

## LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on 12 DECEMBER 2024 at 7pm and held remotely via Microsoft Teams.

### **Present**

Councillor Anifowose (Chair) Councillor Howard (Vice-Chair) Councillors, Brown and Walker.

Apologies for absence were received from Councillor Atkinson, Burgess, Harding, Jackson and Onikosi.

### **Also Present**

Andrew Atkinson - Legal advisor  
Kennedy Obazee - Safer Communities Officer  
Clare Weaser – Committee Officer

**Meta Fried Chicken & Pizza, 640 Downham Way, London, BR1 5HN.**

### **Applicant**

Gill Sherratt – Agent speaking on behalf of the applicant.  
Aruthavarasa Sutharsan - Applicant

### **Objectors**

Gabriel Nelson – representing the Police.  
P.C Shaun Rodway

#### **1. Minutes**

RESOLVED that the minutes of the meeting of Licensing Committee held on 14 May and 26 November 2024 be confirmed and signed.

#### **2. Declarations of Interests**

Councillor Howard declared that Meta Fried Chicken and Pizza was in her ward, but she did not have any interest in the business.

#### **3. Meta Fried Chicken & Pizza, 640 Downham Way, London, BR1 5HN.**

- 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 The Safer Communities Officer said this hearing was to determine the application for the variation of a premises licence made by Aruthavarasa Sutharsan in relation to the premises at Meta Fried Chicken & Pizza, 640 Downham Way, London, BR1 5HN. The application was received on 10 October 2024, but it was later amended and served on all responsible authorities on 22 October 2024. The application had been advertised in accordance with regulations.
- 3.3 During the consultation period, the Licensing Authority received two representations from members of the public. One was submitted by a landlord in the area, the other was submitted by the Police. Representations were not received from the licensing authority because conditions were agreed upon.
- 3.4 The Safer Communities Officer then outlined the options open to members when making their decision.

## **Applicant**

- 3.5 Ms Sherratt explained that she had only recently been engaged to represent the applicant and had little time to prepare for this hearing. She had contacted the Police who recommended that the application be refused which she considered to be unusual. They had not contacted the applicant so had not made their judgement with a balanced view.
- 3.6 Ms Sherratt said that there were already two premises selling alcohol on this row of shops; her client was, therefore, being disadvantaged. The applicant had worked in retail management all his working life, and was experienced in selling alcohol, cigarettes, and lottery tickets. He had never failed a test purchase, or received any complaints and he understood his responsibilities.
- 3.7 The applicant had managed the current premises for 2 years, selling late night refreshments. He had not received any complaints about the premises during this time and had applied for an alcohol licence to keep his business viable during these difficult financial times. He worked full time at the premises and wanted to provide security for his three members of staff.
- 3.8 There were already a raft of conditions on the licence for this business. In addition, the applicant had agreed to curtail alcohol sales until 11pm. Sales would not be later than any of the other businesses on that row. Ms Sherratt read out the extra conditions that she had recommended and explained that because of these conditions it would be easier for her client to uphold the licensing objectives than the other businesses in that row.
- 3.9 In conclusion, Ms Sherratt said that the raft of conditions would ensure that the applicant would uphold the licensing objectives, The objection from the Police was fundamentally flawed and she recommended that members of the committee should scrutinise their evidence.
- 3.10 Councillor Howard said that the previous owner had been stabbed and seriously injured. She asked how the applicant would ensure that this did not happen again because there were serious concerns about anti-social behaviour in the area. Ms

Sherratt explained that the incident could happen anywhere. It was not as a result of this premises being a late-night takeaway and was not relevant to this application.

- 3.11 Councillor Walker said that there was significant evidence from objectors, the Safer Neighbourhood Team and the Police that there was significant anti-social behaviour in the area. He asked how the applicant, and all the proposed conditions, would uphold the four licensing objectives. Ms Sherratt explained that just because there was anti-social behaviour in the area it did not follow that a responsible licence holder should not be granted a licence and sell alcohol. The applicant was a responsible licence holder, experienced in selling alcohol in a variety of areas and would operate with challenge 25, CCTV, and staff training. All measures would ensure a sensible approach to selling alcohol. Good operators improved areas and there was evidence to prove that the applicant was a responsible licence holder.
- 3.12 Councillor Walker asked whether there was evidence to prove that the applicant, or his wife, had successfully managed the sale of alcohol in other boroughs. Ms Sherratt said that the default position in licensing was that the application be granted. The only reason to refuse an application was if there was factual evidence not to grant. The Police did not have any evidence of particular incidents relating to alcohol at the premises, they had presented sweeping statements of anti-social behaviour. Anti-social behaviour in an area should not prevent an alcohol licence from being granted to a responsible operator.
- 3.13 Councillor Brown asked for more information about how loitering in the area would be managed, what training staff would receive and who would provide it. Ms Sherratt advised that there had not been any evidence to prove that there was loitering outside the premises and was not the experience of the applicant. With regard to training, the applicant had subscribed to the Learning Management System that she had written. It was a comprehensive training package and included her advice at any time if required. All members of staff would receive the training. Ms Sherratt was willing to send details of the training to the Police.
- 3.14` In response to questions from the Chair, Ms Sherratt said that SIA staff at the premises was not required. The business was small, security was not required and was not affordable. She did not believe that children should be restricted from the premises because of the nature of the business. Alcohol would not be sold to children; any sales of alcohol would require identification to prove the patron was over 18 years. The training package provided 101 different training courses covering all aspects of licensing in detail including safeguarding, health and safety, and fire safety.
- 3.15 Councillor Walker referred to a lot of representations and assurance from Ms Sherratt about what the applicant intended to do should a licence be granted. He asked the applicant for evidence to prove that his business had been operating in an appropriate manner. Ms Sherratt believed that there was evidence because the applicant had sold alcohol for over 10 years, without any problems. There had not been any problems at this premises for the past 2 years; his licence had never been reviewed. If the applicant did not uphold the licensing objectives, his licence would be reviewed.

- 3.16 Councillor Walker asked the Safer Communities Officer about antisocial behaviour in this area and whether any of it was related to alcohol. He was advised that there had not been any complaints about the premises regarding antisocial behaviour. However, within the Downham borough, there were concerns about antisocial behaviour relating to drugs and alcohol.
- 3.17 The Safer Communities Officer referred to the conditions volunteered by the applicant. Some of these conditions negated those already agreed with the licensing team. Ms Sherratt advised that members should choose the conditions they wanted to agree.
- 3.18 In response to a question from Councillor Howard, Ms Sherratt explained that a landlord of two premises in close proximity to Meta Fried Chicken and Pizza, had objected to this application to prevent this business from moving forward and should be disregarded by members. She considered his objection to be relevant, but members needed to consider how much weight to attach to that representation; she considered it to be malicious.

### **Representation**

- 3.19 Mr Nelson, Barrister for the Police, made the following points:
- The Police objected to the application because it failed to promote the licensing objectives of crime and disorder, prevention of public nuisance, and protection of children from harm.
  - The Safer Neighbourhood Team had provided evidence of their experience of crime and disorder and antisocial behaviour in the area. If a late-night alcohol licence was granted in this already highly volatile area, the situation would be made a lot worse.
  - Crime and disorder in the area was not just a matter being dealt with by the Safer Neighbourhood Team. It was a joint partnership with the Council, British Transport Police, local businesses, and the drug and alcohol rehabilitation teams. In addition, a Public Space Protection Order was already in place.
  - Allowing further opportunity for late night drinking in a premises would attract those who were already inebriated and would go against all the efforts made by responsible authorities. Therefore it would fail to contribute to the crime and disorder objective.
  - The premises was situated in a residential area. Allowing the sale of alcohol, would encourage customers to remain in the locality and continue to drink on the streets particularly since the applicant did not intend to allow customers to drink alcohol on the premises. The only place to drink was on the street and nearby benches creating noise and disturbing residents. There was also increased risk of litter on the streets as a result of these premises.
  - It was well known that children from schools eat at local chicken shops. Preventing children from entering the premises after 8pm would be difficult.

- In conclusion, Mr Nelson submitted that this was the wrong premises in the wrong area. Downham had an elevated level of crime, and granting a premises licence would not promote the four licensing objectives.

3.20 Councillor Walker asked the Police whether the conditions offered by the applicant, particularly with regard to children, not selling alcohol after 11pm and not selling super strength alcohol, were sufficient. Mr Nelson said that the Police did not consider this to be sufficient. Unlike the two convenience stores in the area, a chicken shop selling take away food and drink would attract patrons who would create noise nuisance as they loitered outside to eat their food and drink alcohol. The difference between the sale of alcohol between 5.5% and 6.5% alcohol percentage made very little difference. Both strengths would result in patrons being drunk if a lot of alcohol were consumed. This would cause public nuisance and crime and disorder. There were contradictions in the conditions submitted and should be worked out for the application to be viable.

### **Conclusion**

- 3.21 In conclusion, Ms Sherratt referred members to the Licensing Act. The Police representative had spoken about general problems in the area but nothing specific. There was anti-social behaviour in the area as it was across London and the reasons why conditions had been offered. There should not be an absolute refusal from the Police as had been requested. She referred those present to section 9.12 of the guidance, which concluded by stating that it was incumbent on all responsible authorities to ensure their representations could withstand the scrutiny that they would be subjected to at a hearing. The Police had not given any details in their submission and had Ms Sherratt had more time to scrutinise this objection, she would have asked the Police for incident logs. The application was robust, and the applicant was an experienced premises licence holder capable of upholding the four licensing objectives.
- 3.22 In conclusion, Mr Nelson advised that the Police had submitted a witness statement from P.C Court which had been included in the agenda. He confirmed that there was anti-social behaviour and crime and disorder in the area, and multiple agencies trying to prevent it. Councillor Walker had said that the applicant had made many assurances but could not substantiate them. The response from Ms Sherratt had been that her word should be good enough. Mr Nelson submitted that the applicant's evidence should also be scrutinised. The Police were considering the current situation in Downham where there was evidence of crime and disorder. The applicant claimed that granting the application would not make any difference because the applicant had experience selling alcohol. However, he submitted that introducing the sale of alcohol always made a difference. Crime and disorder would increase and he recommended that the application be refused.
- 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. Meta Fried Chicken & Pizza, 640 Downham Way, London, BR1 5HN.**

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

The Committee's decision is to refuse the application for the following reasons:

- a. The Committee notes the Premises are situated on Downham Way, a busy thoroughfare served by local bus routes, close to the junction of Baring Road, which has Grove Park BR Station. It is in a retail unit in a row of shops that have residential flats above and nearby roads leading off are wholly residential.
- b. The Committee took note of the evidence in the witness statement of PC Court an officer in the Safer Neighbourhoods Team ('SNT') for Grove Park Ward, who said:
  - Downham Way/ Baring Road is a recognised ASB Hotspot for SNT patrols and which the crime database shows lies in a high crime area.
  - Homeless people and others loiter in the area around the shops and the station, street drinking, begging, using drugs, and are the subject of frequent reports and complaints from local businesses and residents.
  - A Public Spaces Protection Order 'PSPO' had recently been put in place to combat street drinking, which is a breach of the order.
- c. The Committee considered that if alcohol was allowed to be sold with takeaway food it would exacerbate the existing problems of noise, littering and adverse behaviour from people congregating outside disturbing residents and this continuing into the early hours. In particular, patrons occupying the number of benches outside the shop in the middle of the pavement are a noisy and intimidating presence to passers-by and those waiting at the bus stop.
- d. Despite the Applicant offering to include further conditions the Committee did not think that these, nor any other additional conditions, would be capable of sufficiently supporting the promotion of the licensing objectives to allow the granting of the requested variations to the licence.

The meeting ended at 8pm

Chair