

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on THURSDAY 16 DECEMBER 2021 and held remotely via Microsoft Teams at 7.30pm.

Present

Councillor Stamirowski (Chair) Councillors, Howard, Kalu and. Wise

Apologies for absence were received from Councillors Brown, Campbell, Elliott, Hall and Latouche.

Also Present

Lisa Spall - Crime, Enforcement and Regulations Manager
Jay Kidd-Morton – Lawyer

Badger Badger 139-145 Deptford High Street SE8 3NU

Applicant

James Ross

Representation

Helena Russell – Resident
Harry Richardson – Deptford Society

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 28 October 2021 be confirmed and signed.

2. Declarations of Interests

None.

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

- 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 Enforcement and Regulations Manager to introduce the application.

Crime, Enforcement and Regulation Manager

- 3.2 The Crime Enforcement and Regulations (CER) Manager said that members were being asked to consider an application for a premises licence for Badger Badger 139-145 Deptford High Street SE8 3NU. She outlined the application and said that representations had been received from two residents within close proximity to the premises primarily on the grounds of prevention of Public Nuisance.
- 3.3 The CER Manager then outlined the powers available to members when making their decision.

Applicant

- 3.4 Mr Ross then addressed the Committee. He said that over the last 18 months, Badger Badger had been operating as a workspace pub and café. It had been an active participant with the community, engaging with local residents, charities and council initiatives. Management ensured advanced notice was given for all proposed events welcoming any comments. He was able to provide evidence of the emails if required.
- 3.5 Mr Ross said that many of those who had issues with the premises and with whom he engaged, were also welcome customers. He thanked all these customers whether or not they welcomed the application, for their support. Badger Badger had an excellent record for upholding their licensing responsibilities at night. One extra door team member above the mandatory number had been employed in order to help manage external noise created by a venue with a capacity of 250 patrons.
- 3.6 There had not been any representations from the regulatory authorities. Mr Ross believed that this was because the measures outlined were sufficient and would uphold the licensing objectives.
- 3.7 The main areas of concern expressed had been that of exterior noise if operating hours were extended. Mr Ross said that he was confident that noise had been kept down to reasonable levels during their current hours of operation and over the course of any Temporary Event Notices.
- 3.8 Badger Badger had observed and investigated night time activity outside its premises and discussed their findings with the Crime, Enforcement and Regulatory Officer. The conclusion was that the guidelines in the application would be sufficient to protect against excessive noise.
- 3.9 Badger Badger operated well below the ambient noise on Deptford High Street between the hours of midnight and 2.30am. Some neighbours had welcomed the application.
- 3.10 Mr Ross said that the High Street can be very noisy at the weekend evenings and their security team had been a positive influence on the area. As a late night venue they encouraged a conversation about their operating practices and how they could be augmented in order to keep within reasonable noise limits. He said that he intended to keep good lines of communications with neighbours and local resident groups.

- 3.11 Mr Ross said that he believed that Badger Badger had been a positive influence on the high street and had invested in the Deptford community. During this period of unprecedented difficulty, he hoped that honest and productive work would be encouraged. Mr Ross said that he enjoyed working in Deptford and hoped to work in the area for many years to come.
- 3.12 Councillor Howard asked the applicant, his justification for requesting the extension of hours. Mr Ross said that they had operated under a number of TENs over the last two months between the hours of midnight and 02.30. It provided a service to patrons and those wanting to host a party and ensure that when they were operating during these later hours, they could do so in a responsible fashion. It was noted that noise levels rose as patrons left the venues with a 3.30pm finish and door staff from Badger Badger had been constructive in trying to pacify these patrons, explaining that it was a residential area.
- 3.13 Mr Ross said that the hospitality industry had suffered over the past two years, and the late night economy was valuable. Deptford was becoming an area of focus and development by the Council and he believed that Badger Badger helped to reduce some of the noise created by the patrons from venues with later licences.
- 3.14 Ms Spall clarified that in the Council's Licensing Policy for 2020-2025, it stated that Deptford High Street was identified as being within a local hub. This meant that the preferred latest end time for pubs and clubs was midnight.

Representation

- 3.15 Mr Richardson then addressed the Committee on behalf of the Deptford Society. He said that historically there had been a lack of awareness from the Council regarding the character of Deptford High Street. During the day, it was busy with shoppers but at night, it was a peaceful environment because there was no traffic. All traffic was routed through Deptford Church Street.
- 3.16 Mr Richardson said that he lives with his family with bedrooms facing the High Street. When the Deptford Society received a draft copy of the Licensing Strategy for 2020-2025, they tried to explain the quiet environment at night in the High Street. The Society were pleased when officers understood these issues and amended the policy so that Deptford became a local hub rather than a district hub.
- 3.17 Mr Richardson said that for those residents who had invested in the future of their neighbourhood in Deptford, businesses wanting to operate late night establishment was contrary to these views. He said that officers understood that Deptford is like one large, mixed use development and were changing the hours of all the businesses in line with the preferred hours set out in Lewisham's Licensing Policy.
- 3.18 Mr Richardson expressed his strong wish that the character of the high street should be understood by all authorities. He said that Mr Ross managed the premises very well but the late night economy was simply not suitable for the area. He said that the acoustics were such that residents were being woken up by conversations between the door staff.

- 3.19 Mr Richardson said that premises licences for Buster Mantis and Stockton were granted prior to the change in the licensing policy. Deptford was a socially deprived area where many residents were not aware of their right to complain and the local authority should provide an extra layer of care to protect the needs of residents,
- 3.20 Helena Russell then addressed the Committee. She said that the neighbouring street that she lived on was a cul de sac. It was free from traffic and had a number of footpaths which ran from the high street through many of the residential areas towards Greenwich, New Cross Surrey Quays and beyond. If the licence was granted, patrons would be walking past residential windows from 02.30 and later, creating noise nuisance after enjoying a social evening. She considered this to be unreasonable. Market stalls were set up from 6am on Saturday morning. Shutters are pulled up, stalls wheeled out all in close proximity to residential homes, so potentially, residents would have 3½ hours peaceful sleep. She agreed that the premises was well managed but there was a problem with the noise of late night dispersal of patrons.
- 3.21 Ms Russell noted in the conditions that there would be patrons smoking at the back of the premises from 10pm and asked Mr Ross to clarify this. Mr Ross said this would not be happening, patrons would only use the back exit as a fire escape. This had been confirmed with the Police.
- 3.22 In conclusion, she said that when planning permission for the change of use was granted, the hours of operation were restricted in an effort to safeguard the amenity of neighbours. She asked how this had changed.
- 3.23 The CER manager said that officers had received an amendment to the proposed conditions namely: 'No more than 10 customers to be allowed outside the front of the premises to smoke or drink at any time'.
- 3.24 In conclusion, Mr Ross said that he considered the objectors as friends and was open as to how the situation could be managed. There were several universities in the area and after midnight, people returned from other events and there was noise. His aim was to have a responsible team at Badger Badger and try to mitigate against some of the problems and continue to invest in the Deptford community. It was also important for the hospitality industry to develop.
- 3.25 Mr Richardson said that the Deptford Society were keen for shared space to work between the needs of businesses and residents. There was a strong local economy supported by local residents where people knew each other. If there was a degradation of residential amenity, there would be a more transitory population. He considered that there should be an evening, rather than a night time economy and the licensing hours should be in keeping with the licensing policy.
- 3.26 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 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 licence as applied for was granted with a raft of conditions and a terminal hour of 1am.

The meeting ended at 8.00pm

Chair