

# Public Document Pack

## LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on 11 APRIL 2024 at 7pm and held remotely via Microsoft Teams.

### **Present**

Councillor Anifowose (Chair) Councillor Howard (Vice-Chair) Councillors Atkinson and Jackson.

Apologies for absence were received from Councillors Onikosi and Brown.

### **Also Present**

Rachel Lyne - Legal advisor

Richard Lockett - Safer Communities Service Senior Officer for Licensing

**Aaja, 63-69 Deptford High Street (Basement accessed via Comet Place), SE8  
4AN**

### **Applicant**

Richard Williams licensing solicitor representing the Applicant.

Samuel Willett - DPS

### **Objectors**

Eight objectors made a presentation at the meeting.

#### **1. Minutes**

The minutes of the meeting held on 27 March 2024 were confirmed and signed.

#### **2. Declarations of Interests**

None.

#### **3. Aaja, 63-69 Deptford High Street (Basement accessed via Comet Place), SE8 4AN**

- 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 Safer Communities Manager to introduce the application.

### **Introduction**

- 3.2 Mr Lockett said this hearing was to determine a new premises application made by Aaja Deptford Ltd in relation to the premises at the basement of 63-69 Deptford High Street which was received on 9th February 2024. The last date for receiving representations was the 12th of March 2024.
- 3.3 The consultation period was revised due to an initial delay in the display of the public notice.
- 3.4 Due to the unusual address and access to the premises, the applicant originally erected three notices in the vicinity; one on the entrance gate to the premises which is in Comet Place, another on Deptford High Street, with another in the alley connecting Comet Place and Deptford High Street. During the consultation process Mr Lockett was made aware that the notice in the alleyway had been removed or had come loose. This notice was replaced by officers and the applicant. The consultation period was not extended further in this instance, as the notice at the entrance to the premises was prominently displayed throughout, in line with regulations.
- 3.5 Mr Lockett said that thirteen representations had been received from local residents on various grounds including the prevention of public nuisance, prevention of crime and disorder and the protection of children from harm. A list of conditions had been agreed by the applicant, following representations from the Licensing Authority. Following acceptance of these conditions, the objection on behalf of the Licensing Authority was withdrawn. Following a representation by the Metropolitan Police, the applicant agreed to the several amendments to their application as set out in the agenda.
- 3.6 Despite these amendments, it was not possible to gain agreement on all sides, therefore local resident objections were still relevant, and the proposed licence required a hearing of this committee.
- 3.7 Mr Lockett outlined the proposed activities within the application for a new premises licence. He advised Members that after having regard to all the representations heard, both written and verbal, they must take such steps as they considered appropriate to promote the licensing objectives. He then outlined the powers available to members when making their decision.

### **Applicant**

- 3.8 Mr Williams addressed the committee on behalf of the applicant. He raised the following points.
- Several objections had been submitted because of a naivety of the application. The premises would not be run as a night club open 7 days a week until 4am. Boxing or wrestling matches would not be held until that time.
  - The premises was located on Deptford High Street with access via Comet Road in a residential area.
  - The basement was small with a capacity of 100 people; not large enough to host a nightclub. Aaja was difficult to categorise as a licensed premises within the licensing policy. It was in line with Lewisham's cultural strategy and activities included poetry nights, cinema live, and recorded music would be promoted.

- The activities already operating at the Premises included radio stations, recording studios, event spaces, co-working facilities, and a local café.
- Events to be held included DJ sets, live music, comedy, and birthday parties. Events held would be for 12 hours a week excluding the radio station.
- Between September 2023 to March 2024 applications were made for 9 Temporary Event Notices; 6 operated until 3am. Only one complaint had been received.
- A premises licence was required to make this a financially viable hub. The sale of alcohol funded the community events. Revised hours had been agreed from Midnight until 2am, Friday and Saturday with the removal of boxing and wrestling matches. This addressed the licensing objectives and was in line with the licensing policy of the local hub.

- 3.9 In response to a question from Councillor Jackson, Mr Williams said that the objections did not refer to the nine TENs but possible complaints about events that could happen. Noise from music was one of the main complaints. There were six sets of acoustic double doors before entry to the event area. An acoustic report stated that residents in the building would not be affected by noise. Possible noise from patrons had been addressed within the raft of conditions including the number of door supervisors and the number of people able to use external areas. The number of taxis required at the end of the night would be small because it was not a large venue.
- 3.10 The Police are the responsible authority for crime and disorder and had withdrawn their objection, satisfied that this licensing objective would not be undermined.
- 3.11 Councillor Howard expressed concern that an experienced company had applied for a licence until 4am when it was not required. Mr Williams said that many applicants apply for more hours than they need because it provides flexibility. The applicant agreed with the hours negotiated with the Metropolitan Police.
- 3.12 Councillor Atkinson asked how many people attended the nine TENs and why they considered that patrons waiting around for a taxi would not be an issue. Mr Williams explained that a dispersal policy was in place. Patrons would be encouraged towards Deptford High Street rather than congregating on Comet Place. The DPS explained that that he could not give an accurate number for the people attending the TENs but each one did not exceed 100. Patrons used buses and trains to leave the areas as well as taxis. Councillor Atkinson expressed concern that Comet Place and Deptford High Street were residential areas.
- 3.13 In response to a question from the Chair regarding communication the applicant had had with residents in recent months to relieve their concerns, Mr Williams said that the contact details for objectors had been redacted so it had not been possible to contact them. The DPS said that they intended to have a phone number to ring during events as well as an email address so that residents could speak directly to them if they had any issues. One of the conditions stated that a direct phone number would be available to residents and businesses in the vicinity.

## **Representations**

### 3.14 Eight objectors addressed the committee and raised the following points.

- The proposed late licence would seriously affect residents, particularly those living near the premises. Comet Street was currently a quiet narrow street and if the application was granted it would encourage more people into the area as well as a number of taxis collecting people.
- There would be intoxicated people in the area which could increase crime and anti-social behaviour into this residential area.
- Although smoking in the garden would be limited to 15 people, this number of people would create noise particularly if they were drinking. A dispersal policy would be ineffective in such a small residential area.
- In Lewisham Council's licensing policy, Deptford High Street was designated as a local hub and therefore alcohol led venues were not appropriate for this area. It was a highly populated residential area with many families and there were people living above the shops. If granted the application could have a detrimental effect on residents who had health issues.
- Residents were concerned with the substance of the application. Although the application was for Deptford High Street, it should have been Comet Place, which is a quiet residential street. Although Aaja was a good venue, playing good music and every effort had been made to contain noise, it was essentially a night club and it was unreasonable to expect residents to endure noise nuisance late at night.
- The Temporary Event Notices held at the premises, were run in the Winter. Residents would be more affected by these events during the Summer months when patrons did not leave the area as quickly and when residents had their windows open.
- Over the last 3-5 years, residents had been successful in building up a community garden in Comet Street in an effort to reduce crime. If granted, this application would be a regressive step for local residents.
- Residents had not been fully consulted about this application and there were many who were not represented at the meeting. They were, however concerned for their safety particularly with the prevalence of drug dealing in the high street.
- Deptford High Street was considered to be a special place because of its combination of commercial and residential and the closeness of the two. The high street was busy during the day but at night it was quiet. This was discussed and agreed with licensing officers when the policy was published in 2020 because residents had concerns when licences were granted until 3am. It was further agreed that there should be a thriving evening economy rather than a thriving nighttime economy.
- A resident said he been woken up multiple times during the temporary events in February with people smoking and making noise near his home. Headlights from Taxis also shone into his bedroom during the night. He was confident that this nuisance was a result of events at Aaja. The absence of complaints was not indicative of the acceptance of the situation. Many residents were unaware of how to complain or had given up on complaints channels.

### 3.15 In response to members questions, the following points were raised.

- A decision should be based on the Council's licensing policy; the licence should not be granted after 11pm or midnight at the weekend. Granting of a licence past midnight was not acceptable. The balance should be between commercial and evening economy. A licence should only be granted beyond the preferred hours in exceptional circumstances.
- There were concerns that patrons would exit into a small residential street. They would not leave the area immediately but loiter creating noise nuisance.

## Conclusion

- 3.16 Mr Williams said that there had been 5 minutes presentation in support of the application and an 1 hour of negative comments. Some objectors stated that the premises should not be licensed at all, others had concerns about the late hours. He recommended that members should listen to the professionals' advice, none of whom had any objection to this application. There was no evidence to refuse this application. He referred to Lewisham's licensing policy on pages 41 and 42 . A public house would be granted a premises licence until midnight, 7 days a week.
- 3.17 Mr Williams said that the applicants accepted residents' concerns regarding the late hours. They had agreed to accept hours until midnight 7 days a week, in an effort to prove that they did not intend to operate as a night club. There was not enough evidence to refuse the application and he asked members to agree to the preferred hours in a local hub location.
- 3.18 Objectors were asked to summarise their points and their main concern was regarding the hours of trading. Lewisham's policy for a local hub, Deptford High Street, was for a licence to be granted until 11pm during the week and midnight on Friday and Saturday nights. Residents had not been negative, they wanted businesses to flourish in the area but the broader context of the building itself needed to be considered and the impact it would have on local residents.
- 3.19 The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. All members confirmed their attendance throughout the meeting.
- 3.20 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. Aaja, 63-69 Deptford High Street (Basement accessed via Comet Place), SE8 4AN

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

**Aaja, 63-69 Deptford High Street (Basement accessed via Comet Place), SE8 4AN**

1. The Committee's decision was to grant the application for a new Premises Licence subject to the following:
  - a. The Premises Licence to be subject to the conditions set out at pages 47-48 of the hearing agenda pack subject to an amendment to condition 12 to be replaced with "The premises shall have a written dispersal policy to be agreed with Lewisham Police Licensing Team, Lewisham Local Authority Licencing Team and Lewisham Environmental Health Team. All staff shall be trained in the dispersal policy and authorised to enforce it during all hours that the Premises are operating";
  - b. The sale of alcohol and the provision of regulated entertainment to be permitted on the Premises Mondays to Sundays between 11:00 hours and 00:00 hours; and
  - c. The licensable activities of indoor sporting events and boxing or wrestling entertainment will not be permitted on the Premises;

The meeting ended at 8.20pm

Chair