

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 1 JUNE 2021 and held remotely at 7.30pm.

Present

Councillor Brown (Vice Chair – in the Chair) Councillors Campbell, Elliott, Hall, Howard and Latouche.

Apologies for absence were received from Councillors, Kalu, Stamirowski and Wise.

Also Present

Lisa Spall - Crime, Enforcement and Regulation Manager
Frank Olaniran – Crime and Enforcement Officer
Jay Kidd-Morton – Lawyer

Original Jerk Bites Ltd 235 Bromley Road SE6 2PG

Applicant

Luke Elford – Applicant's Representative
Chris Nixon – Applicant's Representative
Kevin McKenzie – Director of Original Jerk Bites Ltd.
Angel – Senior Manager of Original Jerk Bites Ltd.

Representation

Jeff Worthy – Ravensbourne Residents Association
Lorraine Lau – Resident

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 27 January 2021 be confirmed and signed.

2. Declarations of Interests

None.

3. Original Jerk Bites Ltd 235 Bromley Road SE6 2PG

- 3.1 The Chair welcomed all parties to the Licensing Committee. He introduced those present, and outlined the procedure to be followed for the meeting. He then invited the Crime and Enforcement Manager to introduce the application.

Licensing Officer

- 3.2 Ms Spall said that members were being asked to consider an application for a new premises licence for Original Jerk Bites Ltd 235 Bromley Road SE6 2PG. She outlined the application and said that 14 representations had been received from interested parties. Conditions had been agreed between the Police, Crime and Enforcement Team and the applicant which were included in the agenda.
- 3.3 Ms Spall outlined the options open to members of the Committee having considered all the evidence presented to them and when making their decision.

Applicant

- 3.4 Luke Elford said that there had been changes to the original hours of operation as set out in the case summary circulated to all members of the committee and all interested parties. The latest hour of operation had been amended to 1am on a Friday and Saturday, midnight Sunday to Thursday and applied to all the licensable activities. In addition the request for live music had been removed so that only recorded music would be played. The request for later hours on Christmas day and Easter Sunday had been withdrawn.
- 3.5 Mr Elford said the premises would be managed as a small takeaway business. The applicant wanted to provide licensable activities from the premises for a small number of people. There would not be any more than 10 customers on the premises plus staff at any one time. Any alcohol sold would be ancillary to food, this was one of the conditions offered by the applicant.
- 3.6 Mr Elford advised those present that the applicant owns the Coconut Palm restaurant which is a few doors down from 235 Bromley Road. It operates under the same hours as those proposed for the Original Jerk Bites Ltd. It is a well-run business and apart from a comment from the planning department none of the responsible authorities had objected to the application.
- 3.7 The application had been vicariously described as a prospective night club. Mr Elford said that he could see why there had been this misunderstanding because an application for a premises licence until 3am and live music could indicate the possible management of a night club. However, the premises was too small for this type of activity because it could only accommodate 6 people standing.
- 3.8 In conclusion, Mr Elford said that the applicant had considered the objections received from local residents, and in an effort to allay some of their fears, he

suggested measures that would promote the licensing objectives. He referred members to the conditions in the case summary.

3.9 In response to questions from councillors, Mr Elford responded as follows:

- There would be five seats at the premises. Small stools that would abut the counter at the front of the premises.
- The business would be a small take-away business. Jerk chicken would be sold. There would be a small selection of alcohol which would only be served with food. Inside the restaurant, customers could wait for the food for take away or eat on the premises.
- A capacity condition had been agreed by the applicant because of concerns that the business could turn into a night club. The applicant did not expect to be busier than serving 5 patrons in the premises with 5 patrons waiting in a queue.
- Coconut Palm is a restaurant that is well-run by the applicant and it was expected that Original Jerk Bites would be managed in the same way.

Representation

3.10. Jeff Worthy said that he was speaking on behalf of the Ravensbourne Residents Association. He referred to the residents' letter to the Licensing Authority dated 28 April 2021 and wished to make clear that residents welcome new business to the area. However the premises is in a suburban family area of predominately semi-detached houses and flats, not a town centre location. Any music, live or recorded, would be a disturbance and inappropriate at any time in a residential family area.

3.11 The application makes no reference to the Council's Statement of Licensing policy 2020 – 2025. He gave the following examples:

- There appears to be no planning consent for Jerk Bites to operate in the way set out in the licensing application. Sections 2.26 and 2.27.
- The application takes no account of the nature of the locality, nor reflects the nature of the area in any way. Section 2.32.
- There is no meaningful demonstration in the application of sufficient knowledge of the area including close proximity to residential premises and how their proposed activities will likely impact on these. Section 3.5 Such activities include selling alcohol into the early hours.
- There had not been any consultation with the local community. Section 5.52
- Section 7.9 sets out potential nuisance issues including patrons returning to parked cars in nearby roads in the early hours of the morning.

- 3.12 Mr Worthy said that there was no off-road parking provision at the premises, which would exacerbate the potential nuisance issue recognised in the Council's policy. Residents were concerned about customer parking outside their homes late at night. He said that the applicant had demonstrated a lack of knowledge and a disregard for the local community, causing local residents a good deal of upset.
- 3.13 Lorraine Lau addressed the Committee. She said that she appreciated the change of hours of operation to 1am but considered that the hours should be brought forward to 11pm to comply with the Licensing Policy 2020/25 as outlined in paragraph 15.7.

Conclusion

- 3.14 Mr Elford thanked residents for their representations. However, he said that members' decision should be evidence based. Having heard all the evidence, the only decision that members should make was to grant the premises licence, subject to the revision made and the raft of conditions agreed.
- 3.15 In response to a question from Councillor Hall, Ms Spall explained the content of paragraph 15.7 and the preferred hours for a takeaway. She said that when granting a premises licence, they do not have to be those hours, but they are the preferred hours.
- 3.16 Mr Worthy said that he would have liked to have seen the case summary earlier. The documents had been received on the Friday afternoon before the meeting, but he had not received them until lunch time on the day after the bank holiday.
- 3.17 The Chair said that the meeting would go into closed session. All parties would be advised of the decision within 5 working days. He thanked all those present for their attendance.

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 Original Jerk Bites, 235 Bromley Road SE6 2PG.

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

3. The Original Jerk Bites, 235 Bromley Road SE6 2PG.

The Committee granted a licence for the following hours of operation and with the added conditions as follows:

- The sale of alcohol (on and off-sales) from 9am to midnight Sunday to Thursday and from 9am to 1am Friday and Saturday;
 - To provide late night refreshment from 11pm to midnight Sunday to Thursday and from 11pm to 1am Friday and Saturday;
 - To provide regulated entertainment in the form of recorded music only from 11pm to midnight Sunday to Thursday and from 11pm to 1am Friday and Saturday.
 - The opening hours from 9am to midnight Sunday to Thursday and from 9am to 1am Friday and Saturday.
 - No extension of standard timings on Christmas Day or Easter Sunday.
1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises ~~is~~ ~~are~~ open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
 3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 4. Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take drinks or containers with them.
 5. No customers shall be permitted to leave the premise with any glass or open containers.

6. Unaccompanied children are not permitted on the premises.
7. An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received, neighbours or customers.
 - (d) Any faults in the CCTV system, searching equipment or scanning equipment
 - (e) Any refusal of the sale of alcohol
 - (f) Any visit by a relevant authority or emergency service.
8. Advertise a number for complaints from the public and all complaints to be recorded in the incident book.
9. A noise limiter will be fitted. To be installed in order to assist with complaints and this may form part of a process of pacifying the complainants if they arise. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter.
10. An appropriately qualified acoustic engineer* must be engaged to carry out an installation to show it is functioning correctly to be able to evidence levels are within acceptable levels.
11. The Premises Licence Holder shall ensure all persons have provided satisfactory proof of identification and right to work in UK and have carried out checks on the Home Office website to verify identification, visa and the right to work documents. These staff records are to be retained for a period of 12 months post termination of employment and made available to Police, immigration and Local Authority Licensing officer upon request.
12. No beer, lagers or ciders of 6.5% BV (alcohol by volume) or above shall be sold at the premises.
13. A proof of age scheme such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, holographically marked PASS scheme identification cards.
14. When music is being played, the doors and windows are to remain shut to reduce the noise for local residents. No doors and windows are to be propped open when music is being played.
15. No restocking deliveries are to be accepted between 2300hrs and 0700hrs to reduce noise disturbance for neighbours.

16. Any deliveries that take place, by contractor or premises own staff, should not have mopeds riding up on the pavement and leaving running engines on while waiting for orders to be prepared.
17. Delivery staff and operators must not wait directly outside the premises after 2000hrs in groups to reduce the noise disturbances for residents.
18. Customers must only consume Alcohol at tables when seated and consuming a meal purchased at the Premises.
19. The Premises Licence Holder shall ensure that the exterior of the Premises is kept clean and tidy and that a final clean of the exterior is conducted prior to the Premises closing.
20. The number of persons accommodated at the Premises at any one time (excluding staff) shall not exceed 10 persons.
21. After 22:00 daily no more than 2 persons (4 prior to 22:00) shall smoke at the front of the premises at any one time. Smokers may leave and re-enter the Premises but must not take any glasses or drinks outside into the street when doing so.

The meeting ended at 8.10pm

Chair