

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on THURSDAY 6 JULY 2023 at 7pm and held remotely via Microsoft Teams.

Present

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

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

Also Present

Charlie Kenny - Legal advisor
Angela Mullin-Murrell - Safer Communities Manager.

Park Sydenham, 277 – 283 Kirkdale, SE26 4QD

Applicant

Gill Sherratt Licensing Agent

Objector

Cllr Liam Curran on behalf of Cllr Best. Both members were Sydenham ward councillors.

1. Minutes

RESOLVED that the minutes of the meeting held on 22 June 2023 be submitted to the next meeting of this Committee.

2. Declarations of Interests

None.

3. Park Sydenham, 277 – 283 Kirkdale, SE26 4QD

- 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 Ms Mullin-Murrell said that this hearing was being held to determine the full variation of a premises licence application made by Park Garage Group plc in

relation to Park Sydenham, 277 – 283 Kirkdale, SE26 4QD. She outlined the application.

- 3.3 The application for the premises licence had been advertised in accordance with regulations. The last date for receiving representations was the 14 June 2023. During the 28-day consultation period, one objection was received by the licensing authority from a member of the Council. The representation was received within the specified consultation period and were not considered vexatious or frivolous. Further documents had been received from the applicant's agent and they had been circulated to all parties before the meeting.
- 3.4 Ms Murrell then outlined the options available to members when making their decision.
- 3.5 The Chair said that Councillor Best was unable to attend the meeting, and had nominated her co ward member, Councillor Curran, to present the objection. Although the regulation 8 notice had not been received, the Agent agreed that Councillor Curran could make the presentation, as long as any comments were in line with the written representation made by Councillor Best.

Applicant

- 3.6 The Agent said that Park Garage Group were an extremely responsible operator. Details of this family run business had been circulated to all parties. They managed over 70 forecourts both locally and nationally. All of them traded 24 hours a day apart from the one at Kirkdale.
- 3.7 The Agent advised that an application for a 24-hour licence had been made in 2019. The licensing officer at the time had concerns about the night club next door, so the applicants compromised, and agreed not to sell alcohol between the hours of 1am and 6am, even though the forecourt had been operating for 15 years without any issues. In 2020 Park Garage bought more than 30 sites and were too busy to make a further application to vary their licence.
- 3.8 The application for a 24-hour licence was being made with the support and agreement of the authorities. There had not been evidence of any problems at any of their sites, this was due to robust conditions on the licence, and they reflected the working practices of Park Garage in general.
- 3.9 The representation referred to concerns about street drinkers. There were conditions on the licence to address this issue. No super strength beers or lagers would be sold above 6% and bottles and cans would only be sold in a minimum pack of 4.
- 3.10 The application was to sell alcohol for an extra 5 hours. There had not been any problems at the premises. The nightclub that had been of concern to licensing officers had closed for years and was not part of this application. The applicant was running a family business, staff undertook training, there was CCTV and everything had been documented.

- 3.11 In response to a question from the Chair, the agent confirmed that there had never been any problems at the premises and after 11pm a night hatch would be used to serve customers.
- 3.12 In response to a question from Councillor Howard, the agent said that personnel were trained in skills required for the sale of alcohol. The DPS had been working at the premises for over 5 years and arranged training for staff.

Objection

- 3.13 Councillor Curran, Sydenham ward member, confirmed that Councillor Best had contacted him to make representations on her behalf. One of the concerns that Councillor Best raised was the number of street drinkers in the area. Where alcohol was for sale, street drinkers would buy it. The premises was situated in a residential area and residents would be disturbed by noise if the application was granted. There was a 24 hour gym next door, the local Sainsburys was open until 11pm, a public house was open until midnight and bingo open until 11pm. These premises were all within a small area. Residents in the surrounding roads needed respite from noise and disturbance in the evening.
- 3.14 Councillor Curran said that the premises would be a destination for people who wanted to buy drink after 1am. Local parking was a problem, and this would be exacerbated if the licence was granted.
- 3.15 Councillor Curran agreed that Zanzibar nightclub had been a problem in the past. However, it had been noted from when the club was open, people would go to this club on their way to other venues. It was for this reason that he was concerned that a 24 hour licence would create an increase in street drinking and begging. He considered the sale of alcohol until 1am to be late enough.
- 3.16 Councillor Warner asked whether the Police had raised any concerns about this application, or whether concerns had only been addressed by himself and Councillor Best. Councillor Curran said that Police had not raised any concerns recently, but they had in the past because of late night drinking. In response to a further question from Councillor Warner about whether street drinking was the main concern, Councillor Curran said that there were places further down Sydenham Road where people could buy alcohol and it caused problems. He expected this problem to spread up the road particularly if a 24-hour licence was granted.
- 3.17 Councillor Jackson said that this application was for the sale of alcohol for 5 extra hours. He asked Councillor Curran whether any residents had raised concerns that these additional hours would cause additional pressure over and above the fact that there was a 24 hour gym next door and the forecourt was open 24 hours for people who wanted to buy non alcoholic goods. Councillor Curran said that he had not been contacted by local residents, but along with Councillor Best, they knew the history of the area and had received complaints in the past. At present, they had respite from noise in the early hours of the morning because local establishments closed before midnight. If the application was granted, it would attract beggars and people going on to other clubs and cause a disturbance for neighbours in the neighbouring roads.

- 3.18 Councillor Curran asked members if they were minded to grant the application, that it should be for a trial period. The agent said that the applicant had already had a 4-year trial period.

Conclusion

- 3.19 The agent said that the decision made by members had to be evidence based and there was no evidence that a 24-hour licence would become a destination for street drinkers or cause disturbance, it was simply speculation. Her client wanted to sell alcohol 24 hours a day along with other goods throughout the night. It did not mean that a lot of people would be coming to the premises.
- 3.20 The agent said that her client managed several forecourts around the country with 24-hour licences, in residential areas without any complaints. Street drinkers did not tend to buy alcohol from forecourts because they were so bright, supervised and with CCTV. There had not been one objection from residents and objections had not been received from relevant authorities.
- 3.21 The application was for the sale of alcohol for 5 extra hours. There were practical difficulties only selling alcohol for 19 hours. The agent said that she was certain that there would not be any complaints received if the application was granted, and the four licensing objectives would be upheld. She recommended that the application, as applied for, be granted.
- 3.22 Councillor Curran said that he was concerned that the premises would become a destination venue for street drinkers and people going on to other establishments and residents would endure noise in the early hours of the morning if the application was granted.
- 3.23 The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. All members confirmed their attendance throughout the meeting.
- 3.24 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. Park Sydenham, 277 – 283 Kirkdale, SE26 4QD

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

Park Sydenham, 277 – 283 Kirkdale, SE26 4QD

The application, as applied for, was granted.

The meeting ended at 7.40pm

Chair