

## LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on 29 AUGUST 2024 at 7pm and held remotely via Microsoft Teams.

### **Present**

Councillor Howard (Vice -Chair) (In the Chair) Councillors Atkinson, Harding, and Onikosi.

Apologies for absence were received from Councillors Anifowose and Walker.

### **Also Present**

Rachel Lyne - Legal advisor

Richard Lockett - Safer Communities Senior Officer – Safer Communities Service

Clare Weaser – Committee Officer

### **Jerk Haven, 118 Bromley Road, SE6 2UN**

**Applicant** - Cleo Thompson

**Objectors** - Two objectors attended the hearing.

### **Dimitri Burgers Ltd 379-383 New Cross Road, SE14 6AT**

**Applicant**- Dimitri Glasgow – Applicant and Mr Alusola – licensing consultant

**Objectors** - One objector attended the hearing.

## **1. Minutes**

RESOLVED that the minutes of the Licensing Committee held on 27 February, 11 April and 15 August 2024 be confirmed and signed.

## **2. Declarations of Interests**

Councillors Atkinson declared that she is ward member for Deptford.

## **3. Jerk Haven, 118 Bromley Road, SE6 2UN**

- 3.1 The Vice - 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 Services Senior Officer to introduce the application.

### **Introduction**

- 3.2 The Safer Communities Officer Senior Officer said this hearing was being held to determine a premises licence application made by Cleo Thompson for Jerk Haven, 118 Bromley Road. The applicant had agreed conditions which were outlined in the agenda. The application was received and processed on 25 June 2024
- 3.3 The application was not originally advertised in accordance with regulations, so the consultation period was extended to ensure compliance.
- 3.4 During the consultation period, sixteen relevant representations were received by the licensing authority from members of the public. The licensing authority and the Police submitted an objection, but these were withdrawn due to the applicant agreeing conditions and amendments to the hours applied for. Representations were not received from any other relevant authorities.
- 3.5 Representations were received within the consultation period and were not considered frivolous or vexatious.
- 3.6 The Safer Communities Senior Officer then outlined the options open to members when making their decision.

### **Applicant**

- 3.7 Mr Thompson acknowledged that there had been some objections, but the shop next door to his restaurant was an off licence. There was also a Turkish restaurant 100 yards up the road which had an alcohol licence. There was no drug dealing or bad behaviour in the area. The Police were stationed in the area, and sometimes they were patrons of his restaurant.
- 3.8 Music had not been played at the premises and an event had not been held for 3 years. There had been a customer appreciation day where food was free.
- 3.9 In the Summer, jerk chicken is cooked outside. If this was causing a problem for residents, the chicken could be cooked inside. Mr Thompson did not think that the smoke from cooking the chicken caused any problems because the restaurant was situated on a busy main road where there were a lot of cars and noise.
- 3.10 Mr Thompson believed that he was the pillar of society, supporting youths in the area and his Caribbean restaurant was rated as the best in London; there had never been any incidences on the premises. He abides by all the rules and regulations. The premises would be managed as a restaurant not a club.
- 3.11 Councillor Onikosi asked whether chicken was cooked outside the premises on a regular basis. Mr Thompson said that outside cooking took place about twice a week. Most of the time cooking would be inside the premises but would be held outside if the weather was good.
- 3.12 Councillor Harding asked the applicant how he would manage people loitering and drinking outside the premises and ensure that residents were not disturbed. Mr Thompson said that if the premises licence was granted, management would ensure that patrons adhered to all the rules and regulations.
- 3.13 Councillor Onikosi asked if customers had been seen congregating on the pavement outside other establishments in the area. Mr Thompson had not seen

any loitering near any local shops. It was a very safe area because the Police were so close and passed by the shops all day.

### **Representations**

- 3.14 The first resident to make a representation said that objectors' main concern was the extension of hours. The other establishments in the area did not open after midnight. The premises was in a residential area with flats above and next door. There were three local streets and these residents' lives were also affected by the activities at the premises; they worked in professions where they needed to sleep at a relatively early hour so that they could go to work early. Families with young children also needed to be able to sleep early.
- 3.15 There were also concerns because there was no parking in front of the property so patrons would be forced to park in local residential streets. Residents would suffer from the noise as people played music and sat in cars eating their takeaways until 2am. Delivery cars and bikes would also cause noise nuisance.
- 3.16 The resident said that in the Summer, cooking at the premises was held outside almost every day. Even if the weather was poor, a canopy was erected over the cooking area. Local buses and many cars were electric, were ulez compliant and did not cause fumes. Burning wood and coal caused different particles that were much worse for public health than electric vehicles.
- 3.17 If Jerk Chicken was the only shop selling alcohol in the area until 2am, this would encourage people to loiter causing a nuisance for local residents.
- 3.18 In response to a question from Councillor Onikosi, objector one confirmed that she had witnessed the cooking of the chicken outside the premises, and she had also witnessed people buying food from Jerk Haven and then sitting in cars in nearby residential roads to eat the food.
- 3.19 Objector two said that officers from the Police station at the end of his road did not patrol local streets. This station was a Highway and TSG station. They did not attend local issues and if there were any problems at Jerk Haven, Community Officers rather than Police officers would attend.

### **Conclusion**

- 3.20 Mr Thompson said that Police had been into his restaurant to apprehend people on scooters who had been riding on the pavement. They confiscated their scooters and issued them with tickets. Police would come into the restaurant if required.
- 3.21 When chicken was cooked outside, coal would be used. They did not use wood. Smoke was created when the oil hit the jerk pan which then dissipated into the air. Chicken was not cooked in large amounts, approximately 48 pieces of chicken would be cooked in one day. He did not believe that the smoke would affect local residents but was not a licensing issue.

- 3.22 Mr Thompson said that only background music would be played, so local residents would not be kept awake late into the evening.. Patrons would not be coming to the premises after 10pm, food would be delivered after this time.
- 3.23 Objector two said that Mr Thompson was currently running a takeaway shop which closed around 10pm only background music was played. If the licence was granted, he believed that there would be problems with noise nuisance. Patrons would arrive with radios playing in their cars, there could be more traffic and could affect local residents. Music would be played until 11pm and human noise until 2am throughout the week and 4am at the weekend. This was a quiet residential area, where residents needed a good sleep to ensure that they could work the next day.
- 3.24 The Vice-Chair said that a decision notice would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

#### **4. Dimitri Burgers Ltd 379-383 New Cross Road, SE14 6AT**

- 4.1 The Vice - 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 Services Senior Officer to introduce the application.

##### **Introduction**

- 4.2 The Safer Communities Senior Officer said this hearing was being held to determine a premises licence application made by Dimitri Burgers Ltd in relation to the basement premises, access to the rear of 379-383 New Cross Road. The seasonal variations originally applied for were omitted from the public notice as well as the newspaper advert so did not form part of this application.
- 4.3 The applicant had agreed conditions which were outlined in the agenda. The application was received on 27 June. The application was not originally advertised in accordance with regulations, so the consultation period was extended from 25 July to 1 August. The local authority received one relevant objection from a local resident during this time and was not considered to be frivolous or vexatious. The Police and licensing authority had submitted relevant representations but were withdrawn when the applicant agreed conditions. No other relevant representations were received from any other responsible authority.
- 4.5 The Safer Communities Senior Officer then outlined the options open to members when making their decision.

##### **Applicant**

- 4.6 Mr Alusola addressed the Committee on behalf of the applicant. He said that the application had been advertised in accordance with regulations and then he outlined the licensable activities as applied for. Licensing officers had recommended conditions which were agreed by the applicant and their objection was subsequently withdrawn. The Police withdrew their objections when the applicant agreed all the conditions.

- 4.7 A representation had been received from one of the residents. Their concerns were discussed with the licensing officer and Mr Alusola understood that the conditions were forwarded to the resident to allay his concerns.

### **Representations**

- 4.8 One objector addressed the Committee. He said that the premises was in an area that was inappropriate for a late-night licence. It was situated on the corner of a busy junction and came off a one-way system. The premises was the back entrance to the lower floor of a larger building which was under a block of flats and surrounded by residential dwellings. The building was not sound insulated, and part of the premises was outside with a temporary shuttering over it. He could hear talking inside his home as well as moderately loud music. This area then opened out into a very long, dark, one ended car park.
- 4.9 The premises was near a school, and opposite a park. It was also within metres of St Mungo's who support people who were homeless. The objector was concerned that an establishment open from 8am until midnight would be serving alcohol in an area where there were people with substance and alcohol misuse issues.
- 4.10 The objector said that the premises was not situated in a safe area. He had witnessed stabbings and assaults. There were regular issues with people congregating and dealing drugs.
- 4.11 The application was similar to a previous business that had shut down. The music was disruptive, people congregated outside with cabs dropping off and picking up patrons all evening. The road became congested and noisy. The previous bar had operated beyond their licenced conditions. On one occasion he had to leave and sleep elsewhere because of the noise. Young families in the area also suffered from the nuisance the premises created. It was inappropriate to have such an establishment in the area because it was a residential area and would have a major impact on the lives and wellbeing of local residents.
- 4.12 Councillor Harding said that there was an existing licensed business above Dimitri Burgers. He asked if this business had contributed to the issues that he had raised in his presentation and why it was different from Dimitri Burgers. The objector said that the Mez Mangal restaurant did not have live music, dancing or performances. Patrons did not congregate outside the premises for hours. It would also function differently because the entrance to this bar was on the back side of the building which was off the main road and opened out to a dark and dingy car park. This area attracted people who wanted to drink excessively, deal drugs, cause trouble and loiter without being scrutinised.
- 4.13 There had been a proposal to install CCTV. The objector considered this to be ineffective unless it was all along Pagnell Street and in the car park. He did not believe that door staff would be able to control traffic as cars blocked the area outside the premises causing a problem for emergency services and local residents.
- 4.14 Councillor Atkinson said that she agreed with the objector regarding his account of anti-social behaviour in the area. However, she did not believe that the problems associated with anti-social behaviour and traffic jams could all be related

to the premises. She asked the objector why he believed that this link was there. The objector did not believe that there was a link between anti-social behaviour and the bar, but there was a massive increase when the previous bar opened. He witnessed regular stabbings and anti-social behaviour outside his flat and this did not happen before the bar opened.

- 4.15 The objector agreed that New Cross Road was busy but said that when the bar was open, there were drop offs and pick ups throughout the operating hours. The taxis/Ubbers waited outside and caused a traffic jam; regular patrons could loiter for up to an hour at this busy junction.
- 4.16 Councillor Onikosi asked whether some of the issues raised could have been caused by other factors. The objector said that there was a very clear and sharp increase in problematic behaviour when the previous bar opened. Although there had always been problems in the area, but in the 25 metres around the bar it was intolerable. He could not sleep, there were numerous late-night events until 7am on a Monday.
- 4.17 The Legal adviser clarified that the Committee could not take into account issues with a previous premises managed by a previous applicant. The objector said that this type of establishment had been in the area before and because of the geography of the area, the same problems would occur relating to drop offs and pickups, late night drinking, and all of the other issues he had raised in his presentation. He did not believe that any of the conditions agreed by the Police would address these issues.

## **Conclusion**

- 4.18 Mr Alusola said that the concerns raised by the resident regarding public nuisance had been addressed in the conditions 12-16 and 19. Most of his concerns were about the area. It would not be appropriate to judge the current applicant on the behaviour of a previous applicant. It was a new business and a new management. It would be a Brazilian restaurant, attracting different patrons. The applicant had agreed all the conditions recommended by the Police and Licensing Authority and would ensure that residents were not disturbed.
- 4.19 The objector clarified that the area was not the issue, it was a late-night bar, selling alcohol in this residential area with residents within 5-20 metres of the premises. Even operating until 11.30pm was not appropriate or fair. Residents should not have to wait until midnight to sleep. The building was not sound insulated and the sound from any entertainment would carry as it did with the previous establishment. The spike in the anti-social behaviour was not because of the area, it was entirely due to a premises serving alcohol in a small dense residential area.
- 4.20 The Vice-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.
- 4.21 The Vice-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. **Jerk Haven, 118 Bromley Road,**
4. **Dimitri Burgers Ltd 379-383 New Cross Road, SE14 6AT**

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

### **Jerk Haven, 118 Bromley Road, SE6 2UN**

The Committee agreed to grant the application subject to the additional conditions agreed with the Licensing Authority and Police and the amended hours permitted for all licensing activities.

### **Dimitri Burgers Ltd 379-383 New Cross Road, SE14 6AT**

The Committee agreed to grant the application subject to the additional conditions agreed with the Licensing Authority and Police. The Committee was not asked to approve the seasonal variations due to the issue with advertising of the statutory notice.

The meeting ended at 8.05pm

Chair