

## LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 8 AUGUST 2023 at 7pm and held remotely via Microsoft Teams.

### **Present**

Councillor Wise (Chair) Councillor Anifowose (Vice-Chair) Councillors, Brown, Huynh, and. Warner

Apologies for absence were received from Councillors Howard, Jackson and Shrivastava.

### **Also Present**

Jay Kidd-Morton - Legal advisor  
Kennedy Obazee - Safer Communities Officer.

### **Bird in Hand 35 Dartmouth Road, London, SE23 3HN.**

Applicant

Anthony Thomas on behalf of Antic London.

Objectors

5 Residents

### **Royal George at 85 Tanner's Hill, London, SE8 4QD**

Applicant

Niall McCann – Solicitor speaking on behalf of the applicant.  
Natasha Eves, Manager of Royal George.

Objectors

P.C Simon Butler – Metropolitan Police  
Alfene Rhodes - Safer Communities Officer.  
2 residents

#### **1. Minutes**

RESOLVED that the minutes of the meeting held on 26 July 2023 be confirmed and signed at the next meeting of this Committee.

#### **2. Declarations of Interests**

None.

### **3. Bird in Hand 35 Dartmouth Road, London, SE23 3HN.**

- 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 the Safer Communities Officer to introduce the application.

#### **Introduction**

- 3.2 Mr Obazee advised that this hearing was being held to determine the variation of a premises licence application submitted by Babel Silk Ltd in relation to Bird in Hand 35 Dartmouth Road, London, SE23 3HN. He outlined the application.
- 3.3 The application had been advertised in accordance with regulations. The last date for receiving representations was 29 June 2023. During the 28-day consultation period, seven objections had been received from members of the public. Photographic evidence had been received and circulated to all parties. The representations had been received within the specified consultation period and were not considered to be vexatious or frivolous. Representations had been received from the Police and Licensing Authority but had been withdrawn following conditions that had been agreed with the applicant.
- 3.4 Mr Obazee then outlined the steps available to members, when making their decision, to promote the four licensing objectives.

#### **Applicant**

- 3.5 Mr Thomas gave a brief history of Antic London which had been in the pub business for 25 years. The Head Office was in Forest Hill and staff knew the area well. They bought a property opposite the Bird in Hand and managed it as a successful public house from 2010. It closed in November 2021 due to the pandemic.
- 3.6 Mr Thomas was aware that the premises had a checkered history; run by a large chain it had previously been operated at arm's length. Nefarious activity had taken place in the pub or around the pub, The applicant purchased the freehold in the spring of 2023 and the premises had been open for a month. It was noted that the car park had been sold and the applicant did not have responsibility for this area.
- 3.7 It was the intention of the applicant to manage the Bird in Hand so that it replicated a pub, the Royal Albert, in New Cross. The opening hours were similar; it was a gastro pub and it was an established community pub.
- 3.8 Mr Thomas said that photographic evidence of alleged incidences had been circulated by objectors before the meeting, but he claimed that previous clientele had moved on. He acknowledged that it would take time for the new clientele to be established but the new conditions would enable the premises to be modernised and create an establishment similar to the Royal Albert and all the other establishments that were managed in London. It would be a pub to be proud of.

- 3.9 If granted, the extended hours would ensure that the operating hours were different to other pubs; patrons would not be leaving at the same time on Thursday – Saturday nights.
- 3.10 The applicant wanted to encourage families to enjoy their facilities. If football was being shown, boys of up to 16 years would be able to stay and watch the game. Changes to the lower ground floor level would enable engaged frontage and some overview of the public passageway.
- 3.11 Mr Thomas said that the applicant wanted to draw a line under the past and was keen to ensure that the premises was managed successfully.
- 3.12 Councillor Warner asked about the public space behind the car park and whether residents believed that conditions recommended by the Police resolved some of the concerns they had. He also asked about the applicant's engagement with the local community and how they had responded to issues raised by residents. Mr Thomas said that historically, there had been fly tipping at the side of the premises and inappropriate parking. If this application was granted, this area would be licensed as an external space, and it would be enclosed. A dedicated bin store would be secured and there would be an external terrace that would be controlled.
- 3.13 The applicant knew the area well and was aware of the problems, which were clear in the photographic evidence. It had been agreed with the licensing authority that CCTV would be installed in external areas so that if there was nefarious activity, recorded evidence would be available for the Police. If the licensing hours were extended on the lower level, there would be more control on how patrons used this area and the on-street parking would be removed. Mr Thomas had no doubt that the situation would improve with the new management of these premises. Security staff would be employed, there would be bag searches, perimeter searches on late nights and a lot more engagement with residents in an effort to protect their wellbeing.
- 3.14 Mr Thomas said that complaints had not been sent directly to the premises. Management always engaged if complaints were received, and then investigated these complaints. Attempts had been made to investigate who had been loitering outside the premises as shown in the photographic evidence and who had been fly tipping.
- 3.15 Councillor Warner asked how extending the hours would help to resolve some of the problems raised by objectors. Mr Thomas said that the application was for an extra hour each day on Thursday -Saturday. The local pubs all closed at the same time, and there was a mass exodus as patrons left these premises. Customers would not be allowed onto the premises after midnight, and it was considered helpful for patrons to be leaving at different times.
- 3.16 In response to a question from Councillor Brown, Mr Thomas confirmed that the applicant was the last owner of the Ravensbourne pub.

## **Objections**

3.17 Five objectors addressed the Committee, and the following points were made:

- Complaints had been made directly to the pub. The response to one complaint was that they could not move people off the veranda because they were 'only drinking'.
- In the past week, people were on the premises until late and there was drug dealing. Cars picking up patrons drove down the road and turned in residents' forecourts which triggered security lights.
- Noise prevented residents from opening their windows.
- Drug dealers operated between the Hill and the Bird in Hand and then came down the road to sit in the residents' private estate
- Last week rotting food had been left outside. Glass was only removed from the floor outside after residents sent photographic evidence.
- There was doubt, amongst residents, that patrons would be refused access after midnight because in the past, it had been claimed that there had not been enough staff to manage this. In addition, security guards claimed that they could not leave their post and could not come out of the pub to move patrons away from the premises.
- The windows of the premises were thin, so the noise nuisance caused by the premises had a greater impact on residents' quality of life.
- The application to extend the hours on a Thursday night had been made to increase revenue. It did not respect the wellbeing of residents, some of whom needed to leave early for work on Friday.
- There were no regulations for the terrace; who could use it, how many people were allowed in this area at one time, or what time it should be closed.
- Although the investment from a professional landlord was welcomed, the extended hours would exacerbate the anti-social behaviour that residents had been experiencing.
- The balcony overlooked residents' homes and patrons could see into their homes which was particularly upsetting when young children were asleep. Drug dealing took place on this balcony and the noise patrons made disturbed residents.
- Residents had been forced to ask noisy patrons, who were loitering outside their properties, to move on. They feared that there could be reprisals. Extending the licence would not help this situation.
- There was no precedent in the local area for a licence as late as that being applied for.

3.18 Councillor Warner asked objectors if they were re-assured by the applicant having spoken to the Police about some of their concerns as well as mitigating conditions that could deal with these problems. An objector did not believe that this would alleviate problems, it just moved the problems down the hill, nearer to residents' homes. Residents also had concerns that police would not be able to manage the problems in the area because they did not have enough resources. Extending the hours would add to these problems.

## **Conclusion**

- 3.19 Mr Thomas said that the applicant was committed to installing a sound limiter in all the pubs they managed. External areas would not trade beyond 10pm and he apologised that a member of the public was on the balcony; the applicant would ensure that it was prevented in future. Windows and doors would be closed at 10pm. The premises had a terrible history; it was on a public road. There had been a dereliction of duty from management because they had not tried to engage with residents in the street to mitigate issues raised. However, it was in the interest of the applicant to ensure that drug dealing did not take place on the premises because they could lose their licence and was the reason why all the conditions suggested by the Police had been agreed. It was hoped that this pub would be of benefit to all the community and would be a well-managed pub unlike the management over the past 20 years. The Bird in the Hand would continue to receive financial investment to ensure that it was a successful business near to their Head Office in Forest Hill.
- 3.20 An objector wanted to know how the applicant intended to mitigate the problems caused by patrons on the terrace. People were on the terrace until 11pm. Staff said that they could not do anything because the patrons were drinking. This contradicted the claim made by the applicant that staff responded to complaints made by residents.
- 3.21 The Chair thanked all those present and said that a decision notice would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

#### **4. Royal George at 85 Tanner's Hill, London, SE8 4QD**

- 4.1 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 Officer to introduce the application.

##### **Introduction**

- 4.2 Mr Obazee said that this hearing was being held to determine the variation of a premises licence application made by Samuel Smith Ltd for Royal George at 85 Tanner's Hill, London, SE8 4QD. He outlined the application.
- 4.3 The application for the premises licence had been advertised in accordance with regulations. During the 28-day consultation period, the licensing authority received five objections, from members of the public. Further representations were received from the Police and Licensing Authority. Representations received were not considered vexatious or frivolous. Photographic evidence received from members of the public had been circulated to all parties. Proposed conditions had been drafted by the Police and Licensing Authority.
- 4.4 Mr Obazee then outlined the steps available to members, when making their decision, to promote the four licensing objectives. The Chair confirmed that the written submission, received before the meeting from the applicant, had been circulated to all parties.

##### **Application**

- 4.5 Mr McCann addressed the Committee on behalf of the applicant. He gave an historical background to the Royal George. The operator Sam Smith was unique in that he did not have any other brands or styles of operation. The traditional pubs had freeholds or long leaseholds and a licence had not been reviewed for any of his pubs. Sam Smith pubs did not have TV or music so patrons were able to have a conversation.
- 4.6 The application for the change of layout was important but not controversial. The internal layout was small and an additional room at the back of the premises would be used as an overflow for patrons. This would encourage more customers to sit inside the pub rather than outside.
- 4.7 Mr McCann said that the main concern of the objectors living opposite the premises was the extension of hours and the use of the premises at the front. There were no conditions on the licence, this was because no changes had been sought since 2003 when the Licensing Act came into force. If the application was granted, 27 conditions had been agreed and would be placed on the licence. He drew members' attention to the condition that drinking time at the front of the premises had been reduced from 11.20pm to 10pm. This would be supervised by staff.
- 4.8 Mr McCann said that drinking was permitted outside on the front of premises. There had not been any representation from environmental health. Photographic evidence had been lodged with the licensing authority taken at closing time as patrons left the pub. There was no evidence of anti-social behaviour, people were not screaming or waving. Just small groups planning to go home. However, it was not known when these photographs were taken.
- 4.9 The local area was not quiet late at night. There were four railway lines directly adjacent to the pub. People frequently parked in local streets, after the pub had closed; drink alcohol and play music.
- 4.10 In conclusion, Mr McCann said that the manager of the Royal George, Ms Eves and her team, had a good relationship with local residents. She was always on hand if they had any concerns. The change of layout was important if the premises was to remain commercially viable and most London pubs had a licence until midnight. If the application was granted, all conditions had been agreed, more checks and balances were in place, particularly drinking at the front of the premises which would be reduced by 1hr 20 minutes 6 days a week. The four licensing objectives would be upheld, particularly the prevention of public nuisance.
- 4.11 Councillor Brown asked why condition 16, which prevented drinks from being taken outside, was not agreed. Mr McCann said that he was concerned about the wording of the condition because if a patron bought a drink and sat in the benches at the front of the premises, this would be a breach of the licence. Ms Rhodes clarified that she had spoken to the applicant, and it had been agreed that the front of the premises would close at 10pm; patrons would only be able to leave after this time. The small rear area would then be used for smoking and there would be a

drinking up time of 11.20pm. Mr McCann asked for smoking to be allowed in the rear garden after 11pm.

- 4.12 Councillor Huynh referred to objection number 4; the objector claimed they had contacted the premises to move patrons from the front of the premises at 10pm to the rear garden. The objector did not receive a response. Councillor Huynh asked about previous attempts made by management to contact the local community about noise at the front of the premises, and the contact they had had with the community. Mr McCann said that Ms Eves had been in contact with the local community, but there had been no obligation to stop patrons from drinking at the front of the property after 10pm. Ms Eves said that previous complaints about noise at the front had been regarding deliveries late at night but this had been resolved. There were signs asking patrons to leave quietly and respect the neighbourhood. Steps had been taken to ensure that patrons respected neighbours. Mr McCann said that it was hoped that with the additional hours, there would be a more gradual dispersal rather than leaving the premises en masse.

### **Objections**

- 4.13 P.C. Butler said that the Royal George was an old premises. It had been operating for a long period of time without any conditions. New residential buildings had been built around the premises in recent years. In order to reduce the impact on the community, the Police had recommended a raft of conditions for the committee's consideration. It was of concern that the applicant had initially not agreed condition 16 and to patrons drinking outside. This had been resolved following discussions with the applicant.
- 4.14 P.C Butler said that there were concerns about the number of speakers and patrons hanging around outside the premises causing a disturbance in this quiet residential road. He recommended a dispersal policy.
- 4.15 P.C Butler said that most of the conditions recommended by the Police had been agreed by the applicant. He had concerns about impact; times had changed, so had communities. Residents' properties had flourished around the premises. This had an impact on residents regardless of how long the premises had existed.
- 4.16 Ms Rhodes said that it had been agreed with the applicant, that the two conditions relating to the decrease of music after the sale of alcohol ceases and the prevention of speakers outside the premises would remain.
- 4.17 The first objector addressed the Committee, and the following points were made.
- He was regularly woken up at night by the noise from customers shouting and conversations continuing well after 11pm. Staff did not intervene. Extending the hours would move this noise and disturbance later into the night.
  - The brewery had been contacted on numerous occasions by residents requesting help to manage noise nuisance, but nothing had changed.
  - The reason given for wanting to extend licence hours had been economic issues and patrons wanting to stay later but to local residents the pub

appeared vibrant. There was not enough room inside the premises so they spilled onto the streets.

- The premises was successful under the current hours and the noise from patrons already stretched the limits of what was reasonable for residents in a residential area.
- He recommended that customers should move inside the premises after 10pm. Customers should not be able to sit, drink, smoke or congregate outside after 10pm. In addition, customers should be asked to leave quietly after closing time.
- The applicant stated that noise was created by parked cars playing music. Although this happened occasionally, most of the noise was created by the pub. He strongly disagreed with Ms Eve's claim that the issues with deliveries had resolved. Large barrels still rolled down the hill after 10pm. This had been reported to the brewery but no action was taken.
- He supported successful local businesses, but measures should be taken to reduce late night noise and disruption.

4.18 The second objector addressed the Committee, and the following points were made:

- She was frustrated because she felt that the presentation made by the solicitor and the designated premises supervisor, dismissed residents' concerns and how their lives had been impacted by the noise created by the premises.
- Moving patrons into the premises by 10pm should be a simple procedure and she asked why this had not been possible. She said that this should be in place and managed before the extension of hours was granted.
- The premises was located in a narrow street, close to residential properties. Residents in their bedrooms and living rooms suffered from noise nuisance as patrons left the premises and sat outside. Management dismissed their concerns and their photographic evidence and did not work with the community.

#### Conclusion

4.19 Mr McCann said that in response to the first objector, and the two requests made, these had been agreed by the applicant. He agreed that residents could be given his contact details if they did not receive a response from Sam Smith and he agreed to give the details of the area manager as well. He hoped that the agreed conditions would re-assure residents and explained that conditions were legally enforceable and if breached, could lead to a review of the licence. He hoped that the extension of the hours would help to increase revenue slightly but it was a difficult time for pubs. Costs had increased enormously but he accepted that there should be checks and balances to give local residents re-assurances that conditions would be adhered to.

4.20 P.C Butler and Mr Rhodes did not have any further comments because conditions had been agreed with the applicant.



- 4.21 In response to a question from the first objector, Ms Rhodes confirmed that there should not be any activity in the front outside area after 10pm and this included drinking, smoking, sitting, and congregating.
- 4.22 The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. All members confirmed their attendance throughout the meeting.
- 4.23 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:

The legal officer advised members of the committee, that the steps available to them when making their decision, were to modify the conditions on the licence, or reject the whole or part of the application. The powers outlined in the report were incorrect.

### **3. Bird in Hand 35 Dartmouth Road, London, SE23 3HN**

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

#### **Bird in Hand 35 Dartmouth Road, London, SE23 3HN**

The following was agreed:

Change the layout and associated plan of the premises on the Ground floor.

Annex 2 conditions amendments

(a) Paragraph 3 "Toughened glass shall be used for draft beer and lager at all times the premises are open to the public" Amend to: "Toughened glass or similar, such as polycarbonate shall be used for draft beer and lager at all times the premises are open to the public"

(B) Paragraph 8 "Children under the age of 16 shall not be permitted to enter the premises after 19.00". Amend to: "Children under the age of 16 shall not be permitted to enter the premises after 21.00"

The following conditions to be added to the licence.:

1. *A minimum of 2x Security Officers, (which one (1) must be female) and are all employed the Premises Owners. Security must be on duty when the premises intends*

*to remain open past 0100hrs. When opening beyond 0100hrs Security must start at 21:00hrs until 30 minutes after closing and when conducting licensable activities or any other advertised or private event.*

2. *A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, Security badge number or staff ref number, time of commencement and completion of duties. The security operative should then sign their name.*
3. *All persons entering or re-entering the premises beyond Midnight shall be searched by the security officer on duty and monitored by the premises CCTV system.*

The Committee, however, did not agree to the application to amend the hours as sought by the applicant. The hours remain unchanged.

#### **4. Royal George at 85 Tanner's Hill, London, SE8 4QD**

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

#### **Royal George at 85 Tanner's Hill, London, SE8 4QD**

Subject to the conditions recommended by the Police and Licensing Authority, the application, as applied for, was agreed.

The meeting ended at 8.10pm

Chair