



AGENDA

LICENSING COMMITTEE

Date: THURSDAY, 16 DECEMBER 2021 at 7.30 pm

Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.public-i.tv/core/portal/home>

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Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Bill Brown (Vice-Chair)
Councillor Juliet Campbell
Councillor Colin Elliott
Councillor Alan Hall
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Samantha Latouche
Councillor Susan Wise

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 8 December 2021



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

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INVESTOR IN PEOPLE

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Licensing Committee

Minutes

Date: 16 December 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to consider the Minutes of the meetings of the Licensing Committee, held on 28 October 2021.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 28 October 2021 be confirmed and signed.

Agenda Item 2



Licensing Committee

Declarations of Interest

Date: 16 December 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
 - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

Agenda Item 3



Licensing Committee

Report title: Badger Badger 139-145 Deptford High Street SE8 3NU

Date: 16 December 2021

Key decision: No.

Class: Part 1.

Ward(s) affected: Evelyn

Contributors: Community Services – Licensing Authority, Head of Law.

Outline and recommendations

Determination of New Premises Licence Application submitted by Mr James Ross. After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

The Application was advertised in accordance with regulation 25 of the Licensing Act 2003. The last day for representations was 22 November 2021.

This matter must be heard within 20 working days from the day after the last day of representations.

This is an application for a new premises licence

1. Current Licence Status

The premises are currently licensed for the following activities:

Sale of Alcohol for consumption on the premises

Monday	09:00 – 23:30
Tuesday	09:00 – 23:30
Wednesday	09:00 – 23:30
Thursday	09:00 – 00:30

Friday 09:00 – 00:30
Saturday 09:00 – 00:30
Sunday 09:00 – 23:30

Live Music

Monday 23:00 – 00:00
Tuesday 23:00 – 00:00
Wednesday 23:00 – 00:00
Thursday 23:00 – 01:00
Friday 23:00 – 01:00
Saturday 23:00 – 01:00
Sunday 23:00 – 00:00

Recorded Music

Monday 23:00 – 00:00
Tuesday 23:00 – 00:00
Wednesday 23:00 – 00:00
Thursday 23:00 – 01:00
Friday 23:00 – 01:00
Saturday 23:00 – 01:00
Sunday 23:00 – 00:00

Late Night Refreshment

Monday 23:00 – 00:00
Tuesday 23:00 – 00:00
Wednesday 23:00 – 00:00
Thursday 23:00 – 01:00
Friday 23:00 – 01:00
Saturday 23:00 – 01:00
Sunday 23:00 – 00:00

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.

2. Application

2.1 The application for a **new** premises licence was sent to all the Responsible Authorities.

The application is separate to and independent of the existing licence.

The application is for the following activities and times:

Live Music

23:00 – 00:00 Monday
23:00 – 00:00 Tuesday
23:00 – 00:00 Wednesday
23:00 – 01:00 Thursday
23:00 – 02:00 Friday
23:00 – 02:00 Saturday
23:00 – 00:00 Sunday

Recorded Music

23:00 – 00:00	Monday
23:00 – 00:00	Tuesday
23:00 – 00:00	Wednesday
23:00 – 01:00	Thursday
23:00 – 02:00	Friday
23:00 – 02:00	Saturday
23:00 – 00:00	Sunday

Late Night Refreshment

23:00 – 00:00	Monday
23:00 – 00:00	Tuesday
23:00 – 00:00	Wednesday
23:00 – 01:00	Thursday
23:00 – 02:00	Friday
23:00 – 02:00	Saturday
23:00 – 00:00	Sunday

Sale of Alcohol for consumption on the premises

09:00 – 23:30	Monday
09:00 – 23:30	Tuesday
09:00 – 23:30	Wednesday
08:00 – 00:30	Thursday
09:00 – 02:00	Friday
09:00 – 02:00	Saturday
09:00 – 23:30	Sunday

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.

- 2.2 Representations were received from one resident within close proximity to the premises primarily on the grounds of prevention of public nuisance. In addition to this, one representation was received from the Deptford Society on the grounds of prevention of public nuisance.
- 2.3 The representations received have been examined by Officers and are not considered to be vexatious or frivolous. The representations were received within the specified time.
- 2.4 The application for the new premises licence has been advertised in accordance with regulation 25, an advert in a local newspaper and a notice prominently displayed at the premises for a period of 28 consecutive days. The last date for receiving representations was the 22nd November 2021.

3. Outline of objections received

- 3.1 The residents have objected primarily on the grounds of prevention of public nuisance. They are mainly concerned that there will be increased noise later into the early hours of the morning.

- 3.2 Current Licensing Policy (2020-2025) designates Deptford as a Local Hub/Centre with preferred closing hours of midnight. The applicant's requested hours for 01:00 on Thursdays (particularly sensitive given that this is a weekday evening with market setup on Friday morning at 06:00) and 02:00 on Fridays and Saturdays far exceeds this.
- 3.3 The proposal for hours to go beyond current licensing policy, as requested, would be intrusive to the sleep of residents and therefore an unacceptable impact on their living conditions. Deptford High Street has a high level of residential occupation with densely populated housing developments within close proximity of the premises.
- 3.4 Preventing regular noise nuisance from occurring for residents in the vicinity of the premises has so far proved problematic, the most common causes being from patrons arriving and leaving the premises, from patrons socialising on the pavement whilst smoking, and from the dispersal of patrons when the business shuts. There is also a concern that traffic along the street will increase during these early hours with patrons waiting for taxis.
- 3.5 Any disturbance which does occur is exacerbated by a lack of ambient noise as well as the acoustics of the unusually narrow high street. Disturbances have been noted just from conversations between door personnel as well as patrons making phone calls.

4. Legal & Human Rights Implications

- 4.1 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 4.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

5. Equalities Implications

- 5.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.

- foster good relations between people who share a protected characteristic and those who do not.

5.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

5.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Committee, bearing in mind the issues of relevance and proportionality. The Committee must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

5.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

5.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

5.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

6. Application for the New Premises Licence

6.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The licensing committee may:

- 1.) Grant the new premises licence as applied for,
- 2.) Grant the licence subject to conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives
- 3.) Exclude from the scope of the licence any of the licensable activities to which the application relates;
- 4.) Refuse to specify a person in the licence as the designated premises supervisor;
- 5.) Refuse to grant the application.

6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

Short Title of Document

Date

Application

25 October 2021

Evidence / documents

As dated

Should you require any further information on this report please contact Lisa Spall at Licensing Services on 020 8314 8390.

Application for a premises licence to be granted under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. Your right to work in the UK will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with the below guidance. (See page 14)

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Novel Pubs LTd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Name and Postal address of premises or, if none, ordnance survey map reference or description Badger Badger 139 - 145 Deptford High Street			
Post town	London	Postcode	SE8 3NU
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£53,000		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as:
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- g.1 a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Ross					
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality United Kingdom					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (Required)					

PART 3 – OPERATING SCHEDULE

When do you want the premises licence to start?

DD	MM	YYYY	
2	6	1	1
20	2	1	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY	

Please give a general description of the premises (please read guidance note 1)
 The venue is a currently operating pub which is licensed to sell alcohol and food and provide entertainment in the form of recorded and live music. The current closing time on a Friday and Saturday is 01:00 and the application is for an extension to 03:30 of opening hours and all licensed activities to 03:00

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|---|--|
| <p>Provision of regulated entertainment (please read guidance note 2)</p> <ul style="list-style-type: none"> a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) e) live music (if ticking yes, fill in box E) f) recorded music (if ticking yes, fill in box F) g) performances of dance (if ticking yes, fill in box G) h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) <p><u>Provision of late night refreshment</u> (if ticking yes, fill in box I)</p> <p><u>Supply of alcohol</u> (if ticking yes, fill in box J)</p> <p>In all cases complete boxes K, L and M</p> | <p>Please tick all that apply</p> <ul style="list-style-type: none"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> |
|---|--|

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 4) Private party customers will occasionally request the presence of a band or Novel pubs may choose to run small scale live music events. These will be exceptional cases and not part of a weekly entertainment plan. Live music events will be subject to the same volume restrictions that exist on the current license.</p> <p>State any seasonal variations for the performance of live music (please read guidance note 5)</p> <p>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>Licensable activity from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00			
Thur	23:00	1:00			
Fri	23:00	2:00			
Sat	23:00	2:00			
Sun	23:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 4) Recorded music will consist of our existing audio system or a disc jockey for background music. We will be continuing with our current sound limiters and break out volume restrictions.</p> <p>State any seasonal variations for the playing of recorded music (please read guidance note 5)</p> <p>Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>Licensable activity from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00			
Thur	23:00	01:00			
Fri	23:00	02:00			
Sat	23:00	02:00			
Sun	23:00	00:00			

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 4) Novel Pubs may choose to provide hot food and drinks within these hours.		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	01:00			
Fri	23:00	02:00	<u>Non- standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) Licensable activity from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Sat	23:00	02:00			
Sun	23:00	00:00			

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	9:00	23:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue	9:00	23:30			
Wed	9:00	23:30	<u>Non- standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Licensable activity from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.		
Thur	9:00	00:30			
Fri	9:00	02:00			
Sat	9:00	02:00			
Sun	9:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

[Redacted]
[Redacted]
[Redacted]
Postcode [Redacted]
[Redacted]
[Redacted]

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	Non- standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) Open hours from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
Mon	08:00	00:00	
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	01:00	
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	00:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

a) General – all four licensing objectives (b,c,d,e)

Continuation and extension of the following steps into the additional opening hours

1. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.

This telephone number is to be made available to residents and businesses in the vicinity.

2. From 21:00 until the premises closes to the public there shall be a personal licence holder on duty at the premises.

3. There shall be no admittance, or re-admittance to the premises after 2:00 on Friday and Saturday except for customer permitted to temporarily leave the premises to smoke.

4. Customers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

5. From 23:00 customers Friday and Saturday permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall be limited to 15 persons at any one time.

6. The premises licence holder shall ensure that any customers smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

8. The premises licence holder shall devise, maintain and implement a programme of staff training to cover:

a. Underage sales/Challenge 25

b. Sale of alcohol to persons who are intoxicated

c. Responsible sales of alcohol

d. The Licensing Objectives/Conditions of the Premises Licence

e. Ask for Angela

b) The prevention of crime and disorder

10. From 21:00 until 30 minutes after the premises closes to the public the premises licence holder will employ a minimum of 2 SIA Licensed Door Supervisors on a Friday and Saturday night.

11. The need for SIA Licensed Door Supervisors on other nights and at other times will be considered on a risk assessed basis and a suitable number of SIA Licensed Door Supervisors engaged as necessary.

12. The premises licence holder shall devise, maintain, and implement a search policy for the premises. A copy of the policy shall be kept at the premises and made available to Responsible Authority Officers on request.

13. The premises licence holder shall devise, maintain, and implement a drugs policy for the premises. A copy of the policy shall be kept at the premises and made available to Responsible Authority Officers on request.

14. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of the Lewisham Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of a Responsible Authority Officer throughout the entire 31 day period.

15. 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 open. This staff member must be able to provide a Responsible Authority Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

16. An incident log shall be kept at the premises, and made available on request to a Responsible Authority Officer. It must be completed within 24 hours of the incident and will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received concerning crime and disorder

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system, searching equipment or scanning equipment

(g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

17. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

(a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

(b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

(d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

c) Public safety

18. From 21:00 until the premises closes to the public the premises licence holder shall designate a member of staff as responsible for customer welfare.
19. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

d) The prevention of public nuisance

21. The premises licence holder shall devise, maintain, and implement a dispersal policy at the premises. A copy of the policy shall be kept at the premises and made available to Responsible Authority Officers on request.
22. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
27. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
28. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
29. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
30. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

e) The protection of children from harm

31. A Challenge 25 proof of age schemes shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
32. Children shall not be permitted on the premises after 21:00 unless attending a private, pre-booked event and in the company of an adult.

Checklist:

Please tick to indicate agreement

- I have provided a daytime telephone number in order to make payment over the phone by debit or credit card.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature & Print Name	
Date	25/10/21
Capacity	250

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature & Print Name	
Date	
Capacity	

Signature & Print Name	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
Your e-mail address (Required)			

From:

Sent: 22 November 2021 15:42

To: Licensing; Lockett, Richard

Subject: New Premises Licence Application - Badger Badger, 139-145 Deptford High Street, SE8 3NU

Dear sir or madam

I would like to object to the application for extended hours (in the form of the new premises licence listed above) at Badger Badger, 139-145 Deptford High Street, SE8 3NU.

My objection is on the grounds that granting the extended hours will undermine the licensing objective of the prevention of public nuisance, and has the potential to directly impact my living conditions and my ability to sleep with some patrons dispersing along the footpath that runs within metres of my bedroom window.

The applicant seeks a licence for live and recorded music, and late night refreshments until midnight Sunday to Wednesday, 1am on Thursday and 2am on Friday and Saturday, and with similar hours for sale of alcohol.

These hours are well outside the preferred opening hours for venues in Deptford, as set out in Lewisham's current licensing policy, and I believe would result in unavoidable noise nuisance for those living nearby.

Noise from smokers and security staff

The only facilities for smokers at the premises are outside the front door on the pavement of Deptford High Street, at a location where the street is narrow and the buildings are relatively high. With no acoustic barrier or shelter to prevent noise carrying, even conversations between two people will create disturbances for residents in the buildings opposite and nearby.

Security staff outside the venue will also be engaging in conversation with patrons and those leaving and entering the premises, adding to this disturbance.

It is also quite likely that patrons will wish to make mobile phone calls outside on the street.

Noise at closing time

With closing hours so late, patrons will not be able to catch trains from the adjacent railway station to travel home, so they will either disperse on foot along the full length of the high street to bus stops on Creek Road, New Cross Road or Deptford Church Street, or they will wait for taxis to pick them up at the venue. This will generate additional vehicle traffic on the high street (with associated engine noise) and also generate noise as groups of people make their way to bus stops, or walk home through the residential estates that surround the high street.

Background noise levels

The preferred opening hours set out in Lewisham's licensing strategy take account of the fact that Deptford High Street has a very low level of ambient noise in the late evening and early hours, even on the weekends, and any businesses operating in the early hours will have a detrimental impact on noise levels, no matter how well managed they are.

The preferred hours acknowledge the fact that the high street has a high level of residential occupation, and is surrounded by densely populated estates and developments, and were agreed

with the intention of striking a balance between protecting living conditions for residents, while still enabling businesses to thrive.

I believe that granting a licence to operate beyond the existing hours would undermine the conditions that the council's licensing strategy seeks to protect.

Yours faithfully

From: Deptford Society Licensing

Sent: 22 November 2021 21:27

To: Lockett, Richard; Licensing

Subject: New Premises License Application - Badger Badger, 139-145 Deptford High Street, SE8 3NU

Dear Sir, Madam,

Listed on this application is the request to provide Live and Recorded Music, Late Night Refreshment and Sale of Alcohol for consumption on the premises until 1am on Thursday, 2am on Friday and Saturday, and midnight (alcohol sales until 11.30) on Sunday through to Wednesday.

The Deptford Society objects to the late hours requested as we strongly believe it will compromise the Licensing Objective - Prevention of Public Nuisance.

Current Licensing Policy (2020-2025) designates Deptford as a Local Hub/Centre with preferred closing hours of midnight. The applicant's requested hours for 01:00 on Thursdays (particularly sensitive given that this is a weekday evening with market setup on Friday morning at 06:00) and 02:00 on Fridays and Saturdays far exceeds this. It even exceeds the operating hours for premises located in the more urban designation of District Hub/Centre (New Cross, Forest Hill).

When considering this application we appreciate that the applicant has a proven record as a responsible operator, listening and responding to complaints about the noise from recorded music being played inside the premises by making sure entrance doors are kept shut.

However, despite these best efforts it has been understandably impossible to prevent regular noise nuisance from occurring for residents in the vicinity of the premises - the most common causes being from patrons arriving and leaving the premises, from patrons socialising on the pavement whilst smoking, and from the dispersal of patrons when the business shuts.

It should be understood that late night licences on Deptford High Street are particularly concerning for residents as there is a surprisingly low level of ambient noise on the high street at night time. Vehicle traffic generally bypasses Deptford High Street in favour of Deptford Church Street, reducing through traffic to practically zero. Any disturbance which does occur is exacerbated by the acoustics of the unusually narrow high street. This lack of ambient noise means that even the conversation between doormen at the entrance to the premises causes a noise nuisance for residents. It's important to remember that any assessment of noise nuisance is relative to the existing level of ambient noise.

The current hours of operation until 23:00 are within licensing policy and reasonable, making the noise of patrons arriving, leaving and smoking on the pavement outside the premises acceptable. However for the hours to go beyond current licensing policy, as requested, would be intrusive to the sleep of residents and therefore an unacceptable impact on their living conditions.

Yours sincerely,

The Deptford Society