

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 27 JANUARY 2021 and held remotely at 7.30pm.

Present

Councillor Stamirowski (Chair), Councillor Powell (Vice Chair) Councillors Elliott, Hordijkenko, and Kalu.

Apologies for absence were received from Councillors Hall, Howard and Wise.

Also Present

Lisa Hooper - Crime, Enforcement and Regulation Manager
Petra Der Man – Lawyer

Maestro 44 – 45 Deptford Broadway SE8 4PH

Applicant

Thomas Bushnell – Counsel for the Police
P.C.Simon Butler
Frank Oluniran – Crime and Enforcement Officer

Representation

Premises Licence Holder.

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 2 December 2020 be confirmed and signed.

2. Declarations of Interests

None.

3. Maestro 44 – 45 Deptford Broadway SE8 4PH

- 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 Crime and Enforcement Manager to introduce the application.

Licensing Officer

- 3.2 Ms Hooper said that members were being asked to consider the review of a premises licence for Maestro 44 – 45 Deptford Broadway SE8 4PH. She said that P.C Butler had made the application and said that representations had been sought on the grounds of public safety, prevention of public nuisance, and prevention of crime and disorder. She outlined the current activities for which the premises were licensed. No objection had been received from any other responsible authorities, however, she recommended that members should note that P.C Butler's statement included a statement from Frank Oluniran from the Council's Crime and Enforcement Service.
- 3.3 Ms Hooper 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 Mr Tom Bushnell then outlined the application on behalf of the Metropolitan Police. He said that there had been repeated breaches of conditions on the premises licence. There were not many conditions on the current licence but several had been breached.
- On 2,10,23 and 30 August and 5 and 20 September 2020 SIA door staff had not been employed.
 - Music failed to stop at 11pm and was played loudly with the doors open on 2 August 2020 following which a resident made a formal written complaint. Breaches continued on 10,,23 and 30 August 2020.
 - A sound limiter was claimed to have been delivered on 5 August 2020 but it was never installed.
- 3.5 Mr Tom Bushnell said that there had been inadequate engagement with Police and the local authority by management. The local authority and Police had worked hard to engage with management. P.C Butler and Mr Oluniran had tried hard to engage with the premises. Seven separate visits were made to the premises and 2 letters sent from separate bodies within the local authority.
- 3.6 Members were advised that this review had been brought before members as a last resort. If management had made attempts to rectify the breaches made, the application would not have been made. P.C Butler had, therefore, recommended that changes be made to the conditions on the licence; he was not recommending that the licence be revoked because it was hoped that the changes would ensure that the premises operate within the four licensing objectives. All conditions were targeted to address the breaches identified within the premises.

- 3.7 The removal of the DPS was considered necessary and particularly the following three conditions:
- Removing live music to address the noise issues at the premises. Live music was considered to be inherently more difficult to control than recorded music.
 - Reducing the terminal hour until midnight because there had been noise until 12.30am in August 2020.
 - Two SIA staff to be employed between 9pm and closing, to address the problems of patrons standing outside the front of the premises drinking, as well as the doors being left open.

Representation

- 3.8 The Premises Licence Holder said that the sound limiter had not been installed because of the structure of the building following a fire and the subsequent rebuild of the property. The premises had been operating since 2006 and although there had been noise issues, these had been managed.
- 3.9 When the premises were open during the pandemic, the premises licence holder said that it had been difficult to manage patrons, but live music had not been played since 4 August 2020 and Lewisham Council were aware of this.
- 3.10. The Premises Licence holder said that the employment of SIA staff had been considered at the last meeting he attended with Ms Hooper, the Police and the Fire Brigade. It was agreed that the premises was a restaurant where music was only played once or twice a week. He said that he had put in an application in 2018 regarding this matter but the application was never completed.
- 3.11 The Premises Licence Holder said that he had been running his business for 14 years and did not understand why he was being brought to this committee. He had tried to work with Lewisham Council.
- 3.12 P.C Butler asked why the premises licence holder had not applied for a variation of the licence from the problems raised by not having a noise limiter. He considered this to be surprising since he was an experienced manager of some 14 years. The premises licence holder said that when he contacted Ms Hooper in 2018 nothing was mentioned about a sound limiter. He was advised that the closing hour should increase from 11pm to 1am because music was an important part of his business. On Thursday, the business did not open and the premises was quiet. Most of the trade was at the weekend when he recovered most of his costs.
- 3.13 The Chair asked the Premises Licence Holder to comment on the several breaches of conditions identified by the Crime and Enforcement Officer at the premises. The Premises Licence Holder said that there had been discussions between management and P.C Butler while he was away attending family funerals. He said that he had been co-operating; management was well known and were not trouble makers.

- 3.14 Councillor Elliott asked the Premises Licence Holder to confirm that it was customers who were not adhering to government covid restrictions. The Premises Licence Holder confirmed this and said that there had been a misunderstanding; management shut the doors at 10pm but continued to serve customers. P.C Butler advised them that customers needed to be off the premises by 10pm. After this advice, management complied with the restrictions. Councillor Elliott said that in the report there were references to food being prepared after 10pm. The premises Licence Holder did not agree with this statement.
- 3.15 Councillor Kalu asked the Premises Licence Holder whether he was short of staff. She was advised that the number of staff working at the premises had been reduced during this pandemic.
- 3.16 The Chair said that the meeting would go into closed session. All parties would be advised of the decision within 5 working days. She thanked the applicants for attending 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 SE8 4PH

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

3. Maestro 44 – 45 Deptford Broadway SE8 4PH

1. The DPS be removed due to the mismanagement of the premises on a day to day basis.
2. The licence be suspended for 3 months to allow the premises to put in place a viable, responsible person to take up the role as DPS.
3. Hours of operation be reduced to Midnight.
4. Live Music be removed.
5. Prominent signage be provided to inform customers no drinks may be taken outside.

6. The Police and local authority must be given instant access to CCTV. The wording of the current CCTV condition be changed from ' CCTV is installed to Data Protection Standards and will be made available to the Police and licensing Authority on request. Recordings shall also be kept for 31 days' to
'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 off 42 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained by the management.'
7. 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 are open to the public This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
8. An incident and refusals book be introduced in order to record any incidents of police/local authority visits, breakage or faults to CCTV equipment, crimes, refusals of sale due to underage/persons being drunk
9. Two SIA registered door staff to be on duty daily between 21hrs and closing.

The meeting ended at 7.55pm

Chair