

Decisions taken by the Licensing Committee on Tuesday, 29 November 2022

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

A3	<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</p> <p align="center">DECISION NOTICE</p> <p class="list-item-l1">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"). The Police seek revocation of the licence.</p> <p class="list-item-l1">2. The premises licence is held by Walk Safe Security Services Ltd ("the PLH"). The DPS is Sharna Johnson.</p> <p class="list-item-l1">3. The Licensing Committee held remote hearings using Microsoft Teams on 7 and 10 November 2022 when it decided to impose (and continue) the interim step of suspension pending this hearing. The final hearing to consider the summary review also took place remotely on 29 November 2022.</p> <p class="list-item-l1">4. In making its decision, the Committee has taken into account all of the papers in the reports pack, CCTV footage of an incident which took place on 30 October 2022, the written evidence submitted by both parties and submissions made by the parties at the hearing. It has also taken into account the Council's Statement of Licensing Policy and the Home Office's statutory guidance.</p> <p class="list-item-l1">5. The Committee's decision on the review is to modify the conditions of the licence as follows:</p> <p class="list-item-l2">(a) the opening hours of the premises shall be 11.00-01.00 Monday-Sunday;</p> <p class="list-item-l2">(b) plays, live music, recorded music, late night refreshment and alcohol for consumption on/off the premises shall all cease by 00.00 Monday-Sunday;</p>
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		<p>(c) no seasonal variations.</p> <p>A further condition will be added to the licence as follows:</p> <p>(d) the PLH shall adopt and implement a policy for managing the dispersal of customers leaving the Premises by 16 December 2022.</p> <p>6. The Committee is also required to review the interim step of suspension. The Committee's decision is to lift the suspension and to impose, as interim steps, the modifications to the licence set out in paragraph 5 above.</p> <p>7. The Committee's reasons are as follows:</p> <p>(a) The Committee viewed CCTV footage of an incident of disorder which took place around 4.19am on 30 October 2022. The Committee considered that this was a serious incident and was concerned that the PLH had tried to minimise its seriousness. According to the CAD report (which was based on an account given by the PLH's own security staff) a person had been knocked unconscious during the course of a fight which – as the Committee saw for itself on the CCTV footage – involved a large number of people and spilled into the road. The Committee noted that a bus passed very close by during the incident and considered that it was fortunate no one was killed and that there was only one serious injury.</p> <p>(b) The Committee was also concerned that, as well as trying to minimise the seriousness of the incident, the PLH had effectively tried to place the blame on the Police whereas they have primary responsibility to promote the licensing objectives. While the Committee acknowledges the importance of partnership working, at the end of the day the Premises needs to work proactively to promote the licensing objectives. The Committee felt that the PLH had been largely reactive and did not appear to have a clear plan for preventing further</p>
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		<p>similar incidents from occurring in future. The Committee did not accept the PLH's suggestion that the doorstaff have no responsibility for what happens outside the Premises and noted that a failure to move customers along and away from the Premises appeared to be a contributing factor to the incident on 30 October.</p> <p>(c) On the other hand, the Committee bore in mind that the police did not appear to have carried out a full investigation of the incident, that the police could have been more co-operative with the PLH than they had been and that the PLH had made some changes in management and security – at the Police's suggestion – which appeared to have had some positive effect by reducing the frequency of serious incidents in recent months.</p> <p>(d) On balance, the Committee decided that it would not be proportionate to revoke the licence on this occasion. Instead the Committee decided that it would be appropriate for the promotion of the licensing objectives to reduce the hours authorised for licensable activities at the Premises. The Committee noted that the most serious incidents at the Premises have occurred in the early hours of the morning and therefore reducing hours could help to address some of the problems it has experienced. The Committee considered its preferred operating hours, as set out in paragraph 15.7 of its Statement of Licensing Policy. For a nightclub in a town centre location, the <i>preferred latest</i> end time is 2am (meaning some flexibility is permitted). In the circumstances of this case, the Committee considered that 2am would be too late but that 1am would be an appropriate closing time, with all licensable activities to cease one hour beforehand to assist with the orderly dispersal of customers. A 1am closing hour would ensure that dispersal would be complete well before 2am, after which time the majority of the incidents of crime and disorder have occurred. Given that dispersal appears to have been a particular problem at the Premises, the PLH will also be required to implement a proper dispersal policy by 16 December 2022, in time for the Christmas party season.</p> <p>(e) For the same reasons, the Committee also considered that it would be appropriate to implement these measures immediately as interim steps, pending any appeal which may be</p>

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		<p>brought against this decision.</p> <p>8. There is a right of appeal against the Committee's decision on the review and its decision on interim steps. Any appeal must be made to the magistrates' court within 21 days of receipt of this decision.</p>
		29 November 2022

A1		
A2		