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LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 31 OCTOBER 2023 at 7pm and held remotely via Microsoft Teams.

Present

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

Apologies for absence were received from Councillors, Howard and Kestner

Also Present

Charlie Kenny– Lawyer
Angela Mullen – Presenting 44-45 Deptford Broadway
Richard Lockett- Presenting Catford Food Centre
Alfene Rhodes- Objecting to Maestro 44-45 Deptford Broadway
Sarah Assibey – Committee Officer
Mr Dadds- Representing both applicants
PC Butler- Objecting to Catford Food Centre

Maestro 44-45 Deptford Broadway SE8 4PH

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 6 September be considered at the next meeting of this Committee.

2. Declarations of Interests

None.

3. Maestro 45 Deptford Broadway

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

Introduction

- 3.2 Ms Mullen said that members were being asked to consider a full variation application made by Maestro 44-45 Deptford Broadway. The full variation application was set out in the agenda and was received and processed on 21 July

2023. The application for the variation was not advertised in accordance with regulations and therefore the consultation was extended until she was satisfied that the application had been correctly advertised. The last day for receiving representations was 3rd October. Three objections were received from members of the public and one from the licensing authority. The representations were received within the specified consultation period and are not considered vexatious or frivolous.

- 3.3 Ms Mullen reminded members of the steps available to them when making their decision, having considered all representations and evidence heard during the hearing.

Applicant

- 3.4 Mr Dadds spoke on behalf of the applicant. He stated that the Licensing Authority had agreed for the amendment for the SIA door supervisor. In relation to the conditions on the licence, the applicant was asking for the license to be amended. The client would like the license to allow live music until midnight on Friday and Saturday nights. For recorded music, the applicant requested that this was allowed throughout, according to the condition containing the noise limitation.
- 3.5 Mr Dadds said that the applicant would like extended hours on Friday and Saturday, but at the very least, would like a close of 2am, with the venue cleared by 2.30am. there have been no complaints or communication regarding noise from the Environmental Health officer, because of the noise limiter, which the applicant believes to be working. He went on to say that there had been no objections from the police service. He said they are not aware of where the objectors live in proximity to the venue, which gives some degree of difficulty. They believe that if what occurs on the premises is managed, there would be no breakout of music.
- 3.6 Mr Dadds stated that they believe they are supporting the licensing objectives and with the removal of the conditions of the door supervisors, the police would be the main source of advice on crime disorder, and they do not raise any objection.
- 3.7 Councillor Jackson asked if the applicant could elucidate what they perceived to be the difference between live and recorded music late at night as it appeared that residents were not distinguishing the difference between the noise that each cause. He also asked if the noise limiter was in place currently, as there had been noise complaints raised in objections.
- 3.8 Mr Dadds responded that there had been no official noise complaint raised against the premises and that the objections against the noise had not been corroborated. He said that the noise complaint raised in objection regarding the party on August bank holiday was a unique circumstance as it was a celebration for the premise license holder, and he has since been advised not to do so again. Lastly, he stated that they would be happy to have someone from environmental health or an acoustic engineer to set the receptor accordingly to ensure no noise nuisance, but the noise limiter is in place.

Objector

- 3.10 Ms Rhodes spoke as the objector. She stated that they have agreed to amend one of the objections as the applicant requested which was to change the SIA condition to have Friday and Saturday with one SIA registered staff member, understanding the financial impact on the applicant.
- 3.11 She said that they do believe the extended hours could raise an issue with residents. A complaint was raised by a resident about the event that took place on 26th August. They requested CCTV from the applicant, which was provided, and it was proven that an event took place without a temporary event notice being granted.
- 3.12 The Chair asked Ms Rhodes how serious she would consider that breach during the consultation period if they had not applied for a temporary event notice. Ms Rhodes responded that it is relatively serious and that they received complaints about it, and considering it was during the consultation period, the applicant should have been aware of what that entails and the risks of not abiding by the license as it is. The Licensing Authority had witnessed that the noise coming from outside the premises, however, was not from Maestro, but rather from other venues on the Deptford Broadway.
- 3.13 Councillor Huynh asked what explanation was given by the applicant for the breach of license during the consultation period. Ms Rhodes said it was a private party for the applicant for his birthday and it was bank holiday.
- 3.14 Councillor Jackson asked if there were any other noise complaints from the event in August. It was responded that there was only one.

Conclusion

3.15 Mr Dadds summarised as follows:

- The premise license holder has been working with the Council and is very co-operative.
- The event on 26 August was isolated and he has accepted the position of the licensing authority. The applicant is pleased with the confirmation that there were no other complaints.
- It was asked that the Committee consider granting at east recorded music with the noise limiter so the business can operate in a viable way.
- There are no complaints from environmental health or police services. The applicant has shown willingness by agreeing to additional conditions and wants to promote the licensing objectives.

Ms Rhodes summarised as follows:

- The applicant has agreed to the additional conditions. The committee should acknowledge the breach during the consultation period, although it is the only breach they are aware of.

Mr Kenny asked for confirmation from the objector that the additional conditions outlined in the report and the amendments to the license are agreed, notwithstanding the application. Mr Dadds agreed that the applicant had agreed to all the additional steps.

4. Catford Food Centre, 91 Rushey Green SE6 6AF

Introduction

- 4.1 Mr Lockett said that members were being asked to consider a full variation application made by Catford Food Centre. The premises is currently licensed for the sale of alcohol 24 hours day, 7 days a week. The application proposes the removal of annex 3 condition 1 of the current premises license which states Mr Hassan Sircan is not to be allowed on the premises whilst it is open for licensable activities and during all times while customers remain on the premises. The application seeks to replace the wording to exclude him from any ownership and/or management of the business but would permit him to be employed on the premises.

The application was advertised in accordance with regulations and during the 28-day consultation period, 2 objections were received from the Metropolitan Police and Licensing Authority on the grounds of the prevention of crime and disorder and public safety. The representations were received within the specified consultation period and are not considered vexatious or frivolous.

- 4.2 Mr Lockett reminded members of the steps available to them when making their decision, having considered all representations and evidence heard during the hearing.

Applicant

- 4.3 Mr Dadds spoke on behalf of the applicant. He drew the Committees attention to statutory guidance that states that it would be the responsibility of the license premise holder not the licensing authority to ensure that all employees on the premises are competent and appropriately trained. The designated premises supervisor is a key position who will usually be responsible for the day to day management of the premises, including the prevention of crime and disorder. He said that a condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that in each circumstance where the premises poor management competency could give rise to an issue of crime disorder and public safety.
- 4.4 He said the application seeks to vary a condition that allows Mr Sircan to be an employee. He would be under the applicant's supervision and there are 7 other employees under the premises so he would not be left alone. Mr Sircan was involved in employing illegal premises workers while he was a premise license holder, and he was fined for this nearly 4 years ago. Mr Dadds said that under the Rehabilitation of Offenders Act that this could only be held against him for one year.

- 4.5 Councillor Jackson asked how many other employees are likely to be on the premises with Mr Sircan while he's at work. Mr Dadds responded that there is usually no less than 2 or 3 members of staff during a shift.

Objector

- 4.6 Ms Mullen spoke as the objector. She stated that they accept that there have been no complaints in relation to the Premises in the last four years, however, there are concerns as to why Mr Sircan remains liable on the Business Rates account. There would have been an expectation that he would've had himself removed from such liability.
- 4.7 She stated that Licensing Authority sympathise with Mr Sircan's situation but acknowledge that the reason for agreeing the condition to exclude him was for a serious reason and the Licensing Authority have to ensure that the right persons are in the right roles to ensure the Licensing Objectives are upheld.
- 4.8 PC Butler spoke in objection to the application. He said that The Committee was initially brought for employing illegal workers and blatantly breaking the law, this has other implications such as people trafficking. He stated that given the Annexe 3 condition was included and agreed by the Parties, the Licensing Committee would be the appropriate forum for the condition to be varied or modified.
- 4.9 He acknowledged Mr Sircan's current position but said that the Committee should also consider the fact that this is a 24-hour flagship store in the Borough, a licence not often granted. The Police would be concerned with Mr Sircan having any part of the business. It is also difficult to understand how, practically, the supervision would be undertaken. The Police accepted there is no other history in relation to the current licence for the past 4 years, the only history relates to the previous Premises Licence Holder.
- 4.10 Councillor Huynh asked how long the occurrence of the employment of illegal workers went on for. Mr Kenny responded that this detail may not be considered as relevant to the premises application to the Committee for the variation to remove the condition and is not a matter for the Committee to consider.

Conclusion

- 4.11 Mr Dadds summarised as follows:
- The statutory guidance states that the decision of employment is for the licensed premise holder and ordinarily the Licensing Authority would not be involved.
 - Mr Sircan would never be left alone in the Premises unsupervised and thus there be no negative impact on upholding the Licensing Objectives.
 - Business rates are paid directly by the company as shown on their accounts. Moreover, during the Covid pandemic, the relevant relief grants were paid direct to the Company, whom the Applicant is the sole director and shareholder.

Members confirmed that they had been present throughout the meeting and had not lost connection.

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, Maestro 44-45 Deptford Broadway

4. The Catford Food Centre

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

3, Maestro 44-45 Deptford Broadway

The Committee decided to GRANT the variation IN PART subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives.

4. The Catford Food Centre

The Committee decided to REFUSE the application for a variation.

The meeting ended at 8.25pm

Chair