



AGENDA

LICENSING COMMITTEE

Date: THURSDAY, 6 OCTOBER 2022 at 7.00 pm

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

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MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed except for item numbered 4 on the Agenda. For legal reasons, this item will be considered in private with the press and public excluded.

Councillors:

Councillor Susan Wise (Chair)
Councillor Yemisi Anifowose (Vice-Chair)
Councillor Bill Brown
Councillor Coral Howard
Councillor Stephen Hayes
Councillor Edison Huynh
Councillor Mark Jackson
Councillor Eva Kestner
Councillor Liam Shrivastava
Councillor Luke Warner

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 28 September 2022

ORDER OF BUSINESS – PART 1 AGENDA

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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.



Licensing Committee

Minutes

Date: 6 October 2022

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to consider the Minutes of the meetings of the Licensing Committee, held on 24 August 2022.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 24 August 2022 be confirmed and signed.

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LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 24 AUGUST 2022 and held remotely at 7pm.

Present

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

Apologies for absence were received from Councillors Hayes, and Jackson.

Also Present

Richard Lockett – Senior Licensing Officer - Safer Communities Service
Matt Lewin – Legal Representative
Clare Weaser – Clerk

Five Bells 155 New Cross Road SE14 5DJ

Applicant

Alex Green (Gosschalks) – presenting on behalf of applicant
William McLean - Regional Manager

Representation

Resident Ms Medina

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 9 August 2022 be confirmed and signed.

2. Declarations of Interests

Councillor Shrivastava declared that he is one of the Ward Councillor for New Cross Gate. Five Bells is in this ward.

3 Five Bells 155 New Cross Road SE14 5DJ

- 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 Mr Lockett to introduce the application.

Senior Licensing Officer

- 3.2 Mr Lockett said that this hearing was in relation to representations to an application for the variation of a premises licence for Five Bells 155 New Cross Road SE14 5DJ. He outlined the current licensable activities for the premises. He said that the application was for regulated entertainment and he outlined the proposed

activities. One representation had been received from a local resident, suggesting that the premises had been carrying out regulated entertainment for a while and that loud music and congregations of patrons outside had caused a noise nuisance. If the application was granted, it had been suggested that any existing problems would be exacerbated and extended into the early hours of the morning. No representations had been received from responsible authorities because conditions, included in the agenda, had been agreed.

- 3.3 Mr Lockett then outlined the options open to members of the Committee when making their decision.

Applicant

- 3.4 Mr Green spoke on behalf of the applicant. He outlined the company, the vast size and experience of that company and said that it had recently won the accolade, 'Pub Company of the Year'.
- 3.5 Mr Green said that the company had made this application because for some unknown reason, regulated entertainment had not been on the premises licence. This condition was on the licence for most pubs throughout the country.
- 3.6 Mr Green said that the applicants were very experience operators, they had employed the same security door staff for over 6 months. He was not aware of any noise complaints since Craft Union took over the premises in 2019.
- 3.7 Reference was then made to the representation. Extra conditions had been agreed with the Police and licensing team and were included in the agenda. A number related to escape of noise and of nuisance. He hoped that the addition of these conditions would allay the fears of the objector.
- 3.8 Reference was then made to the objection received from a resident. She had stated that the premises was in a heavily populated residential area with many family homes. However, only one resident had made an objection. Mr Green disputed that the area, particularly at the front of the premises, was anything but a busy commercial area. He did appreciate that there were some residential properties at the bottom of the side street.
- 3.9 In the objection, there had been a reference to a Facebook page. Mr Green said that it was an old page opened by a previous operator. It had nothing to do with the current operators.
- 3.10 Noise nuisance had been raised in the objection and Mr Green said that the added conditions addressed the issue of noise. Reference had also made to planning. This was not an issue for this Committee but he assured those present that his client would be adhering to any licensing permissions in place for the property.
- 3.11 Councillor Howard said that there were claims that unregulated entertainment was already taking place at the premises. Mr Green said that when this was brought to the attention of his client, regulated entertainment after 11pm stopped and that was a number of months ago. An immediate application was made to add this

condition to the licence and that was why members were considering this application.

Representation

- 3.12 Ms Medina then addressed the Committee. She outlined the strategy of the company. She said that the pub was owned by a private equity company. Unless the conditions relating to noise nuisance were laid down to manage the noise inside and outside the pub, local residents would suffer. She was concerned about this prospect, because the premises was mainly in a residential location, and the residents close to the pub would suffer most from noise nuisance, loss of privacy and loss of enjoyment of properties.
- 3.13 Ms Medina asked why an environmental report had not been requested and suggested that the applicant should be asked to pay for a full acoustic report from an independent consultant. Windows should be securely closed to prevent noise leakage. A noise limiter should be installed in the premises as well as a 'cut out' system to limit noise nuisance.
- 3.14 The three employees outside the premises should prevent customers causing a disturbance on the street outside the premises. Ms Medina also believed that CCTV should be extended to outside the premises.
- 3.15 Ms Medina said that the operators wanted to operate with the maximum number of patrons inside and outside the property with the longest hours, in an effort to make a profit, but this would conflict with the conditions on the licence. For reasons of safety, the numbers of patrons should be limited. The company operated to make money, and did not have any incentive to uphold the proposed conditions.
- 3.16 Ms Medina suggested that members of the Committee would not want to live near a pub that operated until late every day of the year. She recommended that the application be refused because she considered the conditions on the licence to be inappropriate and would not mitigate the harmful impact on residents.

Summary

- 3.17 Mr Green clarified that the Craft Union Pub Company was part of the Stonegate Company which was not owned by a private equity company. The objector had referred to windows and doors that should be kept closed. He said that there was a condition relating to windows and doors which required that they be kept closed during regulated entertainment.
- 3.18 In summary, Mr Green said that objections had not been received from the relevant authorities and only one objection had been received from a local resident. New, robust conditions had been added to the premises licence in liaison with the responsible authorities and should ease any concerns that residents might have. If the premises did not uphold the licensing objectives, any member of the public could apply for a review of the licence. He recommended that the licence application be granted.

- 3.19 Ms Medina said that she had been suffering from noise nuisance since the premises was opened in 2015. Nothing had changed since the current operators took over the premises. However, she did not realise that they did not have a licence for regulated entertainment otherwise she would have complained sooner.
- 3.20 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.
- 3.21 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.

4 Unit 3 Ilderton Wharf Rollins Street, London, SE15 1EW 5DJ

The Chair advised that this application had been postponed until 6 September 2022.

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. Five Bells 155 New Cross Road SE14 5DJ

The following is a summary of the decisions made during the closed part of the meeting.

3. Five Bells 155 New Cross Road SE14 5DJ

Regulated Entertainment was granted during the following hours.

(Live, Recorded, performances of Dance & anything of a similar description)

10:00 – 23:00 – Monday
10:00 – 23:00 - Tuesday
10:00 – 23:00 - Wednesday
10:00 – 00:30 - Thursday
10:00 – 01:30 - Friday
10:00 – 01:30 - Saturday
12:00 – 22:30 – Sunday

The meeting ended at 7.30pm

Chair

Agenda Item 2



Licensing Committee

Declarations of Interest

Date: 6 October 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).

Agenda Item 3



Licensing Committee

Exclusion of the Press and Public

Date: 6 October 2022
Key decision: No
Class: Part 1
Ward(s) affected: All
Contributors: Chief Executive

Outline and recommendations

Members are asked to consider excluding the press and public from the meeting for the one item of business.

Recommendation

It is recommended 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 1 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4. Silks 177 – 181 Rushey Green Catford SE6 4BD

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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