

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on THURSDAY 26 MAY 2022 at 8pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Councillor Anifowose (Vice-Chair) Councillors, Brown, Hayes, Howard, Huynh, Jackson, Kestner, Shrivastava and Warner

Also Present

Richard Lockett – Safer Communities Senior Officer
Jay Kidd-Morton - Lawyer
Charlie Kenny – Lawyer

Fox and Firkin 316 Lewisham High Street SE13 6JZ

Dan Sidders and Lenny Watson.

Representation

P.C Butler – Metropolitan Police

1. Declarations of Interests

None.

2. Fox and Firkin 316 Lewisham High Street SE13 6JZ

- 2.1 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 Safer Communities Senior Officer to introduce the application.

Safer Communities Senior Officer

- 2.2 Mr Lockett said that the meeting was being held in relation to representations received to a Temporary Event Notice (TEN) at the land to the rear of Fox and Firkin 316 Lewisham High Street SE13 6JZ. The proposed event site was in the rear of the premises, located outside the licensed area of the pub itself. The sale of alcohol was not permitted in this area, as well as amplified live and recorded music. He outlined the application as applied for and the existing licensed activities at the premises. He said that representations had been received from the Metropolitan Police on the grounds of public safety and the prevention of Crime and Disorder and of Public Nuisance.
- 2.3 The Mr Lockett then outlined the powers available to members when making their decision.

Applicant

2.4. Lenny Watson then addressed the Committee on behalf of the applicant. She addressed the objections outlined in the objection letter received from P.C Butler of the Metropolitan Police:

- The premises had acquired extra land which extended the garden to include a marquee and bar. Following a section 19 notice, it was recommended that steps be taken to ensure that the extra land, which expanded the garden at the rear of the premises, should be licensed. A full licence application had been applied for this area on 27 April 2022.
- The application had been applied for under the address 15 Whitburn Road because the marquee and the outside bar would form part of the brewery and tap room. It had been suggested that the TENs application had been made under this address in order not to highlight it as part of the premises at 316 Lewisham High Street. This was not correct, the application had been made under Whitburn Road because it was considered that this was the appropriate address because it made most sense in the context of the licensing situation for the overall area and the garden area shared with the Fox and Firkin.
- Incidents at the premises had been dealt with by staff to ensure that Licensing Objectives were upheld. An example was given that on 16 April 2022, staff asked a patron to stop smoking Marijuana. The patron became angry and assaulted the staff member. The Police were called for the safety of staff, and members of the public.
- In the letter, it stated that staff had not assisted Police with their enquiries. However, Mr Sidders the DPS, had spoken to the Police following an incident at the premises, offering any assistance required. CCTV had not been available that day because the system had been removed to carry out structural works to facilitate sound proofing measures in the venue. These measures were carried out at the request of licensing officers. During the works, the system was damaged and a new one purchased. CCTV was now fully functional.
- Cad reference numbers 7252 and 7527 referred to the same incident. They referred to an event when people had not entered the premises; the incident took place outside the premises. There had been disturbance because several people had been denied entry to the premises. Security noticed that they displayed untoward behaviour and entry could have posed a safety issue. Police were called to protect staff, customers and the public.
- Steps had been taken to meet all of the recommendations received from licensing officers, including installing a high level of acoustic equipment at the venue, installing new double doors to prevent noise escaping and installing a noise limiter.
- The re-opening of establishments following Covid, had caused a rise in the number of noise complaints nationally but the increase in complaints did not reflect a change in practices or operation of the premises.

- 2.5 In conclusion, Ms Watson said that she hoped members recognised the efforts that management had made in meeting legal and licensing objectives and the part that they played in the local community and that they would be allowed to continue to work with authorities to deliver the cultural events that was a vital part of their business.
- 2.6 A full licence application for the area behind the premises had been applied for on 27 April 2002. Councillor Shrivastava asked the applicant when they expected the application to be granted. Ms Watson said that the consultation period ended on 26 May 2002 and she expected to hear from the local authority within the next 5 working days.

Representation

- 2.7 P.C Butler Police had attended the premises because of noise complaints. It was noted that there had been a considerable extension to the outside area, which was three times bigger than the licensed area. The manager was advised that the area, which had a bar and marquee, was operating without a licence and as a result, a Section 19 closure notice was issued.
- 2.8 A serious GBH had taken place at the premises and was of concern to Police because a staff member was bottled by a member of the public. Police investigating the incident asked to view the CCTV but it had not been available and the suspect could not be identified. If 250 patrons were on the premises, the safety of the public would be at risk, particularly if CCTV was not available because suspects could not be identified.
- 2.9 P.C Butler said that Police were receiving increasing numbers of noise complaints. There was a risk that with regulated entertainment over the Jubilee celebration period, the number of these complaints from members of the public would increase.
- 2.10 P.C Butler said that the application was originally submitted with the incorrect address, that of 15 Whitburn Road. It was attached to 316 Lewisham High Street. He said that it was unclear whether the applicant believed the land to be part of Whitburn Road or Lewisham High Street. Police did not believe that this land was part of the brewery in Whitburn Road and had concerns that the applicant had tried to apply for a TEN at this address.
- 2.11 Police were also concerned about the possible increase of crime and disorder, as alcohol was introduced in this large area during the Jubilee festivities, where there was no control over CCTV images or any conditions relating to the land they intended to use. On 22 March 2022, the applicant was advised to apply for a variation of a licence to include the extension of the land as part of 316 Lewisham High Street, which had been overlooked by management. The Police did not believe that the premises was being managed properly and were concerned that the licensing objectives of the prevention of crime and disorder and public nuisance would not be upheld if the application was granted.

- 2.12 Councillor Jackson asked P.C Butler whether the level of complaints in relation to assaults and noise was unusual for a venue of this type, how close the garden area was to other residential properties on Whitburn Road and whether the main complaint that the Police had with relation to the staff member who had been bottle, was the fact that CCTV had not be available to identify a suspect. P.C Butler said that the number of complaints about the premises in Lewisham High Street was particularly high. There were not many licensed areas in the high street particularly on the size of this premises. The area had been large enough to be flagged up for the Jubilee celebrations and the borough of culture. The capacity had been increased with the extension of the garden which should bring more control aspects including security, CCTV and door staff.
- 2.13 Councillor Brown referred to the fact that Police had experienced issues with the applicant. He asked Mr Lockett whether his team had also experienced similar issues with the applicant. He said that this was a long standing company operating in Lewisham for a number of years. He asked what had changed for the number of complaints to have increased. P.C Butler said that, as far as he was aware, the management had not changed. He said that noise nuisance had increased because of the increase of the land and subsequent increase in capacity. His concerns regarding CCTV had been highlighted with the applicants on 30 March 2022. He had not been advised that the CCTV had been repaired. Mr Lockett said that noise complaints had been received by the enforcement team. However, he could not comment to what extent the applicants had addressed these complaints.
- 2.14 The applicant summed up by saying that management were not trying to submit this TEN in a way that did not show that it formed part of the property at 316 Lewisham High Street. It was originally submitted under the Whitburn Road address because that was the address of the brewery and the area that the TENs relates and would be part of the brewery's tap room and outdoors bar.
- 2.15 The applicant assured members that the CCTV would be fully functional across all areas by the time the TENs took place. The issues of noise complaints was a nationwide trend noticed by grass root music venues throughout the country in the wake of the pandemic. Management were trying to keep up with this complex issue. The Fox and Firkin played an important part in local culture and wanted to continue to work with local services to provide these events.
- 2.16 Councillor Howard asked whether there would be extra security staff over the Jubilee festivities and whether the CCTV would be functioning over all areas. Ms Watson said that the number of security staff employed always related to the number of attendees on the premises. CCTV was working in the licensed areas at 316 Lewisham high Street. By the time of the Jubilee celebrations it would also cover the areas to which the TENs related.
- 2.17 Councillor Anifowose asked whether there were other security measures planned in addition to extra security and functioning CCTV to ensure public safety. Ms Watson said that a noise limiter had been installed on their sound systems inside and outside the premises. Drinks would be served in polycarbonate glasses to prevent glass being used as a weapon.

- 2.18 Councillor Shrivastava asked for the capacity during the Jubilee celebrations and the usual capacity. Ms Watson said that the premises was licensed with a capacity of 350 people. The 250 capacity applied for under the TEN would not be in addition to the 350 but would form part of it. It was the number that could be accommodated in the outside area at any one time
- 2.19 Councillor Shrivastava asked when the live music would be played and what steps would be taken to regulate all areas to ensure that none of the areas were congested. Ms Watson said that across all areas it was not expected that there would be any problems with congestion. However, management always ask promoters to structure events in a way that was considerate of the flow of people through the venue. Live music would be played predominantly on the Saturday and Sunday. She did not have the specific timings but she would be able to send details to members if required.
- 2.20 Councillor Warner asked whether events of this scale had previously been hosted at the premises and whether there had been any complaints that the licensing objectives had not been upheld. Ms Watson said that events that reach maximum capacity were regularly held at the premises without any problems. She was confident that the events to be held during the Jubilee weekend would be managed successfully.
- 2.21 Councillor Huynh asked whether extra staff would be employed and whether they would undergo any extra training prior to the events of the Jubilee weekend. Ms Watson said that they had a large team of bar staff and the staff members serving on the outside bar, would be existing employees. Security staff would be employed from an agency with whom they work and were familiar with the site. One of their staff had completed SIA training for her licence, so one employee would be SIA trained to assist management.
- 2.22 In summing up, P.C Butler said that the measures the applicant intended to have in place in time for the Jubilee celebrations, were not included on the TEN application. There were no conditions as far as the licence was concerned and the current licence did not have any conditions with regard to noise limitations, door staff or CCTV. He said that one member of staff attending security training on the pretext that the premises would be hosting up to 250 people was inadequate. The area was not on the licensed plan and it was not clear what safety measures would be available on the day.
- 2.23 Councillor Howard asked whether there had been any complaints from local residents. P.C Butler confirmed that his references to cad numbers in his objection letter, had been received from local residents. A total of four complaints had been attached to his objection.
- 2.24 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 this 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.

2.25 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:

2. Fox and Firkin 316 Lewisham High Street SE13 6JZ

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

Fox and Firkin 316 Lewisham High Street SE13 6JZ

The application to vary the premises licence was APPROVED subject to the following conditions.

- The CCTV must be in full working order in all areas.
- A sound limiter must be fitted for all music that is played.
- Additional security must be provided for safety reasons to cater for the extra number of patrons who will be admitted onto the premises.

3. Ilderton Wharf TENs Space 1, Ilderton Road/Rollins Street, London, SE15 1EP

4. Ilderton Wharf TENs Space 2, Ilderton Road/Rollins Street, London, SE15 1EP

Item numbers 3 and 4 were withdrawn

The meeting ended at 8.43pm

Chair