



AGENDA

LICENSING COMMITTEE

Date: FRIDAY, 25 AUGUST 2023 at 11.30 am

Remote - Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>

Enquiries to: Clare Weaser

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

Members are summoned to attend this meeting

**Jeremy Chambers
Monitoring Officer
Laurence House
Catford
London SE6 4RU
Date: 22 August 2023**

ORDER OF BUSINESS – PART 1 AGENDA

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The public are welcome to attend our Committee meetings, however, occasionally, committees may have to consider some business in private.



Licensing Committee

Declarations of Interest

Date: 25 August 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: Land adjacent the Albany theatre, Deptford Market Square, Douglas Way, London, SE8 4AG

Date: 25th August 2023

Key decision: No.

Class: Part 1

Ward(s) affected:

Contributors: Safer Communities Service

Outline and recommendations

Determination of Temporary Event Notice Application - 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

To consider the application for a Temporary Event Notice. The options open to members of the Committee are set out in paragraph 4 below.

Proposal: Temporary Event Notice (TEN)

Legislation: Licensing Act 2003

Premises: Land adjacent the Albany theatre, Deptford Market Square, Douglas Way, London, SE8 4AG

Applicant: Owen George Baker

The notice was served in accordance with section 100 of the Licensing Act 2003.

1. Notice Content & Objection

1.1 The Temporary Event Notice is for the following activities to take place at the premises from 11:00 - 23:00hrs on 27th August 2023.

1.2 The sale by retail of alcohol for consumption on the premises and the provision

of regulated entertainment in the form of Music and DJ performances for up to 400 people.

- 1.3 The notice was served on responsible authorities on 15th August 2023. An objection was received from the Metropolitan Police on 18th August, within the specified time limit in accordance with section 104 of the Licensing Act 2003.
- 1.4 The objection was received in relation to the prevention of Public Nuisance, Public Safety and the Prevention of Crime and Disorder .
- 1.5 The premises is not currently licenced.

2. Legal and Human Rights Implications

- 2.1 Where an objection notice is received following a Temporary Event Notice a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote the public nuisance licensing objective.
- 2.2 The licensing authority is a public authority under the Human Rights Act 1998. Therefore the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. 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.
- 2.3 The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

3. Equalities Implications

- 3.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 3.2 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 those who share a protected characteristic and those who do not.
- 3.3 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

4. Determination of objection notice

- 4.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the licensing objectives. Therefore the Licensing Committee may;
1. Decide no action is appropriate to promote the licensing objectives therefore the temporary event may go ahead.
 2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so, AND if
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
 3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead.
- 4.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

<u>Short Title of Document</u>	<u>Background Papers</u> <u>Date</u>	<u>Appendix</u>
<u>Temporary Event Notice</u>		
Notification rec'd	11/08/2023	
Plan of proposed event	15/08/2023	
<u>Metropolitan Police Objection</u>		
Objection rec'd	18/08/2023	

Should you require any further information on this report please contact Richard Lockett of the Safer Communities Service via Richard.lockett@lewisham.gov.uk.



* required information

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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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="OwenSP2023"/>	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?

- Yes No

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

Applicant Details

* First name	<input type="text" value="C"/>	
* Family name	<input type="text" value="B"/>	
* E-mail	<input type="text" value="f"/>	
Main telephone number	<input type="text" value="0"/>	Include country code.
Other telephone number	<input type="text"/>	

Indicate here if you would prefer not to be contacted by telephone

Are you:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

Give an Ordnance Survey (OS) map reference (if a full address has not been given)

Give an Ordnance Survey (National Grid) reference e.g. TL683365

* Provide further details about the location of the event

Market Square, Douglas Way, Deptford, London

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Want to host a street party in Market Square, Douglas Way - address details above.

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Open area outside the Albany within the Market Square.

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

Carnival theme music event

Continued from previous page...

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- On the premises only
 Off the premises only
 Both

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RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ and sound system

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PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? Yes No

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Continued from previous page...

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- Yes No
- a) Ends 24 hours or less before; or
 - b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

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CONDITION *(See also guidance on completing the form, note 18)*

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

DECLARATION *(See also guidance on completing the form, note 19)*

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and (ii) to permit an

Continued from previous page...

* unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

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 / /
dd mm yyyy

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/temporary-event-notice/lewisham/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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TEMPORARY EVENT NOTICE

To: Owen Baker

Of:

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: Deptford Market Square
Douglas Way
Deptford
London
SE8

Date: 27th August 2023

Times: 11:00 – 23:00

Permitted Activities: ALC, REG ENT

Capacity: 400

Directorate for Community Services
Licensing Authority
Holbeach Office
9 Holbeach Rd
Catford
SE6 4TW

**Proper Officer for Licensing
London Borough of Lewisham**

SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL NOT BE PERMITTED.

A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED.



PL - Lewisham Borough

9 Holbeach Road,
Catford. SE6 4TW

Telephone: 07795 801039

Email: Simon.Butler@met.police.uk

www.met.police.uk

Your ref:

Our ref:

18th August 2023

Dear Licensing Team,

I have received a Temporary Events Notice on 15th August 2023 for an event to be held on the 27th August 2023 at Deptford Market Square outside The Albany, Douglas Way SE8.

This Ten is asking for Alcohol and Regulated Entertainment for 400 persons for a community event to take place between 1100hrs and 2300hrs on 27th August 2023.

Police wish to object to this TEN on the grounds of

Prevention of Crime and Disorder

Preserve Public Safety

Prevention of Public Nuisance

This event is planned for Sunday August Bank holiday weekend when Police resources on London boroughs will be at its minimum due to Policing the Notting Hill Carnival. This is the biggest street Carnival in the capital and requires a considerable police presence, meaning that policing numbers on local boroughs will be at its worst levels during a year.

This event planned in the application makes no reference to any Land owner granting permission for the event on the intended site where the festivities are to be held. The application makes no reference to Highways, Council departments or any private Land owner granting use of the land for the festivities to take place.

On 18th August at lunchtime a call was made to speak to the events organiser, Mr Owen George Baker to ask who owns the land and he replied the council, yet having spoken to the processing officer they didn't believe that Council owned this piece of land intended to be used. This makes this matter very difficult to support this application as it currently stands.

The application also makes no reference to how numbers are going to be controlled and any possible stewarding for such a crowd of 400 that may attend. Police point out that this area in Deptford is an extremely popular walk through from housing estates to all the business's and shops in Deptford High street and it is also unknown if the market will be operating at the times this function will be operating.

Due to the market squares openness and position it is unclear how numbers would be controlled with No reference to stewards, SIA or written in the application of fencing that will be used to cordon off for the event. It is a concern for Police that numbers could swell to exceed the 400 planned and even over the permitted maximum of 499 for a Temporary Events Notice to be legally authorised.

Again a phone call was made to Mr Baker asking him about stewards and he stated that he thought 12 stewards would be in attendance. The application does nothing to support that any control will be in place, no mention of SIA security and training that any stewards may have. This being the case and with concerns around safety with numbers and people attending and adequate control over exact numbers and security in place this application cannot be supported by Police at this time. This event in its location requires better planning and security/stewarding and some kind of invite system or ticket selling that appears to have not taken place.

It appears to be depending on people randomly turning up and into a location that would be causing concern and increase the noise levels that again have not been stated will be controlled.

Although police wish to support what has been described as a cultural event, for the community and celebration of music, this timing and location would appear to be unsuitable with a lack of planning for safety taken into consideration. Events already being held over this weekend in Notting Hill itself.

As with any event police have concerns over pushing crowds and gangs of people wishing to join in without proper forms of safety for the numbers being introduced.

An increase in Ant-social behaviour permitting 400 to drink Alcohol in a confined area with possible inadequate toilet facilities or even first aid being mentioned at all.

Market Square and Douglas Way have always been a problematic area for street drinkers, beggars, drug dealing and police believe this event will do nothing to assist with the issues this area already have, over a weekend when police numbers will be woefully low. In the event of any problems starting with fights it would leave a lack of policing resources to put into this event when the eyes will be on policing Notting Hill street festival, and with no exact numbers of adequate stewards or SIA being put into this application there is no evidence that this event has been planned sufficiently to be supported by police at this time.

Police believe it will increase calls to authorities in noise nuisance complaints, increase alcohol consumption with no controls into an area suffering very badly with these issues already. Permitting this event to run alongside all the licenced premises over a Bank holiday weekend is asking for a situation that could easily get out of control.

One situation that had occurred to Police licensing that within a 2-3 minute walk Market yard itself is licenced with controls already in its licensing conditions could have been considered.

Although the times stated are not deemed to be the biggest of concerns, control and formal planning for such an event that involves the possible Closure of Douglas Way and access for residents to its high street with large crowds is not a good idea, without any Confirmation of permission from Land owner or Highways would impact the local community massively.

While speaking to Mr Baker he has suggested that he has worked with Police in times gone by with events he has arranged in the community. He stated he has worked with Sgt Jim Abbot when he was Police Licensing. However, I have to take the application on its face value and deem this too much of a risk a lack of information in order to support this event on many grounds. Sgt Abbott was Police Licensing Officer some 9-10 years ago and I have no records for any previous work that Mr Baker may have done to support such events.

In the current climate with the application with too many issues that concern public safety, noise nuisance and the increase in possible crime and disorder at this stage Police have to put these concerns above history in previous events going back over a decade.

As Police have to draw a balance of what is considered safe and the application has many points highlighted in this Objection that raise concerns police that committee members need to consider.

For your consideration

Regards

Simon Butler

Police Licensing Officer for Lewisham Borough

9 Holbeach Road, Catford SE6 4TW