

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on 11 JULY 2024 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Anifowose (Chair) Councillor Howard (Vice-Chair) Councillors, Atkinson, Brown, Harding, Jackson, Kestner, and Walker.

Apologies for absence were received from Councillor Burgess.

Also Present

Rachel Lyne - Legal advisor
Angela Mullin - Safer Communities Officer

The Lord Palmerston, 31 Arklow Road, Deptford, SE8 5FE

Applicant

Mr Suresh, Arka Licensing – Agent speaking on behalf of the applicant.
Applicant - Mr Mathusan.

Objector

One Objector

1. Minutes

RESOLVED that the minutes of the meeting of Licensing Committee held on 23 April and 8 May 2024 be confirmed and signed.

2. Declarations of Interests

Councillors Atkinson and Walker declared that they were Deptford ward councillors.

3. The Lord Palmerston, 31 Arklow Road, Deptford, SE8 5FE

- 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 said that this hearing was being held to determine a new premises licence application made by Mr Mathusan. The application was received and processed on 17 May 2024 and served as per requirements. The last date for receiving representations was 17 June 2024 and during this consultation period, two representations were received from members of the public. Suggested conditions and reduction in hours for the sale of alcohol were agreed and therefore no objections were received from the Police or Licensing Authority.
- 3.3 An hour before the meeting, Ms Mullin was contacted by the agent, acting on behalf of the applicant, stating that they had agreed with the Police that conditions 11 and 13 should be removed from the conditions agreed by the Police. Just before the meeting starting, Ms Mullin received an email from the Police confirming that this was correct. The hours, as applied for in the application ie 6am-midnight, had not been reduced and the agreed conditions excluded conditions 11 and 13.
- 3.4 Ms Mullin said that members must take the necessary action to uphold the licensing objectives and then outlined the options available to members when making their decision.

Applicant

- 3.5 The agent spoke on behalf of the applicant. He said that historically this premises had been a pub. Within 100 metres there was a railway line. Trains run until 12.30am so noise already existed in the area.
- 3.6 The applicant had contacted the Police with regard to this application. A number of conditions had been agreed to promote the licensing objectives. Two objections had been agreed from members of the public; he read out one objection from an objector living above the premises. The building had recently been refurbished and the windows were replaced with noise resistant frames. However, the resident was concerned about the proposed opening hours of the premises and the public nuisance that would be caused by the additional noise and increased activity below their home late at night and early hours of the morning.
- 3.7 The agent said that the premises was currently a local supermarket and catered for the needs of local residents returning home from work late in the evening. The premises itself would not create any noise; music would not be played. Deliveries would only be made between 8am and 4pm and the applicant would be willing to have this as an extra condition. Conditions 8 and 9 specifically addressed residents' concerns about noise nuisance. The applicant was, therefore, upholding the licensing objective of noise nuisance.
- 3.8 The lack of bins and concern about rubbish was raised by the resident. Management would manage the rubbish at the back of the premises and would operate responsibly.
- 3.9 The second objector referred to historic crimes and nuisance that had taken place in the park. Currently the premises did not sell drugs and there was no evidence to suggest that it would contribute to anti-social behaviour in the area. There were

conditions in place to ensure that alcohol would not be sold to underage children including challenge 25.

- 3.10 Councillor Atkinson asked for clarification. The agent stated that the premises was operating as a supermarket when it was, in fact, vacant. The agent clarified that historically it had been a pub; it was currently vacant and in future it would operate as a supermarket.
- 3.11 Councillor Atkinson said that the agent stated that rubbish would not be created but would be managed on the site. She said that the area was small and asked what measures would be put in place to manage rubbish. The agent said that most of the rubbish would be recyclable and would be managed and disposed of at the rear of the premises. Management would keep the area in front of the premises clean.
- 3.12 Councillor Howard asked how big the supermarket was; members had not received any information about it, and whether it was normal for alcohol to be sold at 6am. The agent said that alcohol was not the only purchase that could be made at 6am, there were many other products. He said that this should not be a matter of concern and had been agreed by the Police. There was a plan showing where the alcohol would be displayed and was less than 20% of the retail space. The legal advisor said that although the size and plan for the retail space was interesting, it was a planning issue and not something that members could determine.
- 3.13 Councillor Walker asked why the applicant wanted conditions 11 and 13 removed. The agent said that conditions 11 and 13 were not required to promote the licensing objectives and the applicant had agreed enough conditions. Condition 11 was mainly to prevent street drinking and that did not exist in the area around the Lord Palmerston. There was no reason why the premises should not sell alcohol at 6am and the Police agreed.
- 3.14 Councillor Brown asked why the applicant wanted to sell alcohol between 6-9am. The agent said that it was not unusual for supermarkets to sell alcohol from 6am. The question was not why it should be granted but why it should not be granted. This supermarket was mainly for residents, and he expected them to come into the shop in the morning. There was no reason to buy alcohol in the morning, but they may wish to buy a bottle of wine on their way to work and the applicant should be able to sell it to them.
- 3.15 Councillor Harding said that it was not unrealistic to believe that street drinkers could be buying alcohol early in the morning. He asked what steps the applicant would take in managing any issues that could arise from problem drinking. Mr Suresh said that Public Health was a responsible authority and they had not objected to the application; none of the responsible authorities had made any objections. The Licensing Act states that supermarkets should be granted the licensing hours. New housing developments were planned, and city workers and young couples would be coming to the area. There was no reason why the hours, as requested, should not be granted.

Representation

- 3.16 The objector then addressed the Committee. He said that there were flats above the premises and next door. His main concern was the rising crime in the area and how off sale of alcohol could contribute to this problem. A few of the criminal incidents in the area had been listed in his objection. Knife crime had increased; in the past year, 3 air ambulances had landed in Evelyn Green, which was within 2 minutes of the premises, to rescue victims of knife crime. Sales of drugs had been reported. He was concerned that if a shop opened on the corner, so close to the park, it would attract people from the park bringing crime closer to residents which would make on the streets unsafe.
- 3.17 The objector clarified that the premises had been vacant for a number of years. It had previously been a pub but alcohol had not been sold in recent years.
- 3.18 The relevant authorities had not made a representation about street drinking. However, alcohol was sold in many shops in Evelyn Street which was close to the premises, and it was common for people to drink outside those shops. It was possible that these people would come and drink outside 31 Arklow Road. The objector said that recently a hate crime had to be reported due to homophobic language being used by a street drinker. He was concerned that if the hours for the sale of alcohol were increased, this type of abusive language would increase, and it would not be safe to leave his home.
- 3.19 The objector said that other residents had raised other concerns regarding potential noise and deliveries blocking the disabled bay. There was no direct access to the rear of the premises; if the bins were to be stored there, they would have to be brought around the block.
- 3.20 Councillor Walker asked the objector what his view was if the application was granted and the potential impact it would have in and around Evelyn Green. The objector said that he did not have any evidence to prove that there was a correlation between the sale of alcohol and an increase in crime but there was a risk and could contribute to an issue that was ongoing in the area.
- 3.21 Councillor Jackson said that some of the conditions that the applicant had agreed, were to mitigate the problems of drinking alcohol; this included challenge 25 and the installation of CCTV. He asked whether these conditions helped to alleviate the issues that he had raised. The objector said that these conditions were welcome, however, it would not solve the problem if there was an incident at 11pm because of people who were intoxicated on the street outside the shop. It would be more useful if alcohol was not sold after 10pm for example.
- 3.22 Councillor Harding asked the objector whether he objected to the application in its entirety or whether certain conditions would alleviate his concerns. The objector considered the sale of alcohol from 6am until midnight to be excessive. He preferred the sale of alcohol to be on the premises only, otherwise a reduction in the hours of off sales of alcohol would help to address some of the issues that he had witnessed.

Summary

- 3.23 In conclusion, Mr Suresh said that the applicant could manage the hours as applied for. The store was intended to be of benefit to local residents. There were only two objections from residents in this residential area. There were 25-30 flats above, only one opposed the application. Most residents considered the store to be a convenience for them particularly when going to work and when returning late in the evening.
- 3.24 The licensing objectives would be met including that of crime and disorder, public nuisance and protection of children from harm. The applicant had agreed a number of robust conditions that would be monitored by the Police and relevant authorities.
- 3.25 The objector said that there was a risk that anti-social behaviour could increase. A good way to address this was to reduce the hours for the sale of alcohol to between 9am and 10pm.
- 3.26 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.

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. The Lord Palmerston, 31 Arklow Road, Deptford, SE8 5FE

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

1. The Committee's decision is to grant the application subject to the conditions agreed with the Police. Its reasons are as follows:
 - a. The Committee noted that the Applicant had agreed the conditions with the Police and this supported the promotion of the licensing objectives.

- b. The Council did consider a reduction in the hours the Premises would be permitted to sell alcohol however they determined that the additional conditions agreed by the applicant did address the concerns of the two residents who had made representations. They also took into account guidance issued by the Government, which encourages Licensing Committees to allow supermarkets and shops to be permitted to sell alcohol in line with a stores trading hours.

The meeting ended at 7.50pm

Chair