

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 12 APRIL 2022 and held remotely at 7.15pm.

Present

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

Apologies for absence were received from Councillor Howard.

Also Present

Richard Lockett - Crime, Enforcement and Regulations Officer
Charlie Kenny – Lawyer

Le 5 Terre 2 Loampit Hill London SE13 7SW

Not represented

Representation

P.C Butler – Metropolitan Police
Lisa Spall – Crime, Enforcement and Regulatory Manager.

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 24 March 2022 be confirmed and signed.

2. Declarations of Interests

None.

3 Le 5 Terre 2 Loampit Hill SE13 7SW

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

Crime, Enforcement and Regulation Officer

- 3.2 The Crime Enforcement and Regulations (CER) Officer said that members were being asked to consider an application for the variation of a premises licence for Le 5 Terre 2 Loampit Hill SE13 7SW. He outlined the current licensed activities at

the premises and the extended hours as applied for. He said that representations had been received from the Metropolitan Police on the grounds of the prevention of Crime and Disorder and of Public Nuisance. The Crime and Enforcement team had made a representation on the grounds of Prevention of Public Nuisance.

- 3.3 The CER Officer then outlined the powers available to members when making their decision.

Applicant

- 3.4 Members were advised that the applicant was not in attendance.

Representation

- 3.5 P.C Butler said that the representations from the Police were based on the licensing objectives of the prevention of Crime and Disorder and the prevention of Public Nuisance. The premises was situated next to a residential area, namely Elswick Road which was a one way, quiet, residential road at the back of the property. Most of the surrounding businesses closed at 11pm apart from two that closed at 1.30. It was predominantly a residential area. The Police did not believe that there was any need for this property to close at 5am and it would impact on the peace and tranquillity for residents in the local area.
- 3.6 P.C Butler said that there were records for this business dating back to 8 July 2018. An officer had sought a section 19 Notice from the Bromley Magistrates Court because there were poker tables and illegal gambling taking place in the rooms behind the premises. There was a takeaway business at the front and two function rooms attached at the back. Police then received a number of complaints from members of the public and the community; 3 dates were given when there had been reports of suspicious activity, noise nuisance and anti-social behaviour at the premises.
- 3.7 A licence was granted on the 18 January in an effort to bring the business up to date by ensuring cameras were installed, and that the premises were acting in a legal manner. In February there were three other occasions where reports of noise nuisance were received. Police suspected that illegal gambling was taking place in June. In July Police requested CCTV footage from the DPS but was never received. P.C Butler visited the premises on 6 July and found multiple breaches including the CCTV that did not work. Police Investigation was hindered because the CCTV video evidence had not been available.
- 3.8 On 8 July the licence holder contacted Police because he wanted legal advice regarding the Section 19 notice that had been issued. Police were asked to withdraw the notice but this was not agreed because the CCTV was not working and there were still multiple breaches of their conditions.
- 3.9 On 2 December there were more reports of suspicious activity taking place. In summary, P.C Butler believed that Police investigations had been hampered by the actions of the premises and its management. Conditions had been put in place to uphold the licensing objectives, prevent crime and disorder and prevent illegal activities. Police believed that management had failed to assist them with reports

of public nuisance and hindered investigations. If the application was granted until 5am, Police believed that this would increase the potential for crime and disorder and anti-social behaviour and were concerned about after hour's suspicious activity.

- 3.10 The Chair asked whether the business was still open following the Section 19 Notice. P.C Butler said that they were now operating but it took some months, following the granting of the notice, because they had to address all the various breaches of the conditions on their licence.
- 3.11 Ms Spall said that the objection submitted by the CER team was based around Lewisham's Licensing policy 2020-2025, which states that the premises was within a district hub. She said that the premises hours should not be longer than midnight Sunday – Thursday and 01:00 Friday and Saturday. Officers had concerns that the late licence as applied for would result in noise nuisance upon dispersal of patrons at closing time and risk of drunkenness and related crime/anti-social behaviour.
- 3.12 CER officers had also received letters of objection from residents living in close proximity to the premises, who had endured on going noise nuisance over the last 15 months from the premises. They were too afraid to attend the meeting and due to fear of reprisals, their objections had not been included in the agenda. Officers believed that if the application was granted there would be a serious risk to the licensing objectives.
- 3.13 The Chair asked whether the CCTV was in operation. P.C Butler said that the CCTV was working when he last visited the premises. They were meeting all of their conditions but the Police were aware that residents had serious concerns about the premises.
- 3.14 Councillor Campbell asked whether the applicant was informed that the premises was within a district hub when they made their application to extend their licence. Ms Spall said that applicants were normally advised about this council's licensing policy when any changes were to be made to their licence and they should have been advised that operating hours were restricted if the premises was within a district hub. In addition the applicant would have known about this when the CER made their objection and could have reduced the hours but chose not to make any amendments to their application.
- 3.15 Councillor Wise thanked the Police and CER officers for their clear objections. She said that the last paragraph of the objection from the CER team stated that local residents were afraid of reprisals. She said that this carried a lot of weight in this procedure. Ms Spall although local residents did not want to attend the meeting for fear of reprisals, officers had received their letters of objection. P.C Butler confirmed that this was correct and said that local residents had sent information to crime stoppers to assist Police.
- 3.16 Councillor Hall asked whether members would be receiving protection if there were such serious concerns from local residents regarding intimidation as described by licensing officers and the Police. The Chair said that Cllr Hall should contact the Head of Law regarding the safety of members.

- 3.17 Councillor Hall said that he was surprised to hear the premises described as being in a quiet cul de sac. The local area was far from quiet and was a busy route to London. P.C Butler said that the quiet area he had described was Elswick Street, which was a quiet one way road behind the premises and predominantly residential; there were no businesses in this street. He was aware that Loampit Hill was a busy road with traffic going through to London.
- 3.18 Mr Kenny said reminded the Committee that under regulation 20, if a licensing committee was held without a party, as with this meeting where the applicant was not present, all information must be considered within the application including any representations made by the applicant. He asked members to ensure that they had read and considered the applicant's representations as set out in pages 19 and 20 of the agenda.
- 3.19 The Chair said that she was satisfied that members of the Committee had read and heard all the information required to make a decision. Before members left the meeting and proceeded to the vote, she needed to ensure that every member who would be voting on his item had been present throughout and had no internet disruptions. Each member then confirmed that they had been present throughout this item and had heard all the evidence.
- 3.20 The Chair said that a decision letter would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

Exclusion of the Press and Public

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

3 Le 5 Terre 2 Loampit Hill SE13 7SW

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

Le 5 Terre 2 Loampit Hill SE13 7SW

The application to vary the premises licence was REFUSED.

The meeting ended at 7.45pm

Chair