



AGENDA

LICENSING COMMITTEE

Date: THURSDAY, 27 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 items numbered 4 on the Agenda. For legal reasons, those items 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: 19 October 2022

ORDER OF BUSINESS – PART 1 AGENDA

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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.



Licensing Committee

Minutes

Date: 27 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 6 October 2022.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 6 October 2022 be confirmed and signed.

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LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, held on THURSDAY 6 OCTOBER 2022 and held remotely at 7pm. Items 1 and 3 were open to the press and public. Item 4 was closed

Present

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

There were no apologies

Also Present

Richard Lockett – Safer Communities Service Senior Licensing Officer
Alfene Rhodes - Safer Communities Service Licencing officer
Matt Lewin – Counsel Legal Representative
Jay Kidd Morton – Senior Lawyer

Silks 177 – 181 Rushey Green Catford SE6 4BD

Applicant - Metropolitan Police

P.C Gillian Pearce
P.C Simon Butler
Michael Feeney - Barrister
Ram Dutta – Paralegal – Metropolitan Police

Respondents

David Dadds – Licensing Lawyer representing Silks
Sharna Johnson - Designated Premises Supervisor (DPS)
Obi and Alpro - Silks

1. Minutes

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

2. Declarations of Interests

None.

3 Exclusion of the Press and Public

Mr Dadds did not agree that proceedings should be held in private. Along with the DPS he left the meeting and did not take any further part in the proceedings.

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 item of business on the grounds that it 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:

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

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

4.1 The following is a summary of the discussion during the closed session.

4.2 The Chair said that it had come to her attention that further material had been served on the Clerk by the Metropolitan Police that they wished to rely on in their application for a review of Silks' premises licence. She had not had sight of this material but she had been advised by the Legal Advisor and Clerk to the Committee that this material was both relevant and pertinent to the matter to be decided, and therefore, it was right that Members should have sight of this also in making their decision. However, she was equally aware of and concerned that the rights of Silks were not trampled in the process. She considered and knew that it was right, they should be given sufficient time to consider this material and be in a position to make proper representations.

Therefore, subject to the strong advice of Mr Lewin, she was minded to adjourn this hearing until 27 October 2022 at 7pm. And gave the following directions:

- 1) The Metropolitan Police to serve their additional material that they wish to rely on Silks and the Clerk by no later than 4.30pm on Friday 14 October 2022.
- 2) Silks in response, to serve upon the Metropolitan Police and the Clerk, their Response and any supporting material they intend to rely by no later than 4:30pm on 21 October 2022.
- 3) Any information served less than 7 days before the date of the hearing listed would not be considered.

4.3 This proposal was agreed unanimously by all members of the Licensing Committee

RESOLVED that consideration of the application for a review of the premises licence for Silks be postponed until 27 October 2022 at 7pm and that the following directives be agreed.

- 1) The Metropolitan Police to serve their additional material that they wish to rely on Silks and the Clerk by no later than 4.30pm on Friday 14 October.

- 2) Silks in response, to serve upon the Metropolitan Police and the Clerk, their Response and any supporting material they intended to rely by no later than 4:30pm on 21 October 2022.
- 3) Any information served less than 7 days before the date of the hearing listed would not be considered.

The meeting ended at 7.25pm

Chair



Licensing Committee

Declarations of Interest

Date: 27 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).



Licensing Committee

Exclusion of the Press and Public

Date: 27 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

Agenda Item 4

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

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