

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 13 DECEMBER 2023 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Councillors Atkinson (Observing), Huynh, Howard, Jackson, Kestner, Shrivastava and Warner.

Apologies for absence were received from Councillors Anifowose, and Brown.

The Chair said that Councillor Atkinson was a new member on this committee and would be observing the proceedings for this meeting.

Also Present

Rachel Lyne – Lawyer
Kennedy Obazee – Safer Communities Officer
Clare Weaser – Committee Officer

Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

Applicant

Gill Sherratt – Agent.
Inpauaran Tharmalingham – Applicant.

Respondents

3 Residents made a representation.
Richard Lockett - Safer Communities Officer.

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 31 October 2023 be confirmed and signed.

2. Declarations of Interests

Councillor Huynh declared an interest in item 3 because Adana Premier Store was in his ward. He had been contacted by residents in relation to the petition.

3. Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

- 3.1 The Chair welcomed all parties to the Licensing Committee. and outlined the procedure to be followed for the meeting.

Introduction

- 3.2 Mr Obazee said that members were being asked to consider a premises licence application for Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD. He outlined the details of the application. The application was received on 24 October 2023 and served on all responsible authorities on 25 October. Sixteen relevant objections were received during the consultation period and from the local authority and the Police on the grounds of all four licensing objectives.
- 3.3 The applicant had agreed a list of conditions, and as a result, the Police withdrew their objections. The licensing authority also agreed with these conditions. However, the licensing authority still objected to the proposed hours for the sale of alcohol. The representations were not considered to be vexatious or frivolous.
- 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 The Chair said that the agent could speak for 10 minutes on behalf of the applicant.
- 3.6 Ms Sherratt was concerned that one member of the Committee had been approached by residents about this application and did not believe that he should be part of the determination. She asked for the context of how he was approached. Councillor Huynh clarified that he had been approached by residents as their ward councillor. He did not have any preconceived view with regard to the application and would not be providing formal representation on behalf of his residents. He had not discussed the application with residents.
- 3.7 Ms Sherratt said that she was still concerned because she did not know the contents of the emails between the member and residents, or the conversations that had been had. The Chair said that it was not an unusual situation. Every member would make a declaration if the application was within their ward and unless they had been involved in discussions with residents, it was the practice that they be allowed to be part of the Committee and its decision.
- 3.8 Ms Sherratt made a representation on behalf of the applicant. She raised the following points.
- Concern had been expressed about the hours of sale of alcohol. It was important to highlight the applicant's experience and knowledge. He started his career in 2012; he had managed six stores and still owned three. Some of the stores were in challenging areas. He lived locally and knew the area and the community well. He was experienced in selling alcohol from 6am until 11pm and had also managed a shop with a 24-hour licence. Three families were involved in the business, they were contributing to the economy employing staff and they had never received any complaints or experienced any problems with any of the shops. In September 2023 one of

their shops passed a test purchase which was evidence of good practice. The applicant had the experience to uphold the four licensing objectives.

- The premises was in a residential area and would serve the local people. In order to promote professionalism of his service, the applicant had decided to partner with Premier; this would provide the business with an extra layer of support. He would have to goods buy from Premier; there would not be any discounts and prices would be similar to Tescos. It would be a convenience store with a small sale of alcohol.
- The applicant would be investing £100,000 in the business and £100,000 in stock. This would fund new equipment including CCTV and till prompts. The applicant would be managing the shop and would employ 2/3 people who would receive online training with refresher training every 6 months. The applicant had proved that he was capable of upholding the four licensing objectives.
- The applicant understood residents' concerns about the application, but a well-run business could improve an area; an empty premises would be worse for the community. The applicant wanted to improve the area because he wanted to be part of the community.
- The main objection to the application was a petition, which was very repetitive. It was recommended that members, when making deliberations, should give very little weight to this petition.
- Ms Sherratt had contacted licensing officers about the opening hours. The applicant would agree to the sale of alcohol from 8am rather than 6am but his business would not be viable if he could not sell alcohol until 11am; patrons would go to the nearest Tesco where alcohol could be purchased at this time. The Council's statement of Licensing Policy and preferred hours had been taken into consideration when making this application. Members could depart from the policy but there would need to be evidence. When making a decision, members cannot simply refer to a policy, there must be an evidence-based decision. Hours should not be reduced because something might happen, there must be evidence to support the decision. If there was a problem, residents had a right to review the licence. The Police were the main source of the advice and they had not objected to the application or the sale of alcohol from 6 am.

3.9 Councillor Huynh said that residents had complained that the premises were close to their properties. Residents could experience noise nuisance at the beginning and the end of the day. He asked what plans were in place to monitor any noise disturbance given the courtyard structure of the residential properties. Ms Sherratt said that a good manager always monitored every aspect of the business. Staff would be well trained and able to identify and address any issues immediately. In addition, new CCTV would monitor inside and outside the premises.

3.10 The applicant was asked whether he had already agreed to limit alcohol sales until 8am, or whether that was something that he would agree to if added as an extra condition to the licence. Ms Sherratt explained that the applicant was offering this as a condition at this meeting.

3.11 Councillor Howard said that some of the objections referred to potential difficulty for delivery vans delivering to the site. She asked how deliveries would be made to

the site without affecting local residents. Ms Sherratt said that deliveries of goods would not always be alcohol, so were not relevant to the licensing objectives. The applicant said that large lorries would not be used for deliveries because he would be using his own van. He would use Premier's cash and carry but there would not be any deliveries early in the morning or late at night. He would not disturb the neighbours. The Chair clarified that there was a potential condition on the licence which prevented deliveries between 11pm and 7am.

Representation

- 3.12 Mr Lockett said that he was representing the licensing authority. He described the premises and its setting within a residential area. He said that the application was unique within Lewisham because this shop was not situated in a road or an area where high footfall was expected. However, members of the public walked through the area; there were footpaths on the site and was within close proximity of the Docklands Light Railway.
- 3.13 Mr Lockett said that the licensing authority had concerns about the premises because of its close proximity to residential properties and communal outdoor space, including a playground. If granted, the application could cause public nuisance and crime and disorder.
- 3.14 Although there was no evidence to support concerns of the licensing authority because it was a new application, it was appropriate for a local authority to give perspective to this application. The licensing policy designated Lewisham as a town centre. However, he believed that this particular site should be classed as being in a residential area for the purpose of the preferred hours in section 15.7 of the policy, where it suggests that there should be no sale of alcohol between 11pm and 11am.
- 3.15 Mr Lockett said that the application was for the sale of alcohol from 6am and 11pm every day. It was for this reason, and because the premises was in a predominantly residential area, that the licensing authority was aiming to reflect the character of the area and minimise disturbance from patrons entering and leaving the premises between 6am and 11pm. The authority also wanted to minimise the risk of attracting street drinkers and any associated behaviour and to minimise the risk of attracting underage patrons attempting to buy alcohol and other age restricted products.
- 3.16 Three residents opposing the application then addressed the Committee. The following points were raised.
- The premises was situated on a public road it was in the middle of a private, residential courtyard. Residents had invested in 30 CCTVs in the development, but residents were plagued by theft from tailgaters and break-ins. Several Police reports had been made over the previous 2 months. The CCTV installed by the applicant would not prevent crime.
 - Residents were the main people coming into the area, if the application was granted, non residents would be attracted to the area. Residents would have to be more vigilant with regard to tailgating, however, people who

were not allowed to tailgate often became aggressive and intimidating towards residents.

- Residents feared that crime would increase because more people would be attracted to the area when buying alcohol. Shops selling alcohol in the vicinity closed at 7pm and 3pm on a Sunday. The need for the sale of alcohol between 6am and 11pm was questioned.
- Lewisham's licensing policing stated that applications must consider where children congregate. This was not mentioned in this application and yet the premises was within 50 feet from a public children's playground and a popular venue for families throughout the day. The shop opened onto a private garden area maintained by residents and non-residents, wanting to buy alcohol, would be encouraged into the area. There would be loitering, and residents would have to endure noise nuisance and disturbance. A petition had been signed by more than 200 residents because a large number of people did not want this shop in their private residential area.
- The area for the store was isolated from the public footprint. If the application was granted it would turn their intimate and close community into a public space.
- There were benches in the courtyard for residents to gather. There was concern that these benches would be the hub for those buying and drinking alcohol to gather. This raised concerns regarding public safety and crime and disorder.
- Residents wanted to maintain a clean environment but non residents might not share the same commitment.
- There had been a poll in a community group chat of local residents. Out of 74 respondents, 70 expressed strong objection to the application. In addition, 270 residents had signed a petition expressing their concerns about the application and their view was in line with the four licensing objectives.
- The post code for the Adana Premier Store was incorrect and there should be a further 28-day notice period for this application with the correct post code. The Chair said that she accepted the post code as accepted by officers.
- The Change of Use Class, Lewisham Council's conditional decision letter dated 29 February 2012 was read out. The hours for customer business and for deliveries in the application was longer than the hours permitted in the letter.
- The paved route along the front of the proposed Premier Store was primarily a pedestrian zone, not suitable for delivery vans. Access within this zone was controlled by the use of lockable bollards and turning head for emergency access.

3.17 Councillor Kestner asked objectors if their objections would change if alcohol sales commenced from 8am rather than 6am. One of the objectors said that the preferred operating hours were very clear in the licensing policy and it did not allow the sale of alcohol from 6am until 11pm. Mr Lockett clarified that as set out in the licensing policy in a residential area, the preferred hours were 11am until 11pm. His concerns were for the period of sales between 6am and 11am.

- 3.18 Councillor Huynh asked whether there had been a similar application in Lewisham where a store was facing into a courtyard and what conditions were placed on the licence. Mr Lockett was not aware of any other store in the borough that was situated in a courtyard, so could not compare this application to any other similar application in Lewisham.
- 3.19 Councillor Jackson asked objectors whether their objections related to the sale of alcohol or the provision of a shop of any kind in their immediate area. He clarified that the remit of this Committee was the consideration of an alcohol licence. One of the objectors said that the overall planning permission for the site was until 10.30pm not 11pm and for this reason residents believed that the application was void. Residents agreed that having a shop near their homes would be convenient. The current situation in the area was that residents shut their blinds at 8pm and there were no people walking around the area. To allow a shop to trade in this area until 11pm where predominantly young families lived, was unconscionable. A shop situated on a road usually closed at 7pm. Another objector said that residents' main concern was the sale of alcohol from early in the morning until late at night.

Summary

- 3.20 Ms Sherratt said that it was useful to hear that residents would like a local shop and that the sale of alcohol was causing concern. She was not aware of planning hours but was instructed to reduce the application hours to 9am. However, she clarified that this application was not about the character of the neighbourhood or the purpose of the shop. The only concern should be whether the licensing objectives would be upheld if the application was granted. The applicant had promoted the licensing objectives in other establishments and there was no reason why he could not do the same for Adana Premier Store. Although there was support for a local shop, it could not trade financially without an alcohol licence.
- 3.21 The objectors said that there was an overwhelming desire from residents not to have an off licence in the area. The applicant had experience running night clubs, but this application was for the sale of alcohol in a shop in a residential area of over 500 families not a night club area. They were concerned that the sale of alcohol would attract drinkers who would loiter in their clean area on nearby benches. They were also concerned that the application used an incorrect postcode, but Mr Obazee clarified that licensing officers were satisfied that the proposed application site was identifiable by description. Any mistake regarding the post code would not have had an impact on residents being made aware of the application.
- 3.22 Members confirmed that they had been present throughout the meeting and had not lost connection.
- 3.23 A decision letter would be sent out within 5 working days. The Chair thanked all parties for their attendance, and they left the meeting.

4 **Sabrosa Ltd Arch 3 Deptford Market Yard SE8 4BX**

This application was withdrawn.

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. Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

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

Adana Premier Store, Unit D Adana Building, Connington Road SE13 7FD

In retiring to make its decision, Councillor Huynh, the ward councillor for this area, recused himself from involvement with any decision regarding this application. It remains the Council's position that Councillor Huynh was entitled to sit on the Licensing Committee hearing this application and it was a personal decision for Councillor Huynh to recuse himself.

The application for a new premises licence was GRANTED subject to the conditions agreed with the Police and the additional conditions proposed by the Licensing Authority and also subject to a reduction in the hours permitted for the sale of alcohol Mondays to Sundays from 11:00 hours to 23:00 hours.

The meeting ended at 8.05pm

Chair