

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 13 JULY 2022 and held remotely at 7pm.

Present

Councillor Wise (Chair) Councillor Anifowose (Vice Chair) Councillors, Howard, Huynh, Jackson, Kestner, Shrivastava and Warner.

Apologies for absence were received from Councillor Brown.

Also Present

Angela Mullin – Safer Communities Service
Alfene Rhodes – Safer Communities Service
Jay Kidd-Morton – Lawyer

J6/Aces Lounge 199-201 Lewisham Way SE4 1UY

Applicant - P.C Butler

Rebecca Kerly – Representing St Peter's Church Brockley

Representation

Josh Owode – Designated Premises Supervisor

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 21 June 2022 be considered at the next meeting.

2. Declarations of Interests

None.

3 J6/Aces Lounge 199-201 Lewisham Way SE4 1UY

- 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 Ms Rhodes to introduce the application.

Senior Licensing Officer

- 3.2 Ms Rhodes said that this hearing was in relation to an application for the review of a licence made by the Metropolitan Police for A6/ Aces Lounge 199-201 Lewisham Way SE4 1UY. She outlined the current licensable activities. P.C Butler had submitted an application for a review of the licence. The premises were alleged to be undermining the licensing objectives of the prevention of crime and disorder,

public safety and prevention of public nuisance. The Police were seeking revocation of the premises licence.

- 3.3 Twelve representations had been received in support of the review from local residents. There had also been a representation from a local ward councillor, and a petition. In addition, two representations had been received from the safer communities' service. One from the anti-social behaviour and statutory nuisance team and the other from the licensing authority. Whilst generally in agreement with the review process, the local authority recommended alternative action, namely removal of the current DPS, reduction of hours and additional conditions in order to uphold the licensing objectives. Ms Rhodes outlined the steps available to members when making their decision.

Applicant

- 3.4 P.C Butler, said that the Metropolitan Police had applied for a review of the premises licence because they had lost confidence in the management of the premises and did not consider that they were capable of upholding the licensing objectives. In addition they were incapable of addressing areas of concern raised by Police. It was accepted that the premises was in a high risk area but Police considered that the restaurant was operating as a night club.
- 3.5 P.C Butler said that Police had been called to a shooting incident outside the premises on 23 April 2022. 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.
- 3.6 Police were informed of a GBH attack on a woman at 3.35am on 5 September 2021 on the premises. As a result of the attack, the woman was taken to hospital. This followed a period where the premises was found to be operating even though the government's directive at the time, had been that the premises should be closed during lockdown. A £10k fine was issued.
- 3.7 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.
- 3.8 P.C Butler said that premises were failing to close on time, to address anti-social behaviour, and to address the impact the premises was having on the community. He did not think any more discussions with the DPS would be useful.
- 3.9 The Legal officer clarified with P.C. Butler, that the shooting on 23 April 2022 did not have any connection with the premises.

- 3.10 Councillor Shrivastava asked whether other venues use id scanners. P.C Butler confirmed that there were many establishments that used id scanners.
- 3.11 A presentation was made in support of the application by Mr Lockett from the Safer Communities Service (SCS).
- Following reports of anti-social behaviour and alleged unlicensed activity, the premises was 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.
 - 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.
 - The dispersal policy of the premises was not written down and not available to officers on request.
 - There were no staff training records for officers to view.
 - The timer on the CCTV was not accurate.
 - The objections made by local residents were acknowledged but officers 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.
 - 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.
- 3.12 Mr Olaniran said that the recommendations in the representations made by the SCS team was a reasonable and a stepped approach. Officers acknowledged the representations made by residents but they had been unable to corroborate the reports regarding anti-social behaviour. He said that officers were not able to link all of these complaints to the premises. There had been reports of incidents in the park nearby and the car park behind the premises. Officers had provided advice and guidance to the DPS highlighting issues that needed attention. This included moving patrons, who smoked, from the entrance to the back of the building. During these visits, officers had not witnessed any incidents of anti-social behaviour in the car park or nearby park. Officers agreed with the Police, that a change to the nature of the business was required and the proposed recommendations and conditions were outlined in their representations and were proportionate to the offence.
- 3.13 Councillor Huynh asked what investigations had been carried out to corroborate the residents' claims of anti-social behaviour at the premises. Mr Olaniran said that the SCS service and the Police had received complaints. The Police had received complaints of people congregating in the car park at the rear of the premises;

taking drugs, urinating and causing anti-social behaviour. At the weekend, during their out of hours service, the SCS team observed a vehicle, provided by some of the local business owners, to house homeless individuals while they sought support from local services. They would bring friends with them, take drugs and consume alcohol. These people did not have any connection with the premises.

- 3.14 Mr Olaniran said that officers, during their out of hours provision, witnessed youths congregating in the local park taking part in illicit activities. Officers observed these youths from Lucas Street but they did not go into Aces Lounge. He would encourage management at the premises and local residents to report this behaviour to the Police.
- 3.15 Councillor Penfold spoke on behalf of his constituents. He said that twelve residents had made an objection, representatives from a church and a petition signed by twelve people had also been received. The lives of the local community had been blighted by this establishment over recent years and the residents dreaded the weekends. One resident had called the Police sixteen times because of the premises between April 2021 and February 2022. The problem related to the fact that there was no dispersal policy and patrons spill out onto the street between 1.30am and 3am disturbing local residents. This suggested that the premises was not keeping within the terms of its licence. Noise created included laughing, shouting, fighting in the street, slamming car doors in the street, drinking and urinating in the street and cars driving off noisily. He said that this behaviour was linked to the club. Patrons use the car park behind the premises and the vehicle used by the homeless people as referenced by Mr Olaniran, had been removed many months ago. Residents had made complaints to the Police, not necessarily the local authority.
- 3.16 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 2022. He believed that this did not bode well for the future management of the premises; management had shown little concern that their premises licence was at risk. Councillor Penfold said that his constituents had had enough and should not be expected to put up with anti-social behaviour.
- 3.17 P.C Butler said that he did not have a cad number for July. The last one was for 6 June. The legal officer said that this was not evidence that could be considered by this Committee. Mr Olaniran added that the SCS team had an out of hours noise patrol service. The premises had been on their list for observation and on all weekends the premises was found to be closed.
- 3.18 Ms Kerly made a presentation on behalf of St Peter's Church in Brockley. She had lived in the area for a year and had experienced continuous disturbance from Aces Lounge. People congregated in the street until 2-3am on Friday and Saturday nights. They would be noisy, shouting and playing music in cars, On Sunday

morning, there would be broken glass, laughing gas canisters and litter strewn across the street.

- 3.19 Ms Kerly said that although Police concluded that the shooting in April was not related to Aces Lounge, customers were outside the premises after closing time which was in breach of the licence agreement. The shooting had been very disturbing for residents and made them fearful of living in Lucas Street as a result of the violence. She considered that many attempts had been made to improve the management of the business but the situation had not improved. She considered that the area would be a safer place for residents if Aces Lounge were not allowed to operate because the licensing objectives were not being upheld.

Representation

- 3.20 Mr Owoade stated that he was working with the Police and licensing officers and had followed their suggestions. He considered that his business was being blamed for all the anti-social behaviour in the area but the problem related to people selling drugs 24hrs a day. The crime rate in the area was high but his business was not contributing to anti-social behaviour in the area. The main cause for complaint was people congregating outside the premises. He had phoned the Police on many occasions but because there was no risk to life, they did not attend. He believed that he had done everything possible to please his neighbours and manage his business in a responsible way. He had made mistakes but had not upset neighbours intentionally.
- 3.21 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. The shooting had not been related to his business but one of his customers had been a victim. 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.
- 3.22 Councillor Kestner asked the DPS for more information about what he had done to move patrons away from the premises after closing time and what he had put in place after the three month plan. Mr Owoade said at the end of the night they had 30 minutes for people to leave the premises. Patrons did not leave at the same time within these 30 minutes, they filtered out a few at a time. Security staff then encouraged them to leave the area. Sometimes they would loiter not far from the premises refusing to leave. On these occasions Mr Owoade would call the Police, but they would not attend the premises.
- 3.23 Councillor Jackson said that Mr Owoade had worked with the Police and Licensing Officers. Advice had been given and a 3 month plan in place. However, there were still problems with the management of the premises. He asked why this Committee should believe that the situation would improve if the recommendations were agreed. Mr Owoade said that he had not been able to work for the past 2 ½ months and financially it had been very difficult for him and his family. He would lose his livelihood if his licence was revoked.
- 3.24 The Lawyer asked Mr Owoade how long he had had this business. He advised her that he had been in business since 2016.

- 3.25 Councillor Anifowose asked Mr Owoade how he intended to look for a new DPS. Mr Owoade said that he would employ a new manager to oversee the business. He had been working on his own and it had been too much. Employing a manager, would allow him to concentrate on the finance of the business.
- 3.26 P.C Butler clarified that the licence had not be suspended. The Metropolitan Police had issued a closure notice because of the breaches found when they visited the premises on 28 April 2022. The notice prevented the sale of alcohol. The business could stay open as a restaurant but alcohol could not be sold.

Conclusion

- 3.27 P.C Butler said that the visit on 28 April was at 2.20pm. The closure notice was issued because of the breaches found on the day. There was no dispersal policy at the premises; door staff not encouraging dispersals caused massive disorder outside in public areas. No training logs of staff or staff records were on site. All of the breaches highlighted were all conditions on Annex 3 of the licence and had been added by this Committee.
- 3.28 Mr Owoade said that he was willing to manage his business correctly and employ someone to ensure that it was managed well. This business was his livelihood and he was willing to do anything to ensure that it was successful.
- 3.29 The Chair said that she was satisfied that Members of the Committee had read and heard all the information required to make a decision. Before Members left the meeting and proceeded to the vote, she needed to ensure that every Member who would be voting on this item had been present throughout and had no internet disruptions. Each Member then confirmed that they had been present throughout this item and had heard all the evidence.
- 3.30 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.
- 3.31 Members confirmed that they had been present throughout the meeting and had not lost connection.

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. J6/Aces Lounge 199-201 Lewisham Way SE4 1UY

The following is a summary of the decisions made during the closed part of the meeting.

3. J6/Aces Lounge 199-201 Lewisham Way SE4 1UY

- The Designated Premises Supervisor (DPS) was removed;
- The premises licence was suspended until an appropriate DPS has been found and added to the licence (following vetting of the application by the Police) and:
- The times for the sale of alcohol will change for the following days:

12:00 – 00:30 Friday

12:00 – 00:30 Saturday

12:00 – 23:30 Sunday

The times for Monday – Thursday to remain the same.

- The times for regulated entertainment to change for the following days:

23:00 – 00:30 Friday

23:00 – 00:30 Saturday

23:00 – 23:30 Sunday

The times for Monday – Thursday to remain the same.

- The removal of the seasonal variation

- All door supervisors must be employed from a company approved and accredited by the SIA.

The meeting ended at 8pm

Chair