

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 experienced 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 been 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 Act1972, 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