

**Decisions taken by the Licensing Committee on Wednesday, 13 July 2022**

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

A3	J6 199-201 Lewisham Way SE4 !UY	<p><b>REVIEW OF A PREMISES LICENCE FOR J6/ACES LOUNGE 199-201 LEWISHAM WAY SE4 1UY</b></p> <p>IN THE MATTER OF THIS APPLICATION FOR THE REVIEW OF A PREMISES LICENCE, THE COMMITTEE HAS CONSIDERED ALL THE RELEVANT REPRESENTATIONS MADE BY ALL PARTIES.</p> <p>The Committee has made the following determination to ensure the promotion of the licensing objectives in accordance with the provisions of the Secretary of State’s guidance and the principles of our Licensing Policy.</p> <p>The Committee made the following determination and modified the conditions of the licence to include:</p> <ul style="list-style-type: none"> <li>• The Designated Premises Supervisor (DPS) be removed;</li> <li>• The premises licence to be suspended until an appropriate DPS has been found and added to the licence (following vetting of the application by the Police) and:</li> <li>• The times for the sale of alcohol to change for the following days:           <ul style="list-style-type: none"> <li>12:00 – 00:30 Friday</li> <li>12:00 – 00:30 Saturday</li> <li>12:00 – 23:30 Sunday</li> </ul>           The times for Monday – Thursday to remain the same.         </li> <li>• The times for regulated entertainment to change for the following days:           <ul style="list-style-type: none"> <li>23:00 – 00:30 Friday</li> <li>23:00 – 00:30 Saturday</li> <li>23:00 – 23:30 Sunday</li> </ul>           The times for Monday – Thursday to remain the same.         </li> </ul>
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		<ul style="list-style-type: none"> <li>• The removal of the seasonal variation</li> <li>• All door supervisors must be employed from a company approved and accredited by the SIA.</li> </ul> <p>In coming to a determination the Committee considered the following matters:</p> <ol style="list-style-type: none"> <li>1 Members of the Committee noted the representations made by the Metropolitan Police. They had lost confidence in the management and did not consider that they were capable of upholding the licensing objectives. The Police accepted that the premises is in a high risk area but they considered that the restaurant was operating as a night club.</li> <li>2. Police had been called to a shooting incident outside the premises. It was not related to the business but when they visited the premises, several breaches of the licence were highlighted. A recurring breach was identified; operating beyond the licensed hours and during lockdown for which a fine was issued. The constant breaching of the closure times was unacceptable and if the premises had closed on time on the night of the shooting, the victim may not have been at the premises.</li> <li>3. It was also noted that the Police had met with the Premises Licence Holder on many occasions to discuss the management of the premises but the situation had not improved. Businesses were supported by the Police but this had to be balanced with the impact that it had on the community. Tensions were high and residents had been very clear that they were concerned about the management of the premises.</li> <li>4. Members of the Committee noted the presentations made by two officers from the Safer Communities Service (SCS).</li> </ol>

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		<ul style="list-style-type: none"> <li>• Following reports of anti-social behaviour and alleged unlicensed activity, the premises were placed on a three month Action Plan. The action plan covered areas raised within the complaints received about the premises, however no breaches were witnessed by officers from this Service.</li> <li>• During a meeting with the SCS and Police, the DPS claimed that on the night of the shooting, music was turned off at 0140 and that all patrons were out of the premises by 0210. CCTV proved that a crowd had congregated close to the entrance outside and had remained in place until after 0300, 90 minutes after the time licensable activity should have finished on that night. The PLH also stated that door staff on the evening finished their shifts at 0230, meaning that they would have finished working and left the scene with a large group still in place, congregated outside. The premises CCTV evidenced sales of alcohol being made and people dancing to music after 0130. CCTV also evidenced a door supervisor returning to the scene after the shooting, meaning that he had left the premises with a crowd outside and remained in the area, whilst off duty.</li> <li>• The dispersal policy of the premises was not written down and not available to officers on request.</li> <li>• There were no staff training records for officers to view.</li> <li>• The timer on the CCTV was not accurate.</li> <li>• The objections made by local residents were acknowledged but had been unable to corroborate reports around anti-social behaviour. Not all of the incidents of anti-social behaviour could be linked to the premises. There had been reports of anti-social behaviour in a local park and behind the premises in a private car park.</li> <li>• Officers did not agree that the licence should be revoked, but that a change of management and further conditions be added to the premises licence.</li> </ul> <p>5. The Committee noted the representation made by Councillor Penfold on behalf of his constituents. He had made an objection along with 12 residents, a church and a petition.</p>

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		<p>The lives of the local community had been blighted by this establishment over many years and the Police had been called on several occasions following anti-social behaviour in the vicinity of the premises. There was no dispersal policy and patrons spill out onto the street between 1.30am and 3am disturbing local residents.</p> <p>6. Whilst supportive of the night time economy, Councillor Penfold said that it should be managed responsibly and the needs of the community should be considered. The DPS of J6 had continued to ignore the advice of Police and officers, and the noise from patrons leaving the club, often after licensed hours, had continued. Management had been given a second chance to adhere to the licensing objectives and this had been treated with disdain. Residents were disturbed by anti-social behaviour on the streets in the early hours of the morning of 3 July 2002. He believed that this did not bode well for the future management of the premises; they had shown little concern that their premises licence was at risk.</p> <p>7. Members of the Committee considered a representation from a local resident representing St Peter's Church in Brockley. She had lived in the area for a year and had experienced continuous disturbance from J6 at weekends. Patrons congregating in the street until 3-4am and sitting in cars playing music. In the morning, there would be broken glass, laughing gas canisters and litter strewn across the street. She considered that residents would be safer if J6 were not allowed to operate because the licensing objectives were not being upheld.</p> <p>8. Members of the Committee considered a representation from the DPS. He stated that he was working with the Police and licensing officers. He considered that his business was being blamed for all the anti-social behaviour in the area. He believed that he had done everything possible to please his neighbours. He had made mistakes but had not upset neighbours intentionally.</p>

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		<p>9. The DPS said that his business could not be responsible for litter and glass being strewn over the road over the last three months because his business had not be operating. He blamed anti-social behaviour on local drug gangs. He was willing to work with the Police, licensing officers and residents to ensure that all parties were happy and he would contribute positively to the local area.</p> <p>10. It was agreed that the decision was proportionate and fair and that the four licensing objectives would be upheld.</p>