

Decisions taken by the Licensing Committee on Thursday, 10 November 2022

Agenda Item No	Topic	Decision
----------------	-------	----------

Part A – Items considered in public

<p>A3</p>	<p>Silks 177-181 Rushey Green SE6 4BD</p>	<p>Silks, 177-181 Rushey Green, Catford, SE6 4BD Lewisham LBC, Licensing Committee Application for summary review – interim steps decision</p> <p align="center">DECISION NOTICE</p> <ol style="list-style-type: none"> 1. The Metropolitan Police (“the Police”) have submitted an application for a summary review of the premises licence for Silks, 177-181 Rushey Green, Catford, SE6 4BD (“the Premises”) on the grounds that it is associated with serious crime, or serious disorder or both. 2. The premises licence is held by Walk Safe Security Services Ltd (“the PLH”). The Designated Premises Supervisor (“DPS”) is Sharna Johnson. 3. The Licensing Sub-Committee held a remote hearing using Microsoft Teams on 7 November 2022 to consider whether it was necessary to take interim steps pending the determination of the summary review. The Sub-Committee decided to suspend the licence with immediate effect. 4. On 8 November 2022, the PLH’s legal representative submitted representations against that interim step. As a result, the Licensing Authority was required to arrange a hearing within 48 hours of receipt to consider those representations. 5. A hearing before the Licensing Committee was arranged for 9am on 10 November 2022 and began shortly after 9am. Prior to the beginning of the hearing, the Licensing Authority had not received any communication from the PLH or their legal representative indicating an intention to withdraw those representations. 6. The PLH did not attend the hearing. Their legal representative explained that they were stuck in traffic on the M25 on the way to his office and therefore he was seeking an adjournment. The Licensing Committee considered that request but declined it, on the basis that the PLH could
------------------	---	---

Decisions taken by the Licensing Committee on Thursday, 10 November 2022

Agenda Item No	Topic	Decision
----------------	-------	----------

		<p>have attended the hearing remotely without any difficulty and that they must have been able to give instructions to their legal representative in order to make the representations.</p> <p>7. The PLH's legal representative then stated that he would withdraw the representations and re-submit them subsequently. The Committee was advised that, as the hearing had begun, and the representations had not been withdrawn before the hearing, the hearing needed to proceed and the Committee had to make a determination on interim steps.</p> <p>8. The PLH's legal representative made submissions against the use of suspension on the basis that it was disproportionate, the incident on 30 October 2022 had been resolved within a few minutes and the Police had not adequately investigated the incident. He also made the point that he had not seen the CCTV referred to in the Police's application.</p> <p>9. The Police also made representations. They described the incident and submitted that it justified an immediate suspension of the licence.</p> <p>10. The Committee's decision is to continue the suspension of the licence. Its reasons are as follows:</p> <ul style="list-style-type: none"> • It shared the concerns of the Sub-Committee as set out in its decision dated 7 November 2022. The premises licence had only recently been revoked and this incident occurred the following weekend. • The Committee was mindful that there are two sides to the story and was conscious that it had not heard and seen all of the evidence from this incident. However, they noted that it was not disputed that an incident had occurred. • In these circumstances, the Committee considers it is necessary to continue the suspension of the licence in order to avoid the risk of further incidents happening at the Premises until all the facts can be considered at the final hearing. The Committee's view is that, however
--	--	---

Decisions taken by the Licensing Committee on Thursday, 10 November 2022

Agenda Item No	Topic	Decision
		<p>they are managed when they occur, incidents of crime and disorder should not be allowed to happen in the first place. The Committee is concerned that the PLH may not have adequate measures in place to prevent these incidents from occurring and that the risk of someone being seriously injured is high. Therefore the Committee is satisfied that an immediate suspension continues to be necessary in this case.</p> <p>11. This decision takes effect immediately and therefore the Premises is required to remain closed. The PLH is entitled to make representations against this interim step but only if there has been a material change of circumstances subsequent to this decision. If representations are received, the Council will consider whether there has been a material change of circumstances before holding another hearing to consider those representations and whether suspension (or any other interim step) is necessary.</p>