



AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 11 JULY 2023 at 7.00 pm

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

Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

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



Jeremy Chambers
Monitoring Officer
Laurence House
Catford
London SE6 4RU
Date: 5 July 2023

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.



Licensing Committee

Minutes

Date: 11 July 2023

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to consider the Minutes of the meeting of the Licensing Committee, held on 6 July 2023

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 6 July 2023 be confirmed and signed.

Agenda Item 2



Licensing Committee

Declarations of Interest

Date: 11 July 2023

Class: Part 1

Ward(s) affected: All

Contributors: Head of Governance and Committee Services

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

Report title: Deptford Park, Scawen Road, SE8 5AE

Date: 11th July 2023

Key decision: No.

Class: Part 1

Ward(s) affected:

Contributors: Safer Communities Service

Outline and recommendations

Determination of Temporary Event Notice Application - After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

To consider the application for a Temporary Event Notice. The options open to members of the Committee are set out in paragraph 4 below.

Proposal: Temporary Event Notice (TEN)

Legislation: Licensing Act 2003

Premises: Deptford Park, Scawen Road, Deptford London, SE8 5AE

Applicant: Alexandre Moussinga

The notice was served in accordance with section 100 of the Licensing Act 2003.

1. Notice Content & Objection

- 1.1 The Temporary Event Notice is for the following activities to take place in Deptford Park from 07:00 - 21:30hrs on 23rd July 2023.
- 1.2 The sale of alcohol for consumption on the premises and the provision of regulated entertainment in the form of DJ performances for up to 250 people.
- 1.3 The notice was served on responsible authorities on 29th June 2023. An

objection was received from a Lewisham Licensing Police officer on 30th June, within the specified time limit in accordance with section 104 of the Licensing Act 2003.

- 1.4 The objection was made in relation to Public Safety, the Prevention of Public Nuisance, the Prevention of Crime & Disorder and the Protection of Children from Harm.
- 1.5 The park does not benefit from a current premises licence.

2. Legal and Human Rights Implications

- 2.1 Where an objection notice is received following a Temporary Event Notice a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote Public safety, the Prevention of Public Nuisance, the Prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives.
- 2.2 The licensing authority is a public authority under the Human Rights Act 1998. Therefore, the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 2.3 The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

3. Equalities Implications

- 3.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 3.2 In summary the Council must, in the exercise of its functions, have due regard to the need to-
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between those who share a protected characteristic and those who do not.
- 3.3 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

4. Determination of objection notice

- 4.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of public nuisance. Therefore the Licensing Committee may;
1. Decide no action is appropriate to promote the licensing objectives therefore the temporary event may go ahead.
 2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so, AND if
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
 3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead.
- 4.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

<u>Short Title of Document</u>	<u>Background Papers</u> <u>Date</u>	<u>Appendix</u>
<u>Temporary Event Notice</u>		
Notification rec'd	29/06/2023	
Plan rec'd	30/06/2023	
<u>MET Police Objection</u>		
Objection rec'd	30/06/2023	

Should you require any further information on this report please contact Alfene Rhodes of the Safer Communities Service at Alfene.rhodes@lewisham.gov.uk



* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

Yes No

* Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address, you intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

7.00 am to 21.30

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

250

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

There will be a live band playing light music from 16.00 till 20.00
There will be a DJ playing light music from 12.00 – 18.00
There will be some dancing performances
There will be some artist singing on playback, from 15.00 till 18.30

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Continued from previous page...

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:
* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Continued from previous page...

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lewisham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



TEMPORARY EVENT NOTICE

To: Alexandre Moussinga
Of: 20 Rosemount Point
Dacres Estate, Dacres Road
Forest Hill
SE23 2BW

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: Deptford Park
Scawen Road
Deptford
London
SE8 5AE
Date: 23rd July 2023
Times: 07:00 – 21:30
Permitted Activities: ALC, REG ENT
Capacity: 250

Directorate for Community Services
Licensing Authority
Holbeach Office
9 Holbeach Rd
Catford
SE6 4TW

**Proper Officer for Licensing
London Borough of Lewisham**

SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL NOT BE PERMITTED.

A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED.

TEN SIGNATURE PAGE

PREMISES OF EVENT Deptford Park

AUTHORISING OFFICER Alfene Rhodes

OFFICERS SIGNATURE 

DATE OF SIGNING 4 July 2023



PL - Lewisham Borough

9 Holbeach Road,
Catford. SE6 4TW

Telephone: 07795 801039

Email: Simon.Butler@met.police.uk

www.met.police.uk

Your ref:

Our ref:

30th June 2023

Dear Licensing Team,

I have received a Temporary Events Notice for an event planning to be held on 23rd July 2023 at Deptford Park, Scawen Road SE8 5AE.

I wish to object to this TEN on the grounds of Prevention of Crime and Disorder, Prevention of public nuisance and Protection of children from harm.

The event is for the date of 23rd July 2023 and the request was to allow 250 people via a temporary event notice to hold a community event which will “enable beneficiaries to participate into community focused multi-cultural activities such as fashion show, exhibition stand, live music, football game and cultural dances”. It is stated in the application that “intends to use part of the park”.

The application from Alexandre Moussinga states that the event is planning on times between 0700hrs to 2130hrs on the 23rd July 2023 and wishes authorisation for Alcohol and Regulated Entertainment.

Having assessed this application and researched the location, the park is vast in size and is 17 acres. It is surrounded by residential housing on all sides, Scawen Road, Evelyn Street and Grinstead Roads.

The park states that it’s for general public use and open for the public between 0800hrs and 1630hrs on its website, thus, conflicting with times the park is shown to be operating.

The parks facilities such as Children play area, outdoor gym, football pitches, toilets open between 1100hrs and 1600hrs, and dog walking. Are the public still to have access to these facilities?

Police feel insufficient information has been supplied in the application process to show that this event can be controlled in its numbers, as the park is large enough to accommodate many more than the 250 stated by the applicant. It does not mention

anything about stewards or fencing to keep a controlled area or section apart from the users of the park.

Police currently have NO documents from the landowners stating they give permission for this public park to be used in such a way and cannot see how numbers could be controlled to adhere to it planned numbers stated, or even staying under 499 for a TEN.

The hours stipulated on the TEN conflict with hours this park shows as open to the public and clearly the landowners have a big part in this land being locked up outside of the hours and in conflict with the events times.

The applicant also shows no planning if the park is locked up on time and toilet provision the same where 250 people will use a toilet until 2130hrs. This will lead to urination in public places and public order offences being committed.

There is also children's play area and permitting Alcohol authority is questionable without some safeguards in place to prevent children gaining access to whatever the alcohol is planned onsite at this event. The application states that exhibition stands, cultural activities, football games and dancing will take place and nothing has been specified as to what exhibitors, stands, food or drink outlets etc will be in attendance and if they are regulated, as hot food stands with possible gas bottles etc.

This event has the potential to grow in numbers and exceed the amount expected when looking at the organisers involved being large in number without guests turning up.

This location suffers largely with Anti-social behaviour reports and nuisance as well and intel coming back on police reports of Thefts and Robberies taking place in the park area. I search on the police IIP system highlighted over 60 incidents with ASB being the main concern for the public calling these in to police control.

This event will bring with it an increase in Crime and Disorder and reports being made to authorities of Noise nuisance, anti-social crimes if not planned correctly, and has potential to become a sizable event that could cause issues in Policing the area.

A few more recent Cads listed are –

2442/27JUN23 Theft of property

3203/18JUN23 ASB

6564/03JUN23 ASB Nuisance

6050/15MAY23 Susp Circs

2882/08MAY23 ASB

However, for this event to progress and be properly prepared under Public Safety grounds. A more detailed plan of events would be helpful to assist in helping provide some details around what is intended to be provided. This event has potential in reaching a possible plan to be submitted for ESAG authority.

Concerns raised by Police –

Deptford Park in the summer and controlling numbers to keep to under 499 have not been answered. No Fencing, No boundaries or sufficient stewards would mean nothing to stop other park users and large groups swelling numbers beyond control. Naturally other park users with families would see the event and possibly join it and want to see whats going on.

Other Safety Concerns –

Alcohol – what is planned to be provided and planning around its distribution.

Medical Aid – In a public park with various activities planned. First aider on site?

Toilets – No Mention of anything provided, Even with 250, introduce Alcohol on a summers day and you have wee all over the park and a toilet block that will be closed at 4pm so what will happen until planned 2130hrs.

Food/Drink Outlets – None mentioned strength of alcohol provided? Food hygiene ?

Food and hygiene team to look at whats being served up and maybe anything Fire Safety concerns.

Plan to remove intoxicated people or undesirables, what's the plan to remove them?

Police Object to this TEN on grounds of Preservation of Public Safety, Prevention of Crime and Disorder and Protecting Children from Harm and Prevention of public nuisance.

Currently, it concerns Police that such Park land with no permission shown and control over on site facilities and the impact this will have on the residential premises surrounding the park that will have a knock on effect to the community circling the park.

For your consideration

Regards

Simon Butler

Police Licensing Officer for Lewisham Borough

9 Holbeach Road, Catford SE6 4TW

