](mailto:cer@lewisham.gov.uk)

**Date** 15<sup>th</sup> March 2022  
**Our/Lic ref:** 1190648

Dear Licensing Team,

**RE: Objection to Temporary Event Notice for Flower of Kent Pub – 135 Lewisham Way, New Cross, SE14 6QP.**

I am writing to object to the application made for a Temporary Event Notice at the above premises for 25<sup>th</sup> - 27<sup>th</sup> March 2022 (1900 – 0300).

The Crime, Enforcement and Regulation (CER) Service has received complaints from local residents with regards to noise nuisance from patrons leaving the premises which causes a disturbance in the area.

On the 10<sup>th</sup> March 2022 into 11<sup>th</sup> March 2022, Officers were providing an out of hour's service monitoring compliance and noise nuisance across the Borough of Lewisham. At approx. 00:10 officers were positioned less than 100ft away from the premises on Florence Road with clear visibility of the front entrance.

During this time the premises was operating under a TEN to facilitate a birthday party till 0100hrs. Upon arrival, officers immediately observed the presence of bass from within the vehicle. As a means of locating exactly where the bass was coming from, I walked up to and past the premises to confirm that the bass was a result of the music being played from within the premises.

While on site, officers observed the recurrent congregation of patrons outside, talking loudly with no staff from the premises in place to manage this.

From 0100hrs when the premises ceased licensable activity, officers again observed patrons leaving the premises loudly with some congregating outside till 0127hrs. During this time, officers observed one of the managers from the premises being present and socially interacting with patrons.

I am aware that the premises has been regularly visited in the past with regards to concerns over the management of noise nuisance and have been repeatedly advised by CER officer Frank Olaniran on best practices to prevent further concerns. My observations on the night did not alleviate concerns on best practicable measures from the measures.

The premises is currently licenced to provide recorded music and alcohol till 0200hrs every Friday and Saturday. It is my view that these hours are sufficient for the premises and that permitting this TEN would potentially cause a public nuisance as patrons disperse from 0300, as observed on the 11<sup>th</sup> March 2022.

The CER Service acting as the Licensing Authority is therefore of the view that the premises was not implementing enough measures to safeguard key licencing objectives namely; the prevention of public nuisance.

In light of the concerns and observations raised above, I am of the view that the TEN to extend licensable activity for the dates covering the 24<sup>th</sup> March 2022 to 27<sup>th</sup> March 2022, should not be granted as a means of preventing any further nuisance to local residents and safeguard key licencing objectives.

Should you require further information, please let me know.

I am willing to attend and present this objection in person at a Licensing Committee should this be required.

Kind regards,

A handwritten signature in black ink that reads "Steve Phillips". The signature is written in a cursive style and is positioned above the typed name.

Steve Phillips  
Crime, Enforcement & Regulation Officer

# The Flower of Kent pub

## Noise Management Plan

INTRODUCTION As professional operators we acknowledge that we have a primary responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this Noise Management Plan is to detail the procedures we aim to adopt to ensure, as far as possible, the minimisation of disturbance to residents by activities in and around **The Flower of Kent**.

Our aim of the noise management plan is to adopt the best practicable options to ensure that the conditions of the Premises License (2003) are met.

Although we have not received all information from Lewisham Council Environmental Health & noise department, we have made the necessary enquiries to find out what we need to keep music at a reasonable level.

### **The key elements of this plans are to:**

Minimise the impact on residents and prevent public nuisance.

Follow and adhere to terms in license agreement.

Identify steps to manage and control noise.

Identify noise sources and acceptable noise levels

A defined programme of noise measurement to check that compliance has been achieved through monitoring and testing.

### **Background**

Recommendations that all amplified music played in The Ridge is brought under the control of sound limiter equipment and mobile monitoring equipment

Measurement of noise levels at the perimeter of the site and within neighbouring residential premises

Set threshold levels of music noise with the EPD at which the entertainment noise limiters cut-off the power supply to any amplification system in use

The sound levels for the entertainment areas will be set in conjunction with the EPD and readings obtained in a test environment

All managers will be aware of the limiters and the levels set

All external entertainment suppliers will be made aware of the sound limiters within the building

Fixed points will be allocated to enable the Duty Manager to take readings at an event both internally and externally.

### **These points as follows:**

- Bar
- Multi-Function Room
- Outside Main Entrance
- Perimeter of site at The Flower of Kent

Readings will be taken as spot checks and documented.

## **Identification of the range of potential noise sources relating to the premises and its vicinity**

### **Sources of noise include:**

- Amplified music (recorded or live) with particular attention to low frequency bass levels, public address systems, television/video
- Externally mounted plant and equipment e.g., chiller units, air conditioning units, extract ventilation
- External licensed areas

### **Steps taken to manage noise pollution Generally, the overriding requirement is for control of noise at source“ by considering:**

- the building’s location, orientation, and design
- the specification, selection, and operation of equipment (machinery such as air conditioning units and waste disposal systems) that emit low levels of noise
- the specification, selection, and operation of amplified music equipment
- managing operations on site
- Make customers aware of the consequences of late-night noise and to be proactive in dealing with the problem via internal and external signage, plasma screen display, e mail etc.

### **The installation of noise limiting equipment in all areas where events will take place:**

**We are aiming to get the exact decibels and the limits** This equipment is linked into the electrical supply which feeds the music systems and will cut the supply if a Decibels reading exceeds an unacceptable level. The equipment works on a traffic light sequence and will be visible to any performers or DJ. The red banding will only be tolerated for a set number of seconds before the system shuts down. The system also has the facility to operate at two sound level thresholds selectable remotely or by a time switch this allows a venue to operate at different levels at different periods of the day or night. The system will be lockable and only accessed remotely or by authorised personnel, i.e., managers, electricians, and service contractors. Handheld monitoring equipment will also be used to ensure the accuracy of the Sound Sentry and to monitor sound levels.

All managers will be fully aware and conversant with the Noise Management Plan. Any event’s where amplified music is employed will be wound down in a professional manner. Music will reduce in sound and style to reflect a calmer end to an event

As required SIA registered security contractor will be on shifts as required on my license agreement. We will now ensure that the security staff are wearing Hi-Vis's vest.

Staff will take a proactive approach to noise management including checking noise levels as set out above.

### **Make customers aware of the consequences of late-night noise and to be proactive in dealing with the problem**

Notices will be displayed on external doors asking customers to leave the premises in a quiet and orderly fashion to show respect to local neighbours

### **Complaint's procedure**

All complaints relating to the Flower of Kent pub should be reported to the manager who will take a report and log it on the system.

The flower of Kent management team will then review and investigate the complaint.

Once the investigation is complete relevant action will be taken to locate and remove the source of the problem. We will monitor the outcome.

All changes will be reviewed on a quarterly basis.

**Sent:** 18 March 2022 17:46

**To:** Licensing

**Subject:** Re: Setting a limiter on a Licensed premises

Hi Licensing Team

I hope my email finds you well?

I would like some advice on noise limiters on licensed premises and what decibels music should be played at? (for example a pub)

I wanted to know if lewisham offers premises a limiter at a fee and have officers set the limit or if the licensee has to purchase a limiter separately and request for lewisham officers to test and see it.

I need as much information so we can make the best choice in reducing noise levels to the public.

Kind Regards

Shireen Allen



Licensing Act 2003, Schedule 12, Part A  
Regulation 33, 34

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

Premises licence holder name

Vernandah Francis

Full Variation Issue Date: 15/07/2021

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

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

**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

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

LEW 0028

London Borough of Lewisham

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.

All embedded conditions inherent with the Licensing Act 1964.

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**

1. 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.
2. 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.
3. 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
4. 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.
5. 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.
6. 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).

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Any alcohol, purchased within the premises, must be consumed by 02:00 hrs.
13. 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.
14. Member of local Pub Watch.
15. Display of anti-crime notices e.g. anti-drugs.
16. Fire equipment e.g. fire extinguishers, to date, fire signs, smoke alarms.
17. Notices reminding customers to leave premises quietly.
18. Children are not permitted on the premises without a parent or adult.
19. Children are not permitted on the premises after 9pm.

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

1. There shall be no admittance to the premises after 01:00 on Fridays and Saturdays.
2. There shall be no exit **from the premises onto Florence Road** after 10.30pm.
3. Notices advising patrons to leave quietly shall be displayed **on the premises**.
4. Management to take steps to supervise exit from the premises after 11pm.
5. Management shall take all reasonable steps to ensure glasses are not taken **off** the premises.
6. No one is allowed to take any drinks outside to the smoking area after 22:30
7. Posters to be displayed in the premises stating "Patrons are requested not to park in Florence Road".
8. There shall be no admittance or re-admittance to the premises after 01:00.
9. 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.

## **Annex 4- Plans**

Full plans available at Licensing Services London Borough of Lewisham

Ground floor – Reference – 0065

Day THURSDAY 1222594 Date 10/03/22

**Door Supervisors on Duty**

Name	Badge No.	Expiry Date	Time on	Time off	Signature
P ANIPAN	5809	06/03/25	21:00	01:30	<i>[Signature]</i>

**Fire Exit Check** I confirm that all fire exits are clear and unobstructed by any obstacle

Time Checked	Initials	Time	Initials	Time	Initials
Start of Shift		22:30		01:30	
20:00		23:00		02:00	
20:30		23:30		02:30	
21:00		00:00		03:00	
21:30		00:30		03:30	
22:00		01:00		04:00	

**Capacity Check Log**

Time	In	Out	Net	Time	In	Out	Net	Time	In	Out	Net
19:30				22:30				01:30			
20:00				23:00				02:00			
20:30				23:30				02:30			
21:00				00:00				03:00			
21:30				00:30				03:30			
22:00				01:00				04:00			

**Floor / Toilet Check Log** Floor & Toilet Areas check for spillages / glass every day at the following times, and any hazards reported to Duty Manager for action.

Time	Initial	Time	Initial	Time	Initial
19:30		22:30		01:30	
20:00		23:00		02:00	
20:30		23:30		02:30	
21:00		00:00		03:00	
21:30		00:30		03:30	
22:00		01:00		04:00	

Enforcement Visit Log	Time of Visit	Details of Visit / Action Taken	AM Informed

















Licensing Act 2003, Schedule 12, Part A  
Regulation 33, 34

Premises licence number

Premises name

**Part 1- Premises details**

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

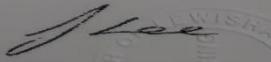
Post town  Post code

Telephone number

Premises licence holder name

Full Variation Issue Date:

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