



AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 31 OCTOBER 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>

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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 Edison Huynh
Councillor Mark Jackson
Councillor Eva Kestner
Councillor Liam Shrivastava
Councillor Luke Warner

Members are summoned to attend this meeting



Jeremy Chambers
Laurence House
Catford
London SE6 4RU
Date: 23 October 2023

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: 31 October 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 meetings of the Licensing Committee, held on 6 and 26 September 2023.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 6 and 26 September 2023 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 TUESDAY 26 SEPTEMBER 2023 at 7pm and held remotely via Microsoft Teams.

Present

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

Apologies for absence were received from Councillors, Brown and Kestner

Also Present

Charlie Kenny– Lawyer
David Curtis - Safer Communities Operation Manager
Clare Chown – Safer Communities Officer
Clare Weaser – Committee Officer

Jenningsbet 80-82 Deptford High Street SE8 4RT

Applicant

Andrew Woods – Representing the applicant.
Mr Jowett – Jenningsbet

Respondents

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 6 September be considered at the next meeting of this Committee.

2. Declarations of Interests

None.

3. Jenningsbet - 80-82 Deptford High Street SE8 4RT

- 3.1 The Chair welcomed all parties to the Licensing Committee and outlined the procedure to be followed for the meeting. The Chair then introduced those present and invited the Senior Licensing Officer to introduce the application.

Introduction

- 3.2 Ms Chown said that members were being asked to consider a premises licence application made by Betting shop Operations Limited. The premises licence application was set out in the agenda and was received and processed on 12th July 2023. The application for the premises licence was advertised in accordance with regulations and during the 28-day consultation period, 8 objections were received from members of the public. The representations were received within the specified consultation period and are not considered vexatious or frivolous.
- 3.3 Ms Chown reminded members of the steps available to them when making their decision, having considered all representations and evidence heard during the hearing.

Applicant

- 3.4 Mr Woods spoke on behalf of the applicant. He said that this was an application under the Gambling Act 2005, this legislation referred to considering the application in terms of the licensing objectives. Documents had been submitted on behalf of Jenningsbet which outlined how the licensing objectives would be promoted if the licence was granted.
- 3.5 Mr Woods said that Jenningsbet was a family run business and an old bookmaker. They had held up to 140 licences and there had never been an occasion when the licence objectives were not upheld. They took their obligations very seriously and was the reason why the documents submitted were very detailed.
- 3.6 Jenningsbet had an operation at 14 Deptford High Street, they knew the area well and had operated without any complaints from residents or the local authorities. Concerns raised by objectors had been considered, and none of the complaints related to any of their shops.
- 3.7 Deptford High Street previously had seven betting shops, there are now only three; there were also two adult gaming centres, but they were different establishments. No objections to the application had been received from the Police or the local authority. Jenningsbet had satisfied all the requirements under the Gambling Act. The concerns in the representations had been read. Some of the comments did not relate specifically to the Gambling Act but they had all been noted. Children would not be allowed on the premises and all the other concerns would be dealt with by the operating strategy, policies and procedures, training, and local area risk assessments.
- 3.8 Councillor Shrivastava said that Jenningsbet already operated on Deptford High Street. He asked why they wanted to open a second betting shop on the same road. Mr Woods said that Jenningsbet had been in the area for some years and was liked by customers. At the weekend, on occasions, it could be busy, and the applicant wanted another shop further away down the high street to offer the same facilities to customers.
- 3.9 Councillor Howard asked about the area assessment which referred to the closeness of schools and mental health centres to the proposed betting shop. She asked if there was an understanding of the degree to which the area was already oversubscribed by these kinds of facilities. Deptford was a deprived area, and she

could not see the justification in providing more shops where young people could develop a gambling habit. Mr Woods said that the number of these facilities on the high street had reduced. The Gambling Act did not require the justification of opening of another betting shop in the high street although Mr Woods understood why some people would wish that it was part of the Act. Jenningsbet began trading in the 60s, if there was even a suggestion that they were allowing children onto their premises, they would not be holding an operating licence. Although it was important for the business that people wanted to bet with Jenningsbet, it was equally important that staff interacted with customers. They were trained to identify potential issues because they did not want customers on their premises who were unable to make a rational decision.

- 3.10 Councillor Huynh asked whether Jenningsbet tracked the demographics of their customers in Lewisham because it was a concern to objectors that gambling disproportionately affected those on lower income and also certain ethnic groups. He also asked for confirmation that the applicant intended to align with the Gambling Commission's non mandatory but best practice ordinary codes and not just the minimum social responsibility codes.
- 3.11 Mr Woods confirmed that Jenningsbet would comply with ordinary and non discretionary social responsibility codes. The applicant was on various committees with the betting and gaming forum and attended Gambling Commission forums and all best practice initiatives were implemented. Customers' demographics would not be tracked on one visit. However, every customer in the shop was monitored. If staff had any concerns about a customer, they would interact with them following written rules. Details of some regular customers were kept, and staff would know them and would be able to track them.
- 3.12 Mr Jowett explained that the vast number of people who entered their betting shops could do so anonymously. Most staff lived near the betting shop in which they operated and over time they know their customers and interact with them. Their shops were where people meet in the afternoons, but their demographic data was not tracked. He said that there were policies in place, regarding safer gambling and those deemed to be vulnerable. Staff observed customers and their behaviour whilst gambling and were trained to interact if they were deemed to be having difficulties with gambling.
- 3.13 Mr Jowett said that all interactions were logged and registered on the company's quarterly returns to the gambling commission. Over the past two years a lot of work had been undertaken with two known gambling charities and he gave details of these charities. They provided financial support and in return, the charities provided training for staff.
- 3.14 Councillor Huynh asked for the definition of problem gambling and what the threshold was for intervening. Mr Jowett said that a trigger could be someone making several debit card transactions in quick succession or playing two machines at the same time. A member of staff would have an interaction with someone if these situations arose.
- 3.15 Councillor Warner said it was difficult to determine what problem gambling was when there was no standardised definition across the industry and when there was

no tracking. Although staff were trained to get to know their customers and would intervene if there was problem gambling, Councillor Warner considered this to be a subjective benchmark. He referred to the licence application and asked what steps the applicant would take to ensure that the application did not infringe on the three licensing objectives. He asked for a short summary of the documents submitted.

- 3.16 Mr Woods drew members attention to Jenningsbet Operating Strategy which was an attempt to deal, succinctly, with the three licensing objectives. He outlined the basic site-specific control measures and said that there were also policies, procedures, and training. He accepted that assessing customers was subjective, but it was based on many years' experience managing the shops.
- 3.17 Mr Jowett said that the Safer Communities Officer had reviewed the policies and procedures and deemed them appropriate. In recent months he had taken on a new operator's licence; all the policies and procedures were considered by the Gambling Commission, and Jenningsbet was deemed to be a suitable operation. Terms were displayed in every branch and were clear and they took their responsibilities seriously. They worked with gambling charities and supported them financially. In return, charities helped Jenningsbet to be a better operator.
- 3.18 Councillor Warner suggested that the applicant could work with local gambling charities who work with vulnerable people in Deptford because there were serious social issues in the area related to gambling. Mr Jowett outlined how the owner's daughter had worked with gambling charities and if the application was granted, they could consider working with the local charities as recommended by Councillor Warner.
- 3.19 In response to a question from the Chair about the number of staff employed in the shop, Mr Jowett said that one person would be employed in the morning and then two members of staff in the afternoon until close and there would be cleaners. If a shop was considered to be busy at a certain time, three members of staff would be on duty. Every shop was risk assessed.

3.20 There were no objectors present.

Conclusion

3.21 Mr Woods summarised as follows:

- Jenningsbet already operated in Deptford and were known to the community and local officers. There had never been any issues raised about the running of their shops, in fact the company was known for operating beyond the requirements of the Gambling Act.
- Documents submitted to this Committee, by the applicant, were important and had been developed over many years, working with charities, the Gambling Commission, Police and Licensing Authorities. These policies and practises would be implemented in the shop if the licence was granted.
- There had not been any representations made by any of the relevant authorities. The licensing officer had confirmed that she was satisfied with the application.

- Jenningsbet already operated in Deptford and the applicant understood the local area. He had noted Councillor Warner's suggestion and would contact local gambling charities and those looking after vulnerable people.

4. (Basement) 69 Deptford High Street, SE8 4AA

The Chair said that the applicant had withdrawn this application.

Members confirmed that they had been present throughout the meeting and had not lost connection.

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:

3, Jenningsbet 80-82 Deptford High Street SE8 4RT

4. (Basement) 69 Deptford High Street, SE8 4AA

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

3, Jenningsbet 80-82 Deptford High Street SE8 4RT

The application for a new premises licence under the Gambling Act was **GRANTED** subject to the mandatory conditions (pursuant to section 167 of the Act) **AND** the default conditions (pursuant to section 168 of the Act).

4. (Basement) 69 Deptford High Street, SE8 4AA

This application was withdrawn by the applicant.

The meeting ended at 7.45pm

Chair

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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 6 SEPTEMBER 2023 at 7pm and held remotely via Microsoft Teams.

Present

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

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

Also Present

Charlie Kenny– Lawyer
Kennedy Obazee – Safer Communities Officer

Rubys - 104-106 Rushey Green, London, SE6 4HW

Applicant

Agent - Frank Fender speaking on behalf of the applicant.
Mr Lusadisu – Applicant

Respondents

David Graham – Solicitor for the Police
P.C Gillian Pearce – Police
Harry Gleed – London Fire Brigade
Angela Mullin - Safer Communities Officer

1. Minutes

RESOLVED that the minutes of the meetings of the Licensing Committee held on 26 July and 8 August 2023 be confirmed and signed.

2. Declarations of Interests

None.

3. Rubys - 104-106 Rushey Green, London, SE6 4HW

- 3.1 The Chair welcomed all parties to the Licensing Committee. and outlined the procedure to be followed for the meeting. She said that Mr Fender had asked for longer than the allocated time of 5 minutes to present the application. because he did not believe it was adequate time to present all the evidence. He appreciated

that members had seen all the paperwork. However, members agreed not to extend the time for presentations. This was not usual practice, they had read all the documents and wanted time to ask questions. The Chair then introduced those present and invited the Senior Licensing Officer to introduce the application.

Introduction

- 3.2 Mr Obazee said that members were being asked to consider a premises licence application for Rubys - 104-106 Rushey Green, London, SE6 4HW. The application was received on 20 July 2023 and the last day for receiving objections was 17 August 2023. Three representations were received during the consultation period from the Police, Fire Service, and the local authority. The objections were on the grounds of the Prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.
- 3.3 The representations were not considered to be vexatious or frivolous. and were received within the specified time. The licensing authority had offered a set of conditions that they believed would uphold the licensing objectives if the licence was granted.
- 3.4 Mr Obazee reminded members of the steps available to them when making their decision, having considered all representations and evidence heard during the hearing.

Applicant

- 3.5 Mr Fender said that he was speaking on behalf of Ruby Events Ltd and the sole director Mr Lusadis who was an experienced operator of licenced premises. He had operated premises in Luton and Enfield, both with licences until 5am.
- 3.6 The premises was a large commercial building. The intention was that the ground floor would be used as a restaurant with a club room behind. The first floor would be a large function room capable of being divided up into smaller function rooms if required. The roof top would provide a roof top facility.
- 3.7 Mr Fender said that there was a list of measures on pages 33-35 in the agenda which would become conditions on the licence if granted. He stressed that these conditions were comprehensive and robust and necessary for activities at the times as set out in the application.
- 3.8 Mr Fender said that it was unusual for the fire service to object to an application because they had other legislation, they could use to ensure fire safety. It was a legal requirement for all premises to have a fire risk assessment and if the fire service had any concerns about fire safety, they could serve notices to close the premises until the deficiencies were remedied.
- 3.9 Mr Fender said that the applicant had noted the comments made by the fire service in relation to capacity and fire exits and when the premises was refitted, if the application was granted, there would be additional stairways in order to meet the requirements of the fire service. The applicant would agree to a condition

requiring a fire risk assessment to be sent to the fire service prior to any licensable activity taking place.

- 3.10 Mr Fender said that the licensing authority, in their objection, had referred to the fact that the application exceeded the preferred hours in Lewisham's licensing policy. He said that members could grant an application beyond these preferred hours. The comprehensive and robust measures set out in the application, provided the reasons why members could deviate from the policy. The licensing authority recommended more conditions should the application be granted. Some were acceptable, others were not. He gave the example of 12 door supervisors required for a premises operating as a restaurant. This was not reasonable.
- 3.11 The Police objection was simply that they did not want these premises to be used as proposed by the applicant. They did not believe that the licensing objectives would be upheld. The applicant did not agree. The measures proposed were robust, enforceable and would promote the licensing objectives. Police claimed that it would affect the lives of local residents and yet no representations had been received from any residents. Police claimed that there was crime in the area, however, these premises were not responsible for any crime. If this was true, this was a Police matter.
- 3.12 Mr Fender said that there was no saturation policy in this area; no cumulative impact zone or cumulative impact policy. Police had not offered any additional measures; they said that this business would add to crime in the area.
- 3.13 Councillor Brown asked whether the applicant aimed to make changes to the premises to obtain the highest capacity or whether they accepted the capacity put forward by the fire brigade regardless of any changes planned. Mr Fender said that the plans submitted showed stairwells at either end of the building. When buildings were made fit for purpose, in his experience, snags occurred. Comments made by the fire officer must be taken into account. Additional stairways would increase capacity, but he was unsure whether this increased capacity would make this a viable business. The applicant would take advice from building control and the fire service in producing the plan.
- 3.14 Councillor Shrivastava said that the capacity proposed by the applicant was high. The objection from fire brigade stated that this capacity far exceeded that which the building could safely accommodate as indicated by proposed plans. The plans did not satisfy the fire brigade and did not believe that the stairwells would alleviate these concerns. He read out the maximum capacity as recommended by the fire brigade and said that the local authority had recommended that there should not be any more than 10 patrons smoking in the outside area. He asked how this would work if there was to be a roof terrace. He also asked for more information about the applicant's experience in operating licensed premises.
- 3.15 Mr Fender said that the application did not mention a capacity figure. He explained that a meeting took place at the premises with the Police and the licensing officer. The applicant felt under pressure to give a capacity figure by Police. He said the maximum capacity was 2700 people, but it was a figure he had not given much consideration. The applicant would always abide by the requirements of the fire service.

- 3.16 Mr Fender said that the applicant's other two businesses were nightclubs/eateries and both had licences for licensable activities until 4/4.30am and 5am.
- 3.17 The Chair asked whether the applicant had spoken to the Police about their concerns with the application. Mr Fender said that he had spoken to the Police. In his experience, mediation usually includes a number of conditions around which discussions could take place. However, there were no conditions that would satisfy the Police in the granting of this application, so mediation ceased.
- 3.18 Councillor Kestner asked the applicant about the conditions proposed by the licensing authority. Mr Fender said that many of the conditions would be acceptable to the applicant. However, to employ twelve door supervisors the entire time the restaurant was operating was not reasonable. The condition should be reworded to state that supervisors should be employed when these premises were not operating solely as a restaurant. In addition, a noise limiter and acoustic reports were usually only required when attempting to address noise issues. Mr Fender said that the condition relating to smoking would be better worded by stating that the operator should manage smoking to ensure that it did not cause a nuisance rather than dictating a certain number of smokers at any one time.
- 3.19 Councillor Howard asked about capacity and how operators could ensure that when the premises were at full capacity, there were never more than the recommended number of people on each floor. Mr Fender said that the fire service would want to see, in the risk assessment, the different capacities for each room. Licenced operators must manage capacity in each of the rooms and they use door supervisors and security to achieve this.
- 3.20 Councillor Anifowose asked about how security was managed in the applicant's other businesses and what protection was afforded to female patrons. Mr Lusadisu said that capacity at his business in Luton was 280-300 with 6-8 security staff. His licence only requires 4 security staff, but he always had extra staff including one female.

Representation

- 3.21 Mr Graham, solicitor for the Metropolitan Police, then addressed the Committee. He said that the Statement of Licensing Policy expected applicants to demonstrate, in the operating schedule, how they would promote the licensing objectives. Applicants were expected to carry out their own research and where necessary seek the views of the responsible authorities before submitting an application. He gave the relevant paragraphs in the policy, where it outlined the documents and knowledge required before making an application. This application should demonstrate that it was suitable for the proposed activities. However, the applicant had applied for a licence with an expectation that assessments would be undertaken later, and conditions added, if necessary, after the licence was granted.
- 3.22 Mr Graham said that as a matter of principle, you cannot substitute the work that should be done before deciding whether to grant permission. The applicant had

failed to provide evidence in their application. There was no risk assessment plan, and no consultation with the responsible authorities in advance,

- 3.23 The applicant/director, came up with a random figure when being asked by the Police about capacity for the building. The number of people that the building could safely support should have been considered in advance. It was not known whether the business was viable. All these issues should have been evidenced.
- 3.24 Mr Graham said that the building should be appropriately modified, with the appropriate plans. An application could then then be submitted to Committee so that members could form a view as to how the layout should be.
- 3.25 Mr Gleed addressed the Committee on behalf of the fire brigade. He said that the fire service had concerns about capacity. He said that number of means of escape available and their widths reduce the maximum occupancy within the building to 484. If any more patrons were given access to this building, the fire service would have concerns for their safety.
- 3.26 P.C Pearce said that with an annual ground rent of £92,000, she calculated that the applicant would have to operate at full capacity in order to break even. This did not include the cost of running the venue, or the cost of the upkeep of the venue. She understood that the other businesses that the applicant managed were on an industrial estate and the capacity was 350 which was ten times less than the proposed capacity in this application.
- 3.27 P.C. Pearce said that crime was high in the area. There were many vulnerable people who were also likely to commit crime. The applicant advised that he expected patrons to use Ubers when leaving the premises. P.C Pearce said that the premises was on a red route and up to 600 cars would be forced into residential roads. Police also had concerns about whether the roof terrace would be able to safely support 500 patrons.
- 3.28 Ms Mullin responded to some points raised by Mr Fender. Condition 4 stated that SIA staff should be on duty from 2200 hours until the last customer left, not from when they open. Condition 12 required a noise limiter to be fitted and maintained. This was a large venue, there was another venue next door with a roof terrace, and they also held events. A noise limiter had been suggested to ensure there was no cumulative impact between the two premises causing a problem in the vicinity.
- 3.29 Ms Mullin said that the condition relating to smoking stated that 10 people should be allowed to smoke in the outside area not outside the front of the building. If the smoking area was to be at the front, this could be managed by door staff. The plans were not clear where the smoking area would be. The only other place to smoke would be at the rear of the premises close to residential properties and the reason why a maximum of 10 people was recommended. Patrons could smoke on the roof terrace, but it was recommended that this should close at 2200 hours.
- 3.30 Councillor Kestner asked whether the Police could suggest any conditions under which they would agree to the granting of this application. P.C Pearce said that Police could not offer any conditions because the business was not considered to be viable for the reasons stated in this meeting.

- 3.31 Councillor Shrivastava asked whether the business would be viable if the applicant had to keep within the capacity recommended by the Fire Brigade. Mr Fender said that the viability of a business was not a consideration for a licensing committee. As the building developed, building control would be involved as well as the local authority. Capacity would be written into the fire risk assessment and discussed with the fire service who would have the overall say on what the capacities should be.
- 3.32 Councillor Brown asked objectors why, in their experience, the applicant had not included all the documents and information that was normally included in the operating schedule prior to the submission of the application. Mr Graham said that they could speculate as to why the applicant had applied for a licence before he was ready to do so. He had not produced all the assessments; he intended to produce them at a later date. This was not how the process works and left members in an invidious position because members had to make a decision on the information available. Police could not see how the number of patrons required to make the business viable could be accommodated in the building in a safe and manageable way.
- 3.33 Ms Mullin said that the licensing policy states that the documents should be in place prior to application but a lot of people do apply for a premises licence prior to obtaining planning permission. A licence can be granted but planning supersedes this and if planning did not grant permission the premises cannot trade.
- 3.34 Mr Gleed said that it was unusual for the fire brigade to make a representation to a licence application, but it was because the procedure was unusual; the application would normally have been sent to building control.

Conclusion

- 3.35 In summary Mr Fender said the Licensing Act was a permissive legislation so applications should be granted unless there were reasons not to do so. This application proposed strong, robust enforceable conditions which would uphold the licensing objectives. A fire risk assessment would be sent to the fire service prior to licensable activity taking place.
- 3.36 Mr Fender referred to comments made by the Police and said that prior engagement was not a legal requirement. He questioned whether £4000 should be paid for an acoustic report before a premises licence had been granted. The granting of the lease was subject to the licence being granted. If a licence was granted, the applicant would ensure that all of the risk assessments would be completed prior to the premises opening for licensable activity.
- 3.37 Costs and viability of the business were not a consideration for this Committee. A decision should be based on upholding the licensing objectives. If this application was granted, it would bring growth to the area and employment for local people. He recommended that the licence be granted, not as applied for because there was need for clarity. There would be negotiation around some of the conditions and he would be willing to work with the local authority to produce a set of conditions as suggested by Ms Mullin in this meeting.

- 3.38 The Police then summarised their objection. Mr Graham said that the key point that he had made was that Lewisham's Licensing Policy required the applicant to produce certain documents before applying for a licence unless there was a good reason to make an exception. He listed the number of assessments that had not been produced and said that the building had previously been a commercial business not a night club. There was an assertion that there was good structural sound insulation, but it was not the building did not have sound proofing in fact the rear of the property had large metal doors to facilitate deliveries.
- 3.39 Mr Graham said that there was not a basis for the Committee to grant this application because the applicant had not demonstrated that they had understood and dealt with the risks to the licensing objectives. He did not believe that there was any reason for members to deviate from their licensing policy and he recommended that the licence should not be granted.
- 3.40 P.C Pearce said that the building was large, and she believed that the application had been made because the applicant wanted a large capacity venue.
- 3.41 Mr Gleed advised those present that it was important to have accurate occupancy numbers. There had been fires in night clubs where the occupancy rate had been exceeded between 4.8% to 9% and 100 people were lost. This was the reason why the fire service was considering this application very seriously.
- 3.42 Members confirmed that they had been present throughout the meeting and had not lost connection.
- 3.43 A decision letter would be sent out within 5 working days. The Chair 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:

3. Rubys - 104-106 Rushey Green, London, SE6

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

Rubys - 104-106 Rushey Green, London, SE6

The application for a new premises licence was REFUSED for the following reasons:

- The Applicant has failed to follow the local authority's published Statement of Licensing Policy. The committee are required to consider the application and apply the policy unless there is good reason to depart from it. The Applicant was unable to demonstrate why it wanted the Licensing Committee to disapply the Policy or depart from it.
- There were many concerns raised by the Responsible Authorities that demonstrated how granting the licence would undermine the Licensing Objectives.
- The Applicant did not provide sufficient information with the Application or in submissions to the committee to demonstrate that it could uphold the Licensing Objectives.
- The Applicants plans did not adequately address its plans for the smoking area and how it would manage this in order to uphold the Licensing Objectives.
- The committee were not satisfied that the Applicant demonstrated sufficient capability to manage the venue in a safe way to uphold the Licensing Objectives.
- There was insufficient information within the Application and submissions that would enable the Committee to grant the licence subject to further conditions.
- There was no evidence that was able to demonstrate how the Premises would mitigate noise nuisance.
- Given the lack of information relating to capacity, the Committee were unable to propose conditions that would uphold the Licensing Objectives.
- The Applicant did not demonstrate how it would uphold the Licensing Objectives dealing with ingress and egress given the location of the Premises and its proximity to a main road with a red route.
- The lack of information and plans relating to capacity and the fire safety concerns should the venue exceed the capacity.

The meeting ended at 8.05pm

Chair



Licensing Committee

Declarations of Interest

Date: 31 October 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).



Licensing Committee

Report title: Maestro 45 Deptford Broadway SE8 4PH

Date:

Key decision: No.

Class: Part 1.

Ward(s) affected: New Cross

Contributors: Community Services – Safer Communities Service

Outline and recommendations

Determination of Full Variation Application submitted on 21st July 2023 by Louis Armand Tchanagoum Tchatchouang.

After having regard to the representation heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

This application consultation period was extended due to the applicant not advertising the application when first submitted. It was decided to extend the application rather than reject it as we had already received objections. It was then advertised in accordance with regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

The last day for representations was 3 October 2023.

1. Summary

1.1. Particulars of Application

The application is to change:

- Amendment to Annex 3 Conditions
- Vary Hours for Live Music, Recorded Music & Alcohol sales ON the premises.

- To add Alcohol for the consumption OFF the premises to match current alcohol for the consumption ON the premises hours and proposed extended hours.
- To change the licence opening hours to 30 minutes after the last licensable activity

Remove Annex 3 conditions:

2. There will be no live music or the playing of recorded music between the hours of 23:00 and 07:59.

6. Two SIA registered door staff, one of whom ought to be female (if labour is available) and must be independent of and in addition to the Maestro staff working that day, to be on duty while the premises is open to the public between 21:00 till close and until all customers have left the premises and vicinity.

7. A 'no search, no entry' policy will also operate at these times. All persons entering and re-entering the premises will be searched. If they refuse, they will not be able to enter the premises.

8. At the commencement of work, security personnel must ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

9. A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or local authority officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:

Full name

Badge number

Time of commencement of duties

Security operative to sign their name against their details

To add the following:

Live Music (Indoors)

23:00 – 01:00 Friday - Sunday

Recorded Music (Indoors)

23:00 – 01:00 Monday - Thursday

23:00 – 03:00 Friday & Saturday

23:00 – 02:00 Sunday

Late night Refreshment

00:00 – 01:00 Monday - Thursday

00:00 – 03:00 Friday & Saturday

00:00 – 02:00 Sunday

Alcohol for consumption ON & Off the premises

23:30 – 01:00 Monday - Thursday

01:30 – 03:00 Friday & Saturday

23:30 – 02:00 Sunday

- 1.2. 3 representations have been received from local residents on the grounds of the prevention of public nuisance. We have also received an objection from the Licensing authority.
- 1.3. The representations received have been examined by Officers and are not considered to be vexatious or frivolous. The representations were received within the specified time.

2. Recommendations

- 2.1 After having regard to the representation heard, Members must take such steps as they consider appropriate to promote the licensing objectives. The steps available to the Licensing Authority:
 - 1.) Grant the full variation to the licence as applied for
 - 2.) Grant the full variation subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives
 - 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - 4.) Refuse to specify a person in the licence as the designated premises supervisor
 - 5.) Refuse to grant the application.
- 2.2 Either party has a right of appeal to the Magistrates Court against a decision which should be submitted to the court within 21 days of the date of the decision letter.

3. Policy Context

- 3.1. Decisions by Members of the Licensing Committee should have regard to the Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which are:
 - Protection of Children from Harm
 - Prevention of Crime and Disorder
 - Prevention of Public Nuisance
 - Public Safety
- 3.2. Members should also have regard to the Licensing Authority's Statement of Licensing Policy 2020-25.
- 3.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

4. Financial implications

- 4.1. Applicants have the right of appeal against any decision by the Licensing Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

5. Legal implications

- 5.1 The Licensing Authority is a public authority under the Human Rights Act 1998. Therefore, the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. 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.
- 5.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The

right to hold a licence is a qualified rather than an absolute right. Therefore, the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

6. Equalities implications

6.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.2 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 people who share a protected characteristic and those who do not.

6.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation, or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

6.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

6.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)

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- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7. Climate change and environmental implications

7.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

8. Crime and disorder implications

8.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.

8.2. It is a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

9. Background papers

9.1. Application received 21st July 2023.

9.2. Representations from three local residents and the licensing authority.

10. Glossary

Term	Definition
Appeal	asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.
Licence	an authority to do something.
Licensee	the holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.

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Licence Objectives	<p>Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives</p> <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
Interested Person	<p>A person who lives in the vicinity of the premises A body who represents the persons who live in that vicinity A person involved in a business in that vicinity A body representing businesses in that vicinity An elected member of the council</p>
Relevant Representation	<p>A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.</p>
Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> • Licensing Authority • Chief Officer of Police • London Fire Brigade • Trading Standards • Planning Authority • Public Health • Environmental Enforcement (with respect to Noise) • Children's Services • Home Office Immigration

11. Report author and contact

- 11.1. Angela Mullin-Murrell Safer Communities Service Officer for Licensing Angela.mullin-murrell@lewisham.gov.uk.



Licensing Team
 2nd Floor Laurence House
 1 Catford Road
 London
 SE6 4RU
 020 8314 6400

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Louis Armand Tchanagoum Tchatchouang

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL0743

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Maestro
 45 Deptford Broadway

Post town	London	Postcode	SE8 4PH
-----------	--------	----------	---------

Telephone number at premises (if any)	02031830033
---------------------------------------	-------------

Non-domestic rateable value of premises	£22,000
-----------------------------------------	---------

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town	London	Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Ammendment to Annex 3 Conditions & Vary Live Music, Recorded Music and Alcohol for consumption ON the premises Hours. To add Alcohol for the consumption OFF the premises to match current alcohol for the consumption ON the premises hours and proposed extended hours. To change the licence opening hours to 30 minutes after the last licensable activity

Remove Annex 3:

2. There will be no live music or the playing of recorded music between the hours of 23:00 and 07:59.

6. Two SIA registered door staff, one of whom ought to be female (if labour is available) and must be independent of and in addition to the Maestro staff working that day, to be on duty while the premises is open to the public between 21:00 till close and until all customers have left the premises and vicinity.

7. A 'no search, no entry' policy will also operate at these times. All persons entering and re-entering the premises will be searched. If they refuse, they will not be able to enter the premises.

8. At the commencement of work, security personnel must ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

9. A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or local authority officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:

Full name

Badge number

Time of commencement of duties

Security operative to sign their name against their details

Vary Current Licensable Hours including Live Music & Recorded Music Hours

See Hours Attached

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please <u>give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please <u>list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	01:00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	01:00			
Tue	23:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	23:00	01:00			
Thur	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	23:00	03:00			
Sat	23:00	03:00			
Sun	23:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	00:00	01:00			
Tue	00:00	01:00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed	00:00	01:00			
Thur	00:00	01:00			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	02:00	03:00			
Sat	02:00	03:00			
Sun	00:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	23:30	01:00			
Tue	23:30	01:00			
Wed	23:30	01:00			
Thur	23:30	01:00			
Fri	01:30	03:00			
Sat	01:30	03:00			
Sun	23:30	02:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
TO ADD ALCOHOL FOR CONSUMPTION OFF THE PREMISES TO CURRENT ALCOHOL HOURS AS WELL AS THE PROPOSESED NEW HOURS					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	01:00	
Tue	10:00	01:00	
Wed	10:00	01:00	
Thur	10:00	01:00	
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	10:00	02:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	18/07/2023
Capacity	Licence Holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Licensing Act 2003, Schedule 12, Part A
Regulation 33, 34

Premises licence number

PL 0743

Premises name

MAESTRO

Part 1- Premises details

Postal address of premises, or if none, ordnance survey map reference or description

44 – 45 Deptford Broadway

Post town London

Post code SE8 4PH

Telephone number

Premises licence holder name

Louis Armand Tchanagoum Tchatchouang

Original Grant Date: 19/10/2006
Issue: DPS Change: 19/12/2022

Directorate for Community Services
Safer Communities Service
Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW

Director of Communities,
Partnerships and Leisure
Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol
for consumption on the premises

Late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol

10.00 – 23.30 Monday

10.00 – 23.30 Tuesday

10.00 – 23.30 Wednesday

10.00 – 23.30 Thursday

10.00 – 01.30 Friday

10.00 – 01.30 Saturday

10.00 – 23.30 Sunday

Late night refreshment

23.00 – 00:00 Monday

23.00 – 00:00 Tuesday

23.00 – 00:00 Wednesday

23.00 – 00:00 Thursday

23.00 – 02.00 Friday

23.00 – 02.00 Saturday

23.00 – 00:00 Sunday

The opening hours of the premises

10.00 – 00:00 Monday to Thursday

10.00 – 02.00 Friday & Saturday

10:00 – 00:30 Sunday

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Louis Armand Tchanagoum Tchatchouang
258 Eynsham Drive
Abbey Wood
London
SE2 9PR

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Jean Robert Ngaka

Flat 503 Sycamore House
799 London Road
Thornton Heath
CR7 6FD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

20/03296/LIPERS

London Borough of Croydon

Annex 1- Mandatory conditions

No supply of alcohol may be made under the Premises Licence.

(a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark or

(b) an ultraviolet feature.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula

$$P = D + (DXV)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Alcohol On Licences

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2-Conditions consistent with the operating Schedule

Toilets are checked regularly.

Staff members will be trained in drugs awareness policies.

Links with local taxi firms for customers.

Exit signs & emergency lighting in place.

Notices displayed proof of age policy displayed stickers stating no under 18 will serve.

Doors will be kept closed during public entertainment.

There shall be no children on the premises after 21:00 unless accompanied by a responsible adult.

Annex 3- Condition attached after a hearing by the licensing authority

1. Notices to be displayed inside the premises asking customers to leave quietly.
2. There will be no live music or the playing of recorded music between the hours of 23:00 and 07:59.
3. There will be prominent signage to inform customers no sale of drinks for consumption off the premises.
4. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period. The CCTV system should be updated and maintained according to police recommendations.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises open to the public. This staff member must be able to show a Police or authorised council officer recent data footage with the absolute minimum of delay when requested. The CCTV must cover all areas of the venue that the public has access to. There should be no obstruction to any internal camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly facing urinals.
6. Two SIA registered door staff, one of whom ought to be female (if labour is available) and must be independent of and in addition to the Maestro staff working that day, to be on duty while the premises is open to the public between 21:00 till close and until all customers have left the premises and vicinity.
7. A 'no search, no entry' policy will also operate at these times. All persons entering and re-entering the premises will be searched. If they refuse, they will not be able to enter the premises.
8. At the commencement of work, security personnel must ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.
9. A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or local

authority officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:

10. Full name
11. Badge number
12. Time of commencement of duties
13. Security operative to sign their name against their details

14. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility jackets or vests.

15. Patrons permitted to leave to smoke will be limited to no more than 6 people at a time.

16. Patrons permitted to temporarily leave and re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take drinks or containers with them.


17. A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer. The limiter must be sealed in such a way that no unauthorised person can tamper with it. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The device should be calibrated annually and a record kept to be available for inspection by officers.

18. An appropriately qualified acoustic engineer must be engaged to carry out an acoustic report for both sound insulation, egress and dispersal with appropriate recommendations as to how statutory nuisance can be mitigated appropriately.

19. An incident and refusals book be introduced in order to record any incidents of police/local authority visits, breakages or faults to CCTV equipment, crimes, refusal of sale due to underage/persons being drunk.

Basement

NOTES:
All dimensions must be checked on site and not copied from this drawing.



A	Date	Revisions

© copyright

Client

Job Title
**MASERCO
44-45 DERRICK
PRADWAY SEB**

Drawing Title

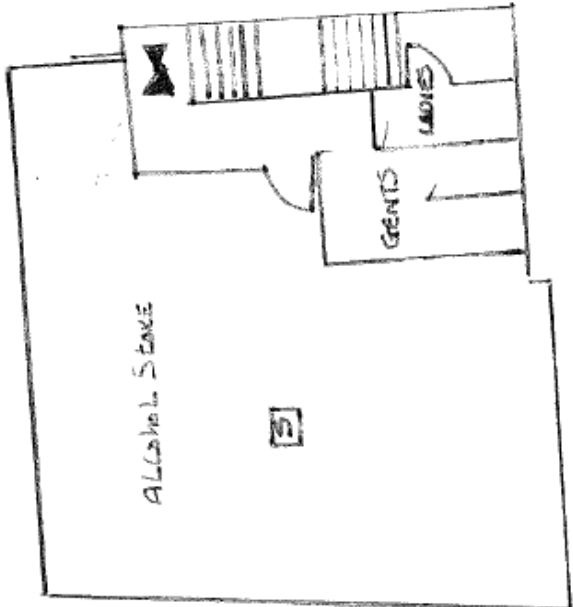
Scale

Date

Drawn by

Dir. No.

Rev.



**BASEMENT
SEAL ONLY**

objection 1

[REDACTED] [REDACTED]
[REDACTED] DEPTFORA BROADWAY
LONDON: [REDACTED]
EMAIL (HOWEVER CASE), [REDACTED]

Remain + 201
11/9/23.

DEAR SIR/MADAM,

I WISH TO MAKE A STRONG
OBJECTION TO THE RENEWED
LICENSING OF THE 'MAESTRO
BAR' [REDACTED] AT NO 45
DEPTFORA BROADWAY.

BEFORE I ELABORATE, IT WAS
ONLY THIS EVENING WHEN
APPROACHING MY FRONT DOOR
THAT THE PROPRIETOR'S
LICENSING APPLICATION WAS
POSTED FOR PUBLIC VIEW.

IN NOTING THAT THE
APPLICATION WAS DATED

II

JULY 21ST, AND THAT 28 DAYS NOTICE WAS TO BE GIVEN FOR POSSIBLE OBJECTIONS. I FEEL THAT IT SHOULD HAVE BEEN DISPLAYED SOONER AS WE HAVE NOW LIMITED DAYS IN ORDER TO MAKE ANY OBJECTIONS.

THIS WILL NOT DO, AND I HAVE LITTLE DOUBT THAT YOU WOULD AGREE.

IT WILL BE ON FILE THAT I FIRST OBJECTED TO THE LICENCE WHEN THE PROPRIETOR FIRST OPENED A REAR OR SO AGO.

AS THEN, MY MAIN OBJECTION WAS NOISE.

THERE ARE PERHAPS 50 RESIDENTS IN THATS BOTH [REDACTED] ON THE BROADWAY AND

III

NEARBY HARTON ST.
WHILE I ACCEPT THAT THE
MAESTRO PAPERIETOR WAS
DONE WHAT HE IS ABLE TO
CONTAIN THE SOUND, THE FACT
REMAINS THAT THE VOLUME,
ESPECIALLY WITH LIVE
BANDS PERMEATES THE WALLS
OF THE APARTMENT BUILDINGS
AND IS SO INTRUSIVE.
SUNDAY NIGHTS ARE THE TIME
WHEN EVERYONE RESTS
IN TIME TO FACE THE WORKING
WEEK, BUT WITH THE BAND
GOING ON TO MIDNIGHT,
LIVING HERE IS LESS THAN
RESTFUL.

IF THE HOURS WERE TO
BE EXTENDED TO MORE
DAYS AND IF ONE HAD
NO PEACE UNTIL 2 OR 3

LU

IN THE MORNING, FOR HIS NEIGHBOURS, SUCH EXTENSIONS AS APPLIED FOR WOULD MAKE LIFE FOR THOSE IN THE VICINITY UNBearable.

I'M WRITING THIS BECAUSE I FEEL UNABLE TO LOCATE THE CORRECT FIELD ONLINE I WOULD BE HAPPY FOR YOU TO RESPOND BY EMAIL AND I WILL AWAIT THAT RESPONSE, TRUSTING THAT YOU CAN ADVISE ME ON FURTHER PROCEEDINGS: [REDACTED]

EMAIL: CO1

Sincerely,

Mullin-Murrell, Angela

Subject:

FW: For Angela [REDACTED]

objection 2.

Dear licensing team.

I live Deptford Broadway and would like to object to the new variation of the premises licence at 45 Deptford Broadway SE8 4PH.

I have lived at my address for 17 years and there have been late licenses at the property before ,which made me ill and impacted on my mental health to such I had to take medication.

If this licence is approved it will impact my mental health again . I am already apprehensive and worried ,which is starting to make me ill again. When they play music it is very loud in [REDACTED] which sets of my depression again . I am [REDACTED] old and can not cope with loud noises or music. My objection would come under the prevention of public nuisance.

Regards

[REDACTED]

[REDACTED]

objection 3

Licensing Authority

licensing@lewisham.gov.uk

**Representation in relation to an Application concerning Louis Armand Tchangoum Tchatchouang
for Maestro Restaurant, 45 Deptford Broadway SE8 4PH**

Dear Sirs,

I am writing to register my objection to the application for a premises licence (full variation) by Louis Armand Tchangoum Tchatchouang for Maestro Restaurant, 45 Deptford Broadway SE8 4PH. The basis for this opposition is that granting a full variation licence for these premises will not promote the licensing objectives, particularly the prevention of public nuisance.

The application proposes that live music will be played until 1:00 am from Fri to Sun and recorded Music will be played Mon-Thu 23:00 – 01:00, Fri-Sat 23:00 – 03:00 and Sunday 23:00 – 02:00.

Granting varied license would mean that we, the residents living in close vicinity of the premises, would suffer from excessive noise all week round, not only on Sundays. Residents already suffer noise nuisance from the C Club next door at 46 Deptford Broadway (operating until early hours in the morning on the weekends) and granting full variation license to the above-named applicant would mean negative cumulative impact.

Proximity to residential accommodation should be a significant concern with regards to prevention of public nuisance and stricter conditions should generally apply to those applications with denser levels of residential accommodation or greater proximity to residential accommodation.

Moreover, the Statement of Licensing Policy 2020-25, which can be found on the Lewisham gov website outlines (in sections 14 and 15) the authority's preferred terminal hours for set areas/location/premises type, with Deptford Broadway being classed as area with terminal hours being: Monday to Sunday until 11pm.

I am also attaching a complaint (Attachment 1) I have filed via website earlier regarding a noise nuisance which happened on Sunday, 13th August (and the following night) which proves that the applicant is clearly not interested in promoting the licensing objectives they had volunteered to promote in relation to the license they currently hold.

Moreover, I believe that the public notice regarding the above-named premises is an instance of improper notification by the applicant as it fails to comply with minimum standards as set in the Statement of Licensing Policy 2020-25 (section 5.20 and 5.21): *The Licensing Authority expects applicants to use paper that is of blue not white tone, so that the public can clearly distinguish the notice as a blue notice and different to a white notice as used for other applications.* On the attached evidence (attachment 2) it is clear that the notice has white background.

Moreover, it is my understanding that the notice of application must be advertised in a local newspaper or newsletter within 10 working days of submission, can you please advise which local newspaper/newsletter was used?

Lastly, the applicant did not take any steps to consult with the neighbouring properties about their proposals in their application, as laid out in the Statement of Licensing Policy 2020-25 (point 5.22: *This Licensing Authority also expects applicants to take steps to consult with the wider community within which their premises is located, including notifying local businesses and neighbouring properties about their proposals in their application. This is especially important for premises where there may be sale of alcohol at later times of the day or regulated entertainment that may impact on neighbours*)

In view of the above, I would urge the Licensing Authority to refuse the application as the applicant is already breaching the license currently held by causing noise nuisance after 23:00.

[REDACTED]

Yours faithfully,

[REDACTED]

objection 3 A.

The below complaint was submitted via lewisham.gov.uk website

Reference Number: CAS-3814411-H0X3Q5

Acknowledgement of noise nuisance report CRM0009129

I wish to report noise nuisance coming from Maestro Restaurant (45 Deptford Broadway) on Sunday, 13th August 2023 and the following day until 1:30 at night (on Monday, 14th August 2023).

The nuisance being complained of is:

- loud live music played until midnight (0:00)
- loud recorded music played from 0:00 until 1:00 am
- noise from the premises after the music had stopped due to bottles thrown to the bins outside at the back of the premises
- loud conversations held outside from 23:00 until 1:30.
- low frequency sound propagating through walls, making it difficult to avoid and causing distress
- The overall noise generated on the premises emanates from the premises and vibration are transmitted through the structure of the premises which gives rise to a nuisance.

I understand that no licence is required for performances of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises. I believe that the above-mentioned nuisance is in breach of Maestro Restaurant license.

In addition, the above-mentioned premises plays loud live music from 23:00 until 23:30 regularly on Sundays, which is then followed by additional noise from the outside (due to loud conversations and bottles put in the bins). Keeping the windows closed is difficult during warm evenings, and it is also causing low frequency sound to be even more intense.

The level of nuisance being caused by live and recorded music coming from the above-mentioned premises has continued to interfere with the enjoyment of the property I am renting. Moreover, the noise is affecting my health and wellbeing. I am working full time and need to get up early every day, and Mondays are particularly difficult due to sleep deprivation, as the level of noise coming from Maestro restaurant exceeds any acceptable limits with low frequency noise adding to overall distress.

The WHO guidelines for night noise recommend less than 40 dB(A) of annual average outside of bedrooms to prevent adverse health effects from night noise. When Maestro plays live music, the noise level [REDACTED] my bedroom is above [REDACTED]. I have recorded the time and noise level in and outside of my flat using the sound measuring device and can forward the recordings upon request.

Moreover, I only recently found out that Maestro have applied for variation of a premises licence, meaning that, if accepted, I won't have good quality sleep ever again. I will be objecting that via email separately to the designated body.

Dear Angela.

Introduction

1. Under section 13 of the Licensing Act 2003, the licensing authority is a 'responsible authority' and is entitled to make a relevant representation regarding an application for a premises licence.
2. Under section 4 of the Licensing Act 2003, the licensing authority must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 (The Guidance), when carrying out its functions.
3. I have had regard to paragraphs 9.13 to 9.19 of the Guidance and can confirm that I am acting for the responsible authority and I have not discussed the merits of this application with those involved in making the determination of this premises licence application, or with the officer handling the application.
4. Acting as the responsibility authority, I have considered the Licensing Act 2003 and the associated regulations, the Council's licensing policy, and The Guidance when assessing the application and the supporting documents given by Louis Armand Tchanagoum Tchatchouang (the applicant)

Observations

5. The applicant has not offered steps on how they would promote the four licensing objectives in part M of the application form. Please see a list of conditions attached we feel are appropriate and proportionate in accordance with section M, to promote the licensing objectives.
6. If this application is granted as requested, we are concerned that the licensing objectives may not be met. The addition of the suggested conditions and the hours remaining the same as they currently are will alleviate our concerns.

Please accept this as an objection to Maestro's full variation application.

Maestro PLH has applied for a variation to the existing licence to include additional hours.

The applicant proposes to operate a restaurant daily with the following hours:

23:30 – 01:00 Monday
23:30 – 01:00 Tuesday
23:30 – 01:00 Wednesday
23:30 – 01:00 Thursday
01:30 – 03:00 Friday
01:30 – 03:00 Saturday
23:30 – 02:00 Sunday

Safer Communities Service has received recent complaints from a neighbour relating to noise stating that the premises went beyond their licensable hours to host a music event. CCTV was requested and it clearly shows there was a party with music after licensable hours without a TEN over the bank holiday weekend in August.

As the Licensing Authority we object to the extension of hours on this application. It is evident the PLH is already not adhering to the licence and we do not feel longer hours would be beneficial to the neighbours who are currently experiencing noise nuisance primarily due to the live music events held at Maestro.

I have also amended the conditions I have previously recommended, namely condition 6.

Kind regards

Alfene Rhodes
Safer Communities Officer (Licensing Team)
Safer Communities Service
Community Services Directorate
Lewisham Council,

Direct Line: 0208 314 6098

Objection and Suggested conditions for Maestro, Deptford Broadway.

The Licensing Authority has reviewed the full variation application and objects to the request to an extension for licensable hours at this venue, as well as the proposed removal of conditions, on the grounds of prevention of public nuisance and the prevention of crime and disorder.

Following a number of recent noise complaints and allegations of breaches, which have been corroborated by CCTV footage, the licensing authority have concerns over the licensee's ability to promote the licensing objectives. This follows reports of loud music from the premises after 11pm over the August Bank Holiday weekend, which was unlicensed.

We do, however, acknowledge the need to amend the existing condition relating to SIA door staff (Annex 3, condition 6) due to the cost this incurs for the licence holder and the impact that this has during quieter periods of the week. With this in mind, I suggest that this condition read:

- One SIA registered door staff who is independent of and in addition to the Maestro staff working that day, to be on duty while the premises is open to the public on Friday and Saturday nights as well as any day preceding a bank holiday, between 22:00 and close of business, and until all customers have left the premises and vicinity. When there are more than 50 customers on the premises, there will be two SIA registered door staff on duty. 1 SIA registered staff member will be outside the premises during these times.

Despite the fact that the Licensing Authority object to any extension of licensable activity, we believe the current premises licence would benefit from these additional conditions, in addition to the amended condition around door staff:

- A proof of age scheme, such as Challenge 25, must be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed (to replace Annex 2, condition 5).
- All windows and doors must be kept shut whilst entertainment is in progress except for the immediate entrance/egress of patrons (to replace Annex 2, Condition 6).
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Loudspeakers shall not be in the entrance lobby or outside the premises building.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

- No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.
- The premises Licence Holder and/or Designated Premises Supervisor shall keep up to date policies and staff training records in relation to the following: Requirements of the challenge 25 scheme, drugs, identification & recognition of drunks, identification recognition and responsibilities of dealing with vulnerable persons and the correct procedures to be followed when refusing service regular training must be provided to all staff at least every six months, a record of the training will be maintained for at least twelve months.



Licensing Committee

Report title: Catford Food Centre, 91 Rushey Green, Catford, London, SE6 4AF

Date: 31 October 2023

Key decision: No.

Class: Part 1.

Ward(s) affected:

Contributors: Community Services – Safer Communities Service

Outline and recommendations

Determination of an application for a full variation to a premises licence Application submitted on 14th September 2023 by FK Food Centre Ltd for the premises at 91 Rushey Green, London, SE6 4AF.

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

This application was advertised in accordance with regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

The last day for representations was 12th October 2023.

1. Summary

1.1. Particulars of Application

The application proposes to remove the condition on the current licence at Annex 3, number 1, which states;

'Mr Hassan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times when customers remain on the premises'

And to replace this condition with:

'Mr Hassan Sircan will be excluded from any involvement in the ownership and/or management of the business but he is permitted to be employed on the premises'

- 1.2. Two representations were received, from the Metropolitan Police as well as the Licensing Authority on the grounds of the prevention of crime and disorder and public safety.
- 1.3. The representations received have been examined by Officers and are not considered to be vexatious or frivolous. The representations were received within the specified time.

2. Recommendations

- 2.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the licensing objectives. The steps available to the Licensing Authority:
 - 1.) Grant the new premises licence as applied for
 - 2.) Grant the licence subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives
 - 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - 4.) Refuse to specify a person in the licence as the designated premises supervisor
 - 5.) Refuse to grant the application.
- 2.2 Either party has a right of appeal to the Magistrates Court against a decision which should be submitted to the court within 21 days of the date of the decision letter.

3. Policy Context

- 3.1. Decisions by Members of the Licensing Committee should have regard to the Licensing Act 2003 and the promotion of the four Licensing Objectives at all times, which are:
 - Protection of Children from Harm
 - Prevention of Crime and Disorder
 - Prevention of Public Nuisance
 - Public Safety
- 3.2. Members should also have regard to the Licensing Authority's Statement of Licensing Policy 2020-25.
- 3.3. Decisions made will link in with the following objectives under the Council's Corporate Strategy – Building an Inclusive Local Economy and Building Safer Communities.

4. Financial implications

- 4.1. Applicants have the right of appeal against any decision by the Licensing Committee. Therefore there would likely be costs for the Authority in seeking legal support should an appeal be brought by the applicant.

5. Legal implications

- 5.1 The Licensing Authority is a public authority under the Human Rights Act 1998. Therefore, the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. 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.
- 5.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore, the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

6. Equalities implications

- 6.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 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 people who share a protected characteristic and those who do not.
- 6.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation, or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 6.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 6.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

6.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

6.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7. Climate change and environmental implications

7.1. Any decision made by Members must fall in line with the Licensing Act 2003, to that end there are no climate change or environmental considerations.

8. Crime and disorder implications

8.1. Under the Licensing Act 2003, one of the 4 licensing objectives is the Prevention of Crime and Disorder.

8.2. It is a requirement of the Licensing Act 2003 that any decision made by the Licensing Committee must not negatively impact on the Licensing objectives.

9. Background papers

9.1. Application received 14th September 2023.

9.2. Representation from Metropolitan Police received 22nd September 2023.

9.3. Representation from Licensing Authority received 29th September 2023

9.4. Consent Order from Bexley Magistrates Court dated 17th March 2020.

9.5. Licensing Committee decision letter dated 17th October 2019.

10. Glossary

Term	Definition
Appeal	asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.

Is this report easy to understand?

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Term	Definition
Licence	an authority to do something.
Licensee	the holder of a licence to do something.
Licensing Authority	The Council (London Borough of Lewisham) Under section 3 of the 2003 Act, the licensing authority's area is the area for which the authority acts.
Licence Objectives	Under section 4 of the 2003 Act the Licensing Authority must promote the following 4 objectives <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm
Interested Person	A person who lives in the vicinity of the premises A body who represents the persons who live in that vicinity A person involved in a business in that vicinity A body representing businesses in that vicinity An elected member of the council
Relevant Representation	A representation that is specific to the premises in question, related to the four licensing objectives and/or the local licensing policy.
Responsible Authorities	Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows: <ul style="list-style-type: none"> • Licensing Authority • Chief Officer of Police • London Fire Brigade • Trading Standards • Planning Authority • Public Health • Environmental Enforcement (with respect to Noise) • Children's Services • Home Office Immigration

Is this report easy to understand?

Please give us feedback so we can improve.

11. Report author and contact

- 11.1. Richard Lockett, Safer Communities Service Senior Officer for Licensing
richard.lockett@lewisham.gov.uk.

Is this report easy to understand?

Please give us feedback so we can improve.

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* required information

Section 1 of 18

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

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

19,000

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To remove the condition on the current licence at Annex 3, number 1, namely; that 'Mr Hassan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times when customers remain on the premises'

To replace the condition with:

'Mr Hassan Sircan will be excluded from any involvement in the ownership and/or management of the business but he is permitted to be employed on the premises'

Reasons:
Mr Sircan has fallen out of work and is known by the owners who wish to employ Mr Sircan to work on the premises under the supervision of the Premises Licence Holder or the Designated Premises Supervisor. Mr Sircan will not be left unattended at the premises or have any involvement in the management of the premises.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Continued from previous page...

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

There will be no activity of this nature

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The variation we are seeking is to REMOVE Condition 1 Annex 3 of the premises licence and replace it with a reworded condition. We make no other alterations to any other conditions.

All other hours of operation, Licensable activities and conditions remain the same

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Continued from previous page...

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

All conditions which are currently attached to the Premises Licence (with the exception of Annexe 3 condition 1 which is requested to change) will remain as existing.

b) The prevention of crime and disorder

see box a) above

c) Public safety

see box a) above

d) The prevention of public nuisance

see box a) above

e) The protection of children from harm

see box a) above

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

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.

Please go to this link for fees <http://www.lewisham.gov.uk/Business/LicencesAndStreetTrading/AlcoholAndEntertainmentLicences/FeesList.htm>

* Fee amount (£)

190.00

DECLARATION

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

* Date

14	/	09	/	2023
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/premises-licence/lewisham/change-1> to upload this file and continue with your application.

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="FKFOOD1810"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



Lewisham

Premises licence number

PL 0004

Premises name

CATFORD FOOD CENTRE

Part 1- Premises details

Postal address of premises, or if none, ordnance survey map reference or description

91 Rushey Green

Post town Catford

Post code SE6 4JD

Telephone number 020 8698 6946

Premises licence holder name

FK Food Centre Limited

Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Road
London
SE6 4TW

Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol
for consumption off the premises

The times the licence authorises the carrying out of licensable activities

Monday to Sunday

24 Hours

The opening hours of the premises

Monday to Sunday

24 Hours

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

FK Food Centre Limited
91 Rushey Green
Catford
London
SE6 4AF

Registered number of holder, for example company number, charity number (where applicable)

12128156

Limited Company

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Ferhat Kacar



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

LN/00001796

London Borough of Haringey

Annex 1- Mandatory conditions

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

No supply of alcohol may be made under the Premises Licence.

- (a)** At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b)** At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a)** a holographic mark or
- (b)** an ultraviolet feature.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula

$$P = D + (DXV)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2-Conditions consistent with the operating Schedule

CCTV cameras installed to Data Protection standards and will be made available to the Police and Licensing Authority on request. Recordings shall also be kept for 31 days. Cameras to be marked on plans

Clear and legible notices to be prominently displayed to remind customers to leave the premises quietly

Operate a challenge 21 policy

Refusals and incident book to be maintained at the premises and available for inspection by police and licensing officers upon request

Annex 3- Condition attached after a hearing by the licensing authority

1. Mr Hassan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times when customers remain on the premises.
2. The premises shall install and maintain to Data Protection standards_a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage upon request.
4. Notices shall be displayed advertising that CCTV is in operation.
5. Super-strength beer, lagers or ciders over 7.5% ABV can only be sold as a multi packs of four and above, with the exception of premium and craft beers/ciders and stout.
6. A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards).

7. All staff to undergo licensing training which will be documented and provided to police / licensing authority on request. This training is to be refreshed every 12 months. All new staff must undergo this training before being allowed to sell alcohol.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. All crimes reported to the venue
 - b. All ejections of patrons
 - c. Any complaints received
 - d. Any incidents of disorder
 - e. Any faults in the CCTV system.
 - f. Any visit by a relevant authority or emergency service.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. The premises must take all reasonable steps to encourage onward journeys and ensure the customers of the premises do not loiter outside so not to cause a disturbance to the local residents and businesses.
11. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the Safer London Business Network approved by the police and local radio scheme if available.

Annex 4- Plans

Full plans available from Licensing Services, London Borough of Lewisham.

Ground floor shop area – ref 0497

IN THE BEXLEY MAGISTRATES' COURT

APPEAL UNDER S.181 & PARAGRAPH 8 OF SCHEDULE 5 OF THE LICENSING ACT 2003 AGAINST A DECISION BY THE LICENSING SUB-COMMITTEE OF THE LONDON BOROUGH OF LEWISHAM ON 16th OCTOBER 2019 relating to the premises known as Catford Food Centre, 91 Rushey Green, Catford, London SE6 4AF

BETWEEN:

FK FOOD CENTRE LIMITED
(t/a Catford Food Centre, 91 Rushey Green, Catford, London SE6 4AF)
Appellant

- v -

LONDON BOROUGH OF LEWISHAM
(Local Authority)

Respondent

CONSENT ORDER

UPON THE PARTIES AGREEING THE TERMS OF THIS ORDER

BY CONSENT

IT IS ORDERED THAT:

1. The appeal date is 30th October 2019 against the decision on 16th October 2019 by London Borough of Lewlsham to review and revoke the premises licence is allowed.
2. The appeal hearing listed for 18th and 19th March 2020 be vacated with one hour reserved for the consideration and sealing of the Consent Order by the Court.

3. The following conditions be added to the Premises Licence:
- i) Mr Hasan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times when customers remain on the premises.
 - ii) The premises shall install and maintain to Data Protection Standards a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours.
 - iii) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised Council officer recent data or footage upon request.
 - iv) Notices shall be displayed advertising that CCTV is in operation.

- v) Super-strength beer, lagers or ciders over 7.5% ABV can only be sold as multi-packs of four or above, with the exception of premium and craft beers/ciders and stout.

- vi) A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards such as driving licence or passport/holographical marked PASS scheme identification cards).

- vii) All staff to undergo licensing training which will be documented and provided to Police/licensing authority on request. This training is to be refreshed every 12 months. All new staff must undergo this training before being allowed to sell alcohol.

- viii) An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received
 - d) Any incidents of disorder
 - e) Any faults of the CCTV system
 - f) Any visit by a relevant authority or emergency service

- ix) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- x) The premises must take all reasonable steps to encourage onward journeys and ensure the customers of the premises do not loiter outside so not to cause a disturbance to the local residents and businesses.
- xi) As soon as possible, and in any event within one month from the grant of this licence, the premises shall join the Safer London Business Network approved by the Police and local radio scheme, if available.

4. Each party bear their own costs.

Signed:.....
Dadds LLP Solicitors
Crescent House, 51 High Street
Billerica
Essex, CM12 9AX

Signed:.....
London Borough of Lewisham
4th Floor, Laurence House
Catford
London, SE6 4RU

Signed: (District Judge/Justice of the Peace)

Dated this 17th day of March 2020

From: Mullin-Murrell, Angela <Angela.Mullin-Murrell@lewisham.gov.uk>

Sent: 29 September 2023 16:28

To: Lockett, Richard <Richard.Lockett@lewisham.gov.uk>

Subject: FW: Objection Catford Food Centre

Good Afternoon Richard

Re: Full Variation – Catford Food Centre 91 Rushey Green SE6 4JD

Please accept this as my objection to the above-mentioned application.

Introduction

1. Under section 13 of the Licensing Act 2003, the licensing authority is a 'responsible authority' and is entitled to make a relevant representation regarding an application for a premises licence.
2. Under section 4 of the Licensing Act 2003, the licensing authority must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 (The Guidance), when carrying out its functions.
3. I have had regard to paragraphs 9.13 to 9.19 of the Guidance and can confirm that I am acting for the responsible authority, and I have not discussed the merits of this application with those involved in making the determination of this premises licence application, or with the officer handling the application.
4. Acting as the responsibility authority, I have considered the Licensing Act 2003 and the associated regulations, the Council's licensing policy, and The Guidance when assessing the application and the supporting documents given by FK Food Centre Limited (the applicant).

Application for a variation to premises licence PL0004.

5. The applicant proposes to remove the condition on the current licence at Annex 3, number 1:

that 'Mr Hassan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times when customers remain on the premises'.

6. The applicant proposes to replace the above condition with:

'Mr Hassan Sircan will be excluded from any involvement in the ownership and/or management of the business but he is permitted to be employed on the premises'.

7. The application also proposes that Mr Sircan will be:

“Employed on the premises under the supervision of the premises licence holder or the designated premises supervisor. Mr Sircan will not be left unattended at the premises or have any involvement in the management of the premises”.

Observations

8. On 16 October 2019, the licensing authority revoked premises licence PL0004 following a review of the licence. The grounds for the review were that Mr Hassan Sircan allowed illegal working at the premises.
9. The licence holder appealed against this revocation and a hearing was listed for 18th March 2020 at Bexley Magistrates Court.
10. On 17th March 2020, the licence holder agreed a Consent Order (attached). The Consent Order was sealed by Bexley Magistrates Court on the same day.
11. This application proposes that Mr Sircan would be excluded from any involvement in the ownership and/or management of the business. However, on checking the business rates record for this premises Mr Sircan is jointly liable together with Mr Kacar who is the sole Director of FK Food Centre Limited, the current premises licence holder. This shows continued and direct involvement with the ownership and/or management premises.
12. The premises licence authorises licensable activities for 24 hours per day. The application proposes that Mr Sircan will be supervised at all times, will not be left unattended at the premises, and will not have any involvement in the management of the premises.
13. The licensing authority is concerned that the licence holder would be unable to manage this effectively during the whole 24 hours the premises are authorised to provide licensable activities. Mr Kacar is the sole director of FK Food Centre Limited, and he is also the designated premises supervisor for this premises. Consequently, he would need to be present at all times when Mr Sircan is employed on the premises. If Mr Kacar were to step out of the premises for even a minimal amount of time when Mr Sircan is working on the premises, this requirement would not be met. In these circumstances, Mr Sircan would effectively be responsible for managing the premises in Mr Kacar’s absence.
14. Paragraph 1.17 of the Revised Guidance issued under section 182 of the Licensing Act 2003 (August 2023) states amongst other things, that licence conditions should, be capable of being met. For the reasons stated above, the licensing authority believes that the licence holder would not be able to meet the requirements of this condition.

15. Paragraph 2.3 of the Guidance states that conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. Paragraph 10.10 goes on to say that might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises.

16. In view of the previous illegal working at the premises which lead to the revocation of the licence, we would expect the licence holder to have considered this risk when considering the employment of Mr Sircan, and proposed measures to mitigate the risk in order to promote the licensing objectives. This is because Mr Sircan was the DPS and the sole director of Sircan Food and Wine Limited (the licence holder) at the time of the previous review and revocation of the premises licence for allowing illegal working at the premises.

17. The licensing authority is concerned that if this application is granted as requested, the proposed condition would not be capable of being met. In addition, and in view of Mr Sircan's recent management of the premises and the subsequent revocation of the premises licence, this condition is not appropriate for the promotion of the licensing objectives given the severity of the previous disregard to the immigration laws.

Best regards

Angela Mullin-Murrell

Safer Communities Officer (Licensing Team)

Safer Communities Service

Community Services

Lewisham Council

Direct Line: 020 8314 6505

Please forward all emails to licensing@lewisham.gov.uk where an officer will be able to assist you.



PC Gillian Pearce
9 Holbeach Road
Catford
SE6 4TW

Email:
Gillian.D.Pearce@met.police.uk
Your ref: Catford Food Centre

22/9/23

Catford Food Centre 91 Rushey Green SE6

Lewisham Police Licensing acknowledge receipt of an application for a variation on the above premise licence in order to remove an annex 3 condition.

Particulars of Application

Applied for:

To remove the condition on the current licence at Annex 3, number 1, namely;

that 'Mr Hassan Sircan is not to be allowed in the premises whilst it is open for licensable activities and during all times

when customers remain on the premises'

To replace the condition with:

'Mr Hassan Sircan will be excluded from any involvement in the ownership and/or management of the business but he is

permitted to be employed on the premises'

Police would like to object to this application under the following Licensing objectives:

Prevent crime and disorder
Public safety

This annex 3 condition was put in place as a result of a committee hearing and subsequent appeal hearing whereby the agent for the applicant submitted this condition which was accepted by the court.

The committee hearing was brought due to Mr Hassan Sircan employing illegal immigrants thus breaking the law and also putting customers at risk as it is difficult to establish a criminal record of someone who enters the country illegally. He has shown a blatant disregard for the immigration laws of the UK and the condition has been imposed by a court.

Therefore it would not be for the police to undermine a court decision to have this condition removed.

Yours sincerely,

PC Gillian Pearce
Licensing Officer Lewisham