

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 26 JULY 2023 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Anifowose (Vice-Chair)(In the Chair) Councillors, Brown, Hayes, Huynh Jackson, Shrivastava and Warner.

Apologies for absence were received from Councillors Wise (Chair) Howard, and Kestner.

Also Present

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

Elena's Pizza 330 Lee High Road SE13 5PJ.

Applicant

Applicant Erol Boyaci and Danja Braho.

Objector

Objectors were not present.

**Budgens Ground and First Floor 1 Williamson House,
47 Pomeroy Street London SE14 5GA**

Applicant

Andrew Pickard – Solicitor
Director - Amarjit Rakhra

Objector

Mr Burrow

1. Minutes

RESOLVED that the minutes of the meeting held on 22 June 2023 and 6 July be confirmed and signed.

2. Declarations of Interests

None.

3. Elena's Pizza 330 Lee High Road SE13 5PJ.

- 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 Rhodes said that this hearing was being held to determine a premises licence application made by Eneja Dautaj in relation to Elena's Pizza 330 Lee High Road SE13 5PJ. 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 4 July 2023. During the 28-day consultation period, two objections had been received from members of the public. One further objection had been withdrawn by a member of the public. The representations had been received within the specified consultation period and were not considered vexatious or frivolous.
- 3.4 Ms Rhodes then outlined the steps available to members, when making their decision, to promote the four licensing objectives.

Applicant

- 3.5 Ms Braho confirmed that the name of the business was Elena's Pizza. She said that they wanted to open a pizza shop mainly for takeaway. It was hoped that they would partner with Deliveroo and Uber Eats to deliver the pizzas.
- 3.6 The business would be family friendly; they would not attract patrons who would cause nuisance and litter the area because the area would be kept clean, particularly from vermin, which was important when serving food.
- 3.7 Ms Braho said that there would not be any noise from the premises, because there would only be background music from a radio for members of staff whilst preparing food. She expected the area to improve when the shop was open and good patrons attracted. Staff would be recruited from the local area.
- 3.8 Ms Rhodes said that following discussions with the applicant, hours of trading had reduced from 3am to 1am and regulated entertainment had been removed. The applicant had misunderstood the meaning of regulated entertainment, and officers confirmed that this was not required.
- 3.9 Following this explanation from Ms Rhodes, Councillor Shrivastava asked the applicant whether the application for a premises licence had been straight forward or whether the system could be improved. Ms Braho said that applying for a

licence had been straight forward, but both she and her husband had misunderstood the need for a licence for regulated entertainment. They did not intend to play loud music or cause any problems for the neighbours. She noted that the objections related to a 3am closure; their application had reduced the hours to 1am. They intended to offer a service to customers who wanted to purchase food late at night.

- 3.10 Councillor Hayes was pleased that the applicant intended to recruit staff from the local area. He said that residents had expressed concern about loitering outside the premises. It had been noted that the applicant intended to hire Deliveroo and Uber drivers but they were usually idle outside premises and there could be up to 10 Uber drivers. He asked how this would be managed. Ms Braho advised that she had investigated this, and certain restaurants had stands, McDonalds for example. The drivers at these stands would be hired by Elena's Pizza when required, so they would not be parked outside their premises.
- 3.11 In response to a question from Councillor Brown, Ms Rhodes confirmed that music from a radio was classified as recorded music. It was not licensable because it was not for public entertainment.

Objection

- 3.12 The Chair advised members that objectors were not present.

Conclusion

- 3.13 Ms Braho said that they would be willing to reduce the hours of trading. She did not want to cause problems for neighbours and would not be encouraging loitering outside the premises or exposing the neighbours to crime. She hoped that the premises would enhance the look of the area and attract the right type of people.
- 3.14 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.

4. Budgens Ground and First Floor 1 Williamson House, 47 Pomeroy Street London SE14 5GA

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

Introduction

- 4.2 Mr Obazee said that this hearing was being held to determine a premises licence application made by Breakpoint Ltd for Budgens. Ground and First Floor 1 Williamson House, 47 Pomeroy Street SE14 5GA. He outlined the application.
- 4.3 The application for the premises licence had been advertised in accordance with regulations. During the 28-day consultation period, the licensing authority received one objection, from a member of the public. The representation was received

within the specified consultation period and was not considered vexatious or frivolous. Representations had not been received from any responsible authorities and conditions had been agreed by the Police, Licensing Authority and the applicant.

- 4.4 Mr Obazee then outlined the steps available to members, when making their decision, to promote the four licensing objectives.

Application

- 4.5 Mr Packard addressed the Committee. He said that Breakpoint Ltd was a family run business trading since 2004. They had a portfolio of 5 convenience stores in Central London and one in Dulwich. The applicant's son was a pharmacist and managed two shops in Hertfordshire. The company employed 41 staff. If this application was granted, a further 10 people would be employed from the local community.
- 4.6 The applicant was a responsible operator and met his regulatory obligations. The applicant had worked with Post Office Counters Ltd and now Budgens. He understood the importance of brand protection and being compliant with its regulatory obligations. Mr Packard outlined the trading hours of the businesses, which included a 24 hour licence, and advised members that there had not be any noise or public nuisance at any of these premises.
- 4.7 Mr Packard said that the proposed business would be a mini supermarket trading under the Budgen national brand selling fresh and ambient goods along with alcohol and tobacco. All staff would be trained in upholding the licensing objectives.
- 4.8 There had been one objection regarding opening hours, not the sale of alcohol. The objector wanted the shop to close at 10pm not 11pm, but this would affect the sale of alcohol. It would also affect staff because the whole shop would have to close at 10pm. There were a number of businesses in the area that traded until 11pm which would suggest that potential noise and nuisance was managed through the conditions on the licence. He named several businesses within close proximity of the premises with late night licences; one closed at 1am.

Summary

- 4.9 In conclusion, Mr Packard said that the applicant ran a family business, he had extensive experience, recognised his responsibility to local residents and upheld the four licensing objectives.

Objection

- 4.10 Mr Burrow said that he lived on Pomeroy Street., 47 Pomerory Street was an empty unit and he was pleased that it would be occupied. His concern was related to the sale of alcohol. Unlike the other premises discussed, this was an isolated unit. It was not located in a high street where there was extra foot fall. It was situated next to a park, a school and there were people with vulnerabilities in the area. He did not want the premises to be somewhere people went to buy alcohol and then sat drinking in the adjacent park. Although the park had be boarded up, he expected it to open one day.
- 4.11 Councillor Warner asked for Mr Burrow his thoughts on the conditions that had been agreed by the applicant. Budgen was a particular brand of corner shop and he asked if this helped with his concerns about the application. Mr Burrow said that there were restrictions which were good when a problem arose. Some of the conditions were reactive; helping the Police if they were able to attend the premises when there were problems. He referred to street drinkers and said that he did not know whether they bought single cans of beer. The conditions did not convince him to withdraw his objection.
- 4.12 In response to a question from Councillor Warner about whether reducing the opening hours by one hour would alleviate his concerns, Mr Burrow confirmed that this was a good compromise. He was aware that a small number of local businesses closed at 11pm but they were either not next to a park or they were on a busy high street.

Conclusion

- 4.13 Mr Pickard said that his client had accepted additional conditions suggested by the licensing authority and he would strive to adhere to those conditions to uphold the licensing objectives,
- 4.14 Mr Burrow did not wish to sum up.
- 4.15 The Chair said that she was satisfied members of the Committee had read and heard all the information required to make a decision. All members confirmed their attendance throughout the meeting.
- 4.16 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. Elena's Pizza 330 Lee High Road SE13 5PJ.

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

Elena's Pizza 330 Lee High Road SE13 5PJ.

The application, as applied for, was granted.

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4. Budgens Ground and First Floor 1 Williamson House, 47 Pomeroy Street London SE14 5GA

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

Budgens Ground and First Floor 1 Williamson House, 47 Pomeroy Street London SE14 5GA

The application, as applied for, was granted.

The meeting ended at 7.41pm

Chair