

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 29 NOVEMBER 2022 and held remotely at 7.00pm.

Present

Councillor Wise (Chair), Councillor Anifowose (Vice Chair), Councillors Howard, Huynh, Kestner, Warner

Apologies for absence were received from: Councillors Brown, Hayes, Jackson, Shrivastava

Also Present

Richard Lockett - Safer Communities Senior Officer
Angela Mullin-Murrell - Crime Enforcement and Regulations Officer
Matt Lewin (Counsel) – Legal Advisor
Claudette Minott – Committee Officer

Silks 177 – 181 Rushey Green Catford SE6 4BD

Applicant - Metropolitan Police

PC Sam Bobb – Police Licensing Officer
Mark O'Brien O'Reilly – Legal Representative

Respondent

David Dadds – Legal Representative
Adrian Studd – Witness
Obiajula Egwenue – Premises Licence Holder (PLH)

1. Minutes

RESOLVED that the minutes of the meetings of the Licensing Committee held on 27 October 2022, 7 November 2022 and 10 November be confirmed as an accurate record, and signed.

2. Declarations of Interests

None.

3 Exclusion of the Press and Public

The Chair advised all parties that the hearing should be held in public.

RESOLVED that the press and public should not be excluded from the hearing for the following item of business:

4. Silks 177 – 181 Rushey Green Catford SE6 4BD

- 4.1 The Chair welcomed all parties to the Licensing Committee. She introduced those present, and outlined the procedure to be followed for the hearing. She then invited the Safer Communities Senior Officer to introduce the application.

Licensing Officer

- 4.2 The Licensing Officer advised that members were being asked to consider an application for a summary review of the premises licence for Silks 177 – 181 Rushey Green Catford SE6 4BD. He outlined the application and said that one representation had been received from interested parties in support of the Applicant.

Legal advisor

- 4.3 Mr Lewin outlined the options open to members of the Committee having considered all the evidence presented to them and when making their decision.

Applicant

- 4.4 The applicant's Legal Representative, Mr O'Brien O'Reilly, was allowed 15 minutes to address the Committee. Mr O'Brien O'Reilly outlined the application history of the premises and the decisions made by the Committee, noting the violent incidents that had occurred on and within close proximity to the premises. Mr O'Brien O'Reilly noted consequent concerns with regard to the Designated Premises Supervisor's (DPS) management of the premises, referencing the closed circuit television (CCTV) footage provided to the Committee. Mr O'Brien O'Reilly recommended that, based on the evidence submitted, the Committee revoke the premises licence.
- 4.5 At this point, Mr Dadds, Legal Representative for the respondent, informed the Committee that he had not received the Applicant's witness statement. Members and Officers searched through their emails and confirmed they had received the Applicant's witness statement and that it had also been sent to Mr Dadds. Mr Dadds located the witness statement and requested a brief adjournment to study its contents. The Chair agreed that Mr Dadds could take 10 minutes to review the Applicant's witness statement.
- 4.6 The meeting was adjourned 7.43pm. The meeting was reconvened at 7.53pm. The reconvened meeting was confirmed as quorate.
- 4.7 Mr O'Brien O'Reilly was allowed to continue to address the Committee. He discussed the evidence submitted as outlined in his report, highlighting what

he saw as the management failings of the Designated Premises Supervisor (DPS), including the CCTV footage provided by the Applicant, the Respondent's clients not calling the police to attend the incident, the allegation of a sexual assault on the premises, the Respondent's clients downplaying the seriousness of the incident, their non-attendance at the meetings and the culmination of incidents.

- 4.8 Mr O'Brien O'Reilly advised it was the Committee's responsibility to ensure that such incidents did not occur in the first instance to protect the public. As such the revocation of the premises licence was the appropriate course of action.
- 4.9 Councillor Kestner asked Mr O'Brien O'Reilly with regard to police support, how the police had engaged with the DPS to offer support.
- 4.10 PC Bobb gave the response on behalf of the Applicant and advised the Committee that the Applicant had engaged with the DPS by requesting improved Security Industry Authority (SIA) licensing, closed circuit television (CCTV), prevention of loitering and that the DPS undertake engagement with the Crime Enforcement and Regulations Officer.

Representation

- 4.11 Mr Dadds was allowed 15 minutes to address the Committee on behalf of the respondent.
- 4.12 Mr Dadds advised the Committee that he would take 10 minutes to address Members and then hand over to the Independent Witness, who would use the remaining 5 minutes to provide an overview of the evidence provided.
- 4.13 Mr Dadds informed the Committee that he had requested that this hearing had been a physical meeting, as opposed to remote, noting the review was now subject to an appeal.
- 4.14 Mr Dadds advised the Committee that no papers regarding previous decisions in relation to the Silks' premises licence had been provided to the Committee, no counter evidence was provided by the Applicant, nor was a plan initiated by the Applicant to deal with the issues alleged on the premises.
- 4.15 Mr Dadds also noted that the Applicant did not seize the CCTV footage of the incident from the premises, nor visit the premises at the time of the incident or after.
- 4.16 Mr Dadds advised the Committee that the College of Policing procedure would require that the Applicant identify the alleged victim of the incident under consideration, gather evidence and/or witness statements, take the CCTV footage from the premises for review and use the Club Scan system. None of these actions had been undertaken by the Applicant.

- 4.17 The Committee were informed by Mr Dadds that the CCTV footage conveyed the increased number of security staff on the premises, who intervened to stop the incident, the ratio of security staff to patrons was appropriate.
- 4.18 Mr Studd, a Witness, then addressed the Committee and clarified that he did not represent the Respondent nor his clients (Silks).
- 4.19 Mr Studd informed the Committee that he reviewed the evidence and could see where the Applicant was required to provide support to the premises, but had failed to do so on several occasions.
- 4.20 Mr Studd supported Mr Dadds' statement, noting the failures of the Applicant, including the Applicant's failure to attend an incident that they alleged was classified as "serious crime and disorder".
- 4.21 The Committee was advised by Mr Studd that the Applicant's responsibility was to provide support to the premises, such as the management of loitering outside the establishment, not to request the security staff employed by the premises do so.
- 4.22 The Committee was informed by Mr Studd that there was also concern with the large, un-redacted 107 page witness statement report provided by the Applicant, which it was felt illustrated contempt for all parties involved in the consideration of the application.
- 4.23 Mr Studd concluded his address by advising the Committee that a balanced approach was required to the consideration of the application and that the premises required the Applicant's support.
- 4.24 Councillor Warner noted that a week after the DPS had been changed, the incident occurred. He enquired:
- how it had happened;
 - whether such incidents could be stopped via the restriction of alcohol on the premises ; and
 - What the solution might be.
- 4.25 Mr Dadds advised the Committee that incidents that the DPS had managed were seen in a positive light. He noted that incidents do occur at licensed premises and informed the Committee that 14 doormen and 2 stewards were employed on the premises. It was advised that the DPS would continue to review security measures. Mr Dadds stated that all recommendations made in the Applicant's review of the premises, had been undertaken, except the reduction of the establishments hours of operation.
- 4.26 Councillor Warner enquired whether a reduction in the establishments' hours of operation would help with regard to security.
- 4.27 Mr Dadds advised that the security to the incident was appropriate and a review was required of the frequency and occurrences of incidents on the

premises, hence the expectation of engagement with the Applicant. In addition the use of Club Scan was expected to be used by the Applicant as a mitigation measure to assist the Respondents clients' tackle crime in order to keep customers safer.

- 4.28 Mr Dadds informed the Committee that the DPS' reaction to the incident under consideration had been fast with regard to calling the police and first aid administration to the patrons involved.
- 4.29 Mr Dadds stated the intention of the DPS was to minimise the frequency of incidents on the premises via partnership with the Applicant.
- 4.30 Councillor Kestner stated that there was a need for partnership and support between the Applicant and the Respondent's clients, in order to reach licensing objectives. Councillor Kestner enquired about what steps needed to be taken to achieve this.
- 4.31 Mr Dadds informed the Committee that the requirement was, with regard to each incident, for the Applicant to highlight issues with the premises and offer solutions. Examples given included a parked car near to the premises or sharing intelligence about known individuals.
- 4.32 Mr Dadds advised the Committee that the required Crime Reporting Information System (CRIS) report had not been provided for any of the incidents that occurred on the premises.
- 4.33 Mr Dadds informed the Committee that steps had been taken with the number security doubled, the addition of 2 stewards and increased first aid provision. Mr Dadds also stated that the DPS were willing to work with the Applicant.
- 4.34 The Chair requested clarification with regard to:
- The number of doormen and stewards on the premises.
- 4.35 Mr Dadds provided clarification that there were 14 doormen and 2 stewards, stating the ratio of security to patrons was 1:25.

Closing arguments

- 4.36 Mr O'Brien O'Reilly drew the Committee's attention to the meetings' agenda pack that detailed the DPS' management approach.
- 4.37 Mr O'Brien O'Reilly gave an overview of the evidence provided and discussed the review carried out by Mr Studd, which noted that some fault lay with the premises licence holder.
- 4.38 Mr O'Brien O'Reilly advised the Committee there was a lack of suggestions as to what the Applicant should have done differently.

- 4.39 Mr O'Brien O'Reilly recounted the viewed images of the CCTV footage, the frequency of incidents at the establishment and the seriousness of the incident in October 2022.
- 4.40 Mr O'Brien O'Reilly reiterated that the appropriate course of action would be the revocation of the premises license, due to the incidents cited and that the onus was on the Applicant to manage the security of the establishment.
- 4.41 Mr Dadds stated that open communication, collaboration between the Applicant and his client was important.
- 4.42 Mr Dadds reiterated his observations that the Applicant had not taken any action with regard to gathering evidence to support the incident that had occurred since the last incident they brought before the Committee and no arrests had been made.
- 4.43 Mr Dadds advised the Committee that the Applicant had decided to take the opportunity to close the premises, because their application to have the premises license revoked had been challenged.
- 4.44 The Committee was informed by Mr Dadds that the incident was not as serious as described by the Applicant and was dealt with robustly by the DPS. He questioned why, if it were serious, had it not been investigated by the Applicant?
- 4.45 Mr Dadds also noted that the local authority did not join the review and requested that the Committee not be biased against his client and allow the appeal to be heard in court.
- 4.46 Mr Dadds suggested that perhaps the slight reduction in the premises hours of operation could be applied, as all the other steps requested by the Applicant in their review had been undertaken.
- 4.47 The Chair concluded the Part 1 proceedings of the meeting by seeking confirmation that all Members had been present throughout the submissions and heard all evidence. Members confirmed this.
- 4.49 The Legal Representative advised that consideration and a decision with regard to the interim steps would also form part of the final decision. The final decision would be supplied the next working day to the Respondent's client.
- 4.50 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:

4.51 Silks 177 – 181 Rushey Green Catford SE6 4BD

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

4.52 The Committee Members, Officers, the Applicant and Respondent watched a video CCTV recording of an incident that took place outside of the premises under consideration at the meeting that was underway.

4.53 Decision:

RESOLVED

(1) That the conditions of the premises licence be modified as follows:

- (a) the opening hours of the premises shall be 11.00-01.00 Monday- Sunday;
- (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;
- (c) no seasonal variations.

(2) That a further condition will be added to the licence as follows:

- (a) the PLH shall adopt and implement a policy for managing the dispersal of customers leaving the Premises by 16 December 2022.

(3) That the interim step of suspension is replaced by the above modifications to the premises licence.

The meeting ended at 8.54 pm