

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 30 JUNE 2020 and held remotely at 7.30pm.

Present

Councillor Stamirowski (Chair), Councillor Elliott (Vice Chair) Councillors Campbell, Hordijenko, Howard, Powell, and Wise

Apologies for absence were received from Councillors Anwar and Hall.

Also Present

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

Badger Badger 139-145 Deptford High Street SE8 3NU

Applicant

Paddy Whur- Licensing Agent for the Applicant.
James Ross and Calum McKinnon - Novel Pubs Ltd

Representation

Residents - Helena Russell, Harry Richardson and Peter Collins

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 18 June 2020 be confirmed and signed.

2. Declarations of Interests

None declared.

3. Badger Badger 139-145 Deptford High Street SE8 3NU

- 3.1 The Chair welcomed all parties to the meeting of 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.

Crime and Enforcement Manager

- 3.2 Ms Hooper said that members were being asked to consider an application for a new premises licence for Badger Badger 139-145 Deptford High Street SE8 3NU. She outlined the activities applied for by the applicant. Representations had been received from four interested parties on the grounds of public nuisance. Conditions had been agreed between the applicant, Police and the Crime Enforcement and Regulation service to promote the four licensing objectives. As a result, objections were not received from any responsible authorities. She outlined the options open to members of the Committee when making their decision.

At 7.33pm, the Chair suspended the meeting for a few seconds while she turned off an alarm.

Applicant

- 3.3 Mr Whur said that prior to the meeting, three documents had been sent to the clerk. A brief applicant's statement, a noise impact survey, and additional conditions agreed with the Police. He introduced James Ross and Calum McKinnon from Novel Pubs Ltd. He said that they have some novel proposals for the use of the premises. During the day, it will be used to play board games and a place for local clubs to meet. Food will play a key important part in these premises and Mr Ross and Mr McKinnon have a great deal of experience in this industry having worked in some impressive gastro pubs.
- 3.4 Mr Whur said that the building has been empty for over a year and is in poor condition. There will be heavy investment in the building and job creation as set out in the applicant's statement. The applicants have taken on a 20 year lease and are committed to this business. Conditions had been agreed with the Police, advice has been taken from the local authority and they have engaged with the local community. The noise report was shown to the Deptford Society to ensure that they were fully aware of the aims of the applicants. If the application is granted, engagement with the local community would continue
- 3.5 Mr Whur said that modest hours had been applied for. The applicants do not want to play music that would be a cause of concern for local residents, and a contact number will be available to local residents if they feel that they have any issues with the running of Badger Badger.
- 3.6 Full Covid-19 risk assessments will be put in place to ensure that the premises comply with the regulations if the application is granted. The four licensing objectives will be upheld and they will work with local residents to ensure that they are accepted as a key part of the local community.
- 3.7 Councillor Howard asked the applicants the intentions they have for making the premises safe during the corona virus pandemic if the licence is agreed. Mr Whur said that there is a lot of work to be done on the building before it could open. Mr Ross said that they are hoping to open the premises in late September, they were planning a raft of measures including remote ordering from table service, one way systems, sanitizing on the door and in the toilets, screening and protection at

tables and PPE. Government guidelines will be followed to ensure that patrons feel safe on the premises.

Representation

- 3.8 Helena Russell said that she is one of the Co-chairs of the Deptford Society and she outlined a number of initiatives that the Society had undertaken in the area and said that they involve not only residents but also local businesses.
- 3.9 Ms Russell said that she is passionate about the importance of the high street. It has heritage and historical value and a tightly knit and active community. She said that the evening time economy is welcomed in Deptford but there is concern about the increase in noise nuisance when bars close late at night. Traffic has increased, and parking is more difficult.
- 3.10 Ms Russell said that a rise in the number of late night venues must be balanced with the rights of local residents' living conditions. She said that the Deptford Society appreciate the efforts of the applicants to address residents' concerns. She said that it is hoped that improvements recommended in the noise report will be implemented, including the acoustic lobby, noise limiter etc.
- 3.11 There were two concerns that had not been addressed which undermined the licensing objective of public nuisance:
- The proposed late opening hours would be detrimental to residents and are not modest as the applicants claim.
 - Ten patrons smoking on the pavement at the front of the premises until 1am would have a detrimental effect on residents' living conditions.
- 3.12 A short video was shown. It was a recording of the night time environments of Deptford High Street and New Cross Road. Both areas are classified in the same licensing hub.
- 3.13 Harry Richardson then addressed the Committee. He said that he has lived in the area for twenty years, and outlined the characteristics of the area. He said that Deptford High Street provides reasonable environment for residents to live and enjoy a peaceful night's sleep. The balance between retail and residents in and around the high street is rare, and should be protected.
- 3.14 Mr Richardson said that there has been an increase in establishments with late night licences; some until 3am. These premises are surrounded by residential homes. The legal process within which these licences were granted has been frustrating for local residents. Deptford High Street has suffered an erosion of local living conditions.
- 3.15 The applicants' attempt to mitigate any possible noise nuisance was appreciated but there will be noise from patrons congregating on the street which will wake residents up. The granting of a premises licence until 1am and a 24 hour licence on New Year's Eve was not considered necessary or reasonable
- 3.16 In Lewisham's draft licensing Policy Statement 2020-25, Deptford High Street is identified as a district hub when classifying the various districts in the borough

when setting preferred operating hours. This is the same category as New Cross. It recommends a closing time of midnight during the week and 1am at the weekend. Areas designated as a local hub have a recommended closing time of 11pm during the week and midnight at the weekend. Mr Richardson said that Deptford High Street has a higher density of homes and lower traffic than areas in a district hub.

- 3.17 Mr Richardson said that the video shows that Deptford High Street has a low level of ambient noise compared to areas in a district hub and should have closing hours of 11pm and midnight like Brockley and Hither Green.
- 3.18 Peter Collins then made a presentation to the Committee. Mr Collins said he was speaking on behalf of the Deptford Society. He said that, along with his partner, he is involved with maintaining Deptford's essential uniqueness whilst supporting growth in the development in the local economy. Joint meetings have been planned with local businesses, owners of bars and cafes whilst maintaining harmony between local organisations, business owners and wishes of local residents.
- 3.19 Mr Collins said that the video showed that there is low ambient noise in the high street; there is little through traffic outside peak hours, train frequency is relatively low and the street is not on a bus route. The current trend of converting empty shops into bars is increasing the number of licensed premises in the vicinity. When the hours approved are for late night licences, the quality of life for existing residents is eroded.
- 3.20 Although conditions had been agreed, the Deptford Society believe that the underlying issues will not be addressed unless unrealistic and expensive structural changes are made to the building.
- 3.21 There is potential for public nuisance because 10 people will be smoking outside the premises on a small two metre wide pavement and close to residential properties. Although residents experience the noise from groups of people walking down the road, this would be a permanent noise until late in the evening. The nearby railway bridge would be an area that smokers would use when it rains; this could amplify the noise of people chatting as they smoke.
- 3.22 Mr Collins said that although one of the conditions prevents drinks being taken outside after 10pm, he said that the Deptford Society would recommend that drinks should never be allowed outside the premises.
- 3.23 Mr Collins questioned how the queue outside the premises would be managed. The pavement is not wide enough for smokers, a queue would exacerbate noise nuisance.
- 3.24 The Chair asked the Crime and Enforcement Manager about the condition relating to drinks being taken outside the premises. Ms Hooper said that there were two conditions relating to the issue. They were contradictory and she recommended that members consider amending these conditions during deliberations.

- 3.25 The Chair said that the meeting would now 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. Badger Badger 139-145 Deptford High Street SE8 3NU

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

3. Badger Badger 139-145 Deptford High Street SE8 3NU

The application for a premises licence was GRANTED as follows and subject to conditions agreed with the Police and Licensing authority:-

Live Music

23:00 – 00:00 Sunday – Thursday

23:00 – 01:00 Friday - Saturday

Recorded Music

23:00 – 00:00 Sunday – Thursday

23:00 – 01:00 Friday - Saturday

Late Night Refreshment

23:00 – 00:00 Sunday – Thursday

23:00 – 01:00 Friday - Saturday

Sale of Alcohol for consumption on the premises

09:00 – 23:30 Sunday – Thursday

09:00 – 00:30 Friday - Saturday

Seasonal Variation

Licensable activity from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

It was also agreed that in the conditions, the two references to drinking outside the premises shall be replaced with 'no drinks shall be taken outside the premises' and the recommendations outlined in the noise report shall be implemented.

The meeting ended at 8.05pm

Chair