

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 25 APRIL 2023 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Brown, Howard, Huynh and Warner.

Apologies for absence were received from Councillors Anifowose, Shrivastava, Jackson.

Also Present

Rowan Clapp – Counsel – Legal advisor
Richard Lockett – Safer Communities Service Senior Licensing Officer
Kennedy Obazee– Safer Communities Officer
Emma Campbell-Smith - Head of Governance and Committee Services

Immortals Wine Bar, 123 Lewisham Way, London, SE14 6QJ.

Applicant

Mr Elliott

Objectors

2 residents

1. Minutes

RESOLVED that the minutes of the meetings of the Licensing Committee held on 21 December 2022 and 22 and 29 March 2023 be confirmed and signed.

2. Declarations of Interests

None.

3. Immortals Wine Bar, 123 Lewisham Way, London, SE14 6QJ

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

Introduction

- 3.2 Mr Obazee said that the hearing was being held to determine a licensing application for Immortals Wine Bar 123 Lewisham Way SE14 6QJ. Details of the application were in the report and notice had been served on the responsible authorities on 15 February 2023. The application had been advertised in accordance with regulations. Four objections had been received within the consultation period and were not considered to be vexatious or frivolous.
- 3.3 Members then outlined the options available to members under the licensing objectives, when making their decision.

Applicant

- 3.4 The applicant addressed the Committee. He said that he took over 123 Lewisham Way with idea of Immortals Wine Bar. A place where he could invite the community including University and College students. He was trying to create somewhere these patrons could work, watch sports have an alcoholic drink and a place to have gatherings. It would not be a nightclub as suggested by objectors.
- 3.5 The applicant said that the objectors suggested that his premises would be a problematic nightclub, but he had been trying to steer away from that type of premises. He had plans for the layout of the premises and ideas for the garden area. The licensing officer offered him advice about possible trading hours, but the applicant already knew when he wanted to open and close, and he would not be trading until 4am. He suggested that it would be a good warmup bar for patrons going on to nightclubs. He was a family man and did not want to be open until the early hours of the morning. The garden was long, and the applicant was aware that neighbours' gardens backed on to it, but he only intended to use a few metres from the back entrance.
- 3.6 The applicant said that he had already identified SIA staff and a camera system had been set up. The wine bar was busiest on Thursday to Saturday. SIA staff would be on duty from 6pm. Staff engaged had already managed and worked in bars. The applicant managed a salon, so he understood how businesses worked.
- 3.7 The premises had been an eyesore and the previous owner opened until the early hours of the morning. The applicant did not intend to open late, he wanted a clean, intimate establishment. He had lived in Lewisham all his life and knew the area well. He wanted to improve the area around Lewisham Way; the local population was expanding with people who wanted to live and work in the area. He wanted to attract new patrons to his bar, there were already other wine bars in the area, but none were like his proposed establishment.
- 3.8 The applicant said it had been hard to read the objections. He had been taken aback because there had been a lot of positivity from passers-by speaking to him while he had been on site, asking when the bar would open. He wanted the premises to be a community space, where people could host baby showers or exhibitions. It would not be a dark nightclub with banging music and people hanging around outside smoking.

- 3.9 Councillor Huynh asked the applicant why he thought that objectors had the impression that his wine bar would be run as a noisy night club. One objection mentioned a leaflet or sign talking about the opening of the bar which the committee did not have access to. He also asked whether there had been any contact with immediate residents. The applicant said that he was at the premises most days, but nobody had spoken to him about making an objection. Everyone who approached him was positive. He was quite shocked by residents' objections. He understood their concerns about issues in the past and surrounding area, but he was trying to stay away from that type of venue.
- 3.10 Councillor Huynh asked about strobe lighting. The applicant said that previously the premises was dark and was an eye sore. He had installed LED lights around the front of the bar which were on a dimmer switch but there were no strobe lights. Nobody had been into the premises when the lights were on. It may look dark because he was in the back working and did not need all the lights on. He wanted it to be an intimate place. The interior had been painted charcoal grey, it looked smart, and he had received lots of compliments.
- 3.11 Councillor Warner asked the applicant whether he managed other premises. The applicant said that this would be the first bar he had managed but the manager and staff he intended to employ were experienced. Currently he ran a salon with brother.
- 3.12 Councillor Warner said that one objection referred to the safety of people in flats above and in the local area. He asked how he intended to stop anti-social/criminal behaviour taking place and what plans he had in place. The applicant said that he knew the residents directly above the premises and to the left and right down to Costcutter. If he opened from midday to midnight, he would have security cameras filming, two security guards on the front of the premises, and one in the garden which would close earlier than the bar. He would be hiring a security firm with a direct link to the Metropolitan Police and if there were problems when patrons were leaving, the Police would be called.
- 3.13 Councillor Warner asked whether there was a clear plan for egress out of the building, if there were problems in the bar, what the plan was and how confident he was that it would work. The applicant was confident that patrons would be safe. He said that there would be security. Any trouble would be dealt with as quickly as possible. Security staff were fully trained. He would be quick to call police to ensure nobody was hurt. He was aware that if problems were not managed correctly, it would damage his business and his reputation.
- 3.14 Councillor Howard asked whether light refreshments would only be served for 1 hour as stated in the report. The applicant said that was an error. He would be serving finger food until 9/9:30pm.
- 3.15 The Chair said that one objection was quite specific about how the garden had been as used in the past. Patrons were using the entire length of the garden for parties until 8am. She asked how this area would be used in future, how long it would be open and for how many patrons. The applicant said that the garden was long but the layout of the garden at the end was not conducive to hosting large parties. He intended to keep everyone under a gazebo/ tent. The Licensing Officer

told him there would need to be restrictions so there would be less than 20 people at a time in the garden. Security would be on the door. There would not be any major activities in the garden, no live music, just additional space under the tent. There would be garden furniture and it would provide an extension to the lounge. Patrons could go outside with their laptop in the summer. Less than half the garden would be used.

Objection

- 3.16 The first objector addressed the Committee. She said that the Blue Notice should have been displayed prominently but had not been displayed correctly. It was on the front door behind a shutter that was not open regularly. She concluded that some neighbours may not have known about the application and this could be the reason why there were not many objections.
- 3.17 There were 6 licensed premises in the vicinity. They had gardens, sports, late licenses and she questioned whether another similar establishment was needed. If the application was granted it would dilute the profit for the existing licensed premises. Many residents were working from home and she felt they should be able to enjoy their garden without the noise of people drinking. 15 people in the garden would be too many because people who had been drinking tended to make a lot of noise.
- 3.18 The rear of the property bordered several residential premises and had caused noise and disturbance to these residents in the past. The previous establishment held parties and residents had endured disruptive parties which had affected the enjoyment of their homes. Although the applicant did not intend to hold parties, residents knew from experience that noise travels and can be disruptive.
- 3.19 There were already patrons from other licensed establishment in the area in their pathway smoking and drinking. This problem would be exacerbated if the application was granted. The objector said that people were sitting on both sides of the path as she walked to her front door. Getting front door keys out as she passed through these people was intimidating uncomfortable and was not acceptable.
- 3.20 Loitering patrons from other establishments caused noise nuisance. This noise kept children in the area awake in summer when windows were open. Residents could already hear music from other licensed premises located further away than the proposed bar. People who congregated in the area created excess rubbish, and they urinated in the area where the bins were kept. Teenagers and young people could feel intimidated and parents less confident about allowing children to go to corner shop where people were hanging around smoking.
- 3.21 The objector said that residents were trying to build a safer community. If door staff were required to manage queues and patrons were outside the premises smoking, this would add to the disruption in the neighbourhood. She asked the Committee to consider how they would feel if this establishment was 3 doors from their home.

- 3.22 The second objector addressed the Committee. She said that residents already experience noise and anti-social behaviour from patrons from existing licensed establishments. She said that it was not that residents did not want new businesses, it was the type of business. The Flower of Kent was about 20 metres away from proposed new premises. Residents already experienced a lot of noise from this pub, particularly when patrons were pouring out at closing time. There were already 6 licensed premises in Lewisham Way. This was not competition; it was saturating the area. She had to call the police many times a year about people outside the building, sometimes breaking into their building, blocking entrance with rubbish and intimidating residents. She was concerned that an additional business, with a late license, 7 days per week, just 3 doors down would cause more problems for residents. The proposed premises was within close proximity to residential homes. It was a small area, and she was concerned that it could be an antisocial strip of bars 7 days a week. No real consideration had been given to the existing excessive noise and rubbish generated by patrons of existing licensed premises.
- 3.23 Councillor Huynh asked the first objector what percentage of notice period she thought the blue notice was visible from. She said that she only saw it once late at night on her way home. She took a photo of it, but it was not visible on the weekend before the end of the final notice period. She spoke to a resident on Florence Road; but he had not seen it. Residents whose gardens back onto the premises were not aware of the application until after the consultation period ended.
- 3.24 Councillor Warner asked the first objector what she considered to be the nature of the proposed business and how it compared to other licensed businesses on the 'strip' on Lewisham Way, and whether there would be a difference in clientele as suggested by the applicant. The objector said that the applicant suggested that he would show sports and appeal to students. The Marquis of Granby showed sport and was aimed at students. The Wickham arms, Fat Walrus, the George, the Talbot, the Royal Albert and Flower of Kent were all within 5 min walk of the proposed premises.
- 3.25 Councillor Warner said that conditions proposed included cctv, age verification, and security. He asked objectors whether these conditions were reasonable coverage for a small premises. The first objector said that it would depend on how well it was managed. Patrons from the Flower of Kent often left the premises, bought alcohol from the corner shop then loitered in the area drinking. Once these licensed premises were closed, and the door staff had left, management did not accept responsibility for their patrons. On several occasions the Police were called but did not attend and there was no community support.
- 3.26 Councillor Warner said that the application was for the sale of alcohol until midnight. He asked whether there would be a change in residents' safety concerns if the hours were brought forward. The first objector said that other bars closed earlier but she was not sure whether it would eliminate the noise, because patrons could use other bars in which to drink.
- 3.27 Councillor Brown asked whether it would help if one of the conditions was to have a dispersal policy in place, where security staff committed to moving people away

from venue after closing time. The second objector did not believe that this would make a material difference, patrons leaving the premises would still be noisy. The objector felt it would help if the premises was not open late 7 days a week, rather that it would be more reasonable to allow a late night on the weekend and earlier closing during the week.

- 3.28 Councillor Howard asked for more information about the pathway to the objectors' building where loitering was causing problems for residents. The first objector said that the premises was on the pavement and did not have a pathway to it. The property where she, and other residents lived, was 3 doors down; it had a pathway and was where people congregated to drink alcohol, smoke and make noise. Residents were concerned that if there was another licensed premises in the area, the activity would increase in front of their property. Although this problem was worse late at night, she returned home one weekday evening at 10.30pm to find people were drinking and smoking weed on the path.

Summary

- 3.29 The applicant said works were on-going at the premises and sometimes builders closed the shutters and may have occasionally obscured the notice. He tried to make sure the shutters were open so people could see the blue notice. He apologised and stressed that if the notice had not been fully visible at all times, these occasions were rare and the notice had been mainly visible throughout the 28 day consultation period.
- 3.30 The applicant said that problems on the path would continue because there was no gate. It was a dark place and attracted people to sit, smoke weed and drink alcohol. He did not know where these people came from and he could not control it but if he saw people leave his bar and go to the path, he would challenge them. He invited the objectors to his bar; he wanted the community to enjoy his bar.
- 3.31 The applicant did not expect his music to be heard above that from the Flower of Kent because it would only be background music. There would not be any large speakers or a DJ. He wanted to create an ambient atmosphere, where patrons would be able to have conversations. He had seen how the Flower of Kent was managed; his bar would be different. The issues raised were current and he recommended that residents install a gate to the path.
- 3.32 The first resident said that her concern was that by bringing more people into the area, the existing problems would be exacerbated. She appreciated that the applicant could not solve existing problems but granting the application could make the situation worse.
- 3.33 The second objector rejected the suggestion that there was nothing that could be done. What could be done, they said, was not to make the situation worse by granting the licence. The objector said there were also additional premises to those already mentioned, within 100 metres of the premises. It was easy to put the onus on residents to install a gate, but residents were already living in a hotspot for antisocial behaviour. She asked members to consider carefully whether a late licence 7 days a week was necessary. She considered it to be more reasonable if a late licence was limited to 1 day a week. The objection was not about the type of

business but its location. It was located at the crossroad of 4 residential roads that were already suffering from antisocial behaviour. She emphasised how intimidating and scary it was every time they came home late at night. She asked the Committee not to exacerbate this by granting a 7 day a week late licence.

Conclusion

- 3.34 Members confirmed that they had been present throughout the meeting and had not lost connection.
- 3.35 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. Immortals Wine Bar, 123 Lewisham Way, London, SE14 6QJ.

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

Immortals Wine Bar, 123 Lewisham Way, London, SE14 6QJ.

The application was granted, modified as set out below and subject to a raft of conditions included in the decision notice.

Supply of Alcohol ON and OFF the premises	12:00-23:00 (Mon-Thurs, Sun) 12:00-00:00 (Fri-Sat)
Late Night Refreshment	12:00-23:00 (Mon-Thurs, Sun) 12:00-00:00 (Fri-Sat)
Hours open to the public	12:00-23:30 (Mon-Thurs, Sun) 12:00-00:30 (Fri-Sat)

The meeting ended at 7.55pm

Chair