

Decisions taken by the Licensing Committee on Tuesday, 8 August 2023

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

<p>A3</p>	<p>Bird in Hand 35 Dartmouth Road, London, SE23 3HN.</p>	<p>Bird in Hand - 35 Dartmouth Road, London, SE23 3HN Lewisham LBC, Licensing Committee 8 August 2023</p> <p align="center">DECISION NOTICE</p> <p>1. Babal Silk (“the Applicant”) has applied to vary a premises licence for Bird in Hand - 35 Dartmouth Road, London, SE23 3HN (“the Premises”).</p> <p>2. The Premises is currently authorised for the following licensable activities:</p> <table border="1" data-bbox="891 820 2065 895"> <tr> <td data-bbox="891 820 1688 895">Provision of Late Night Refreshment</td> <td data-bbox="1688 820 2065 895">23:00 – 01:00 Friday 23:00 – 01:00 Saturday</td> </tr> </table> <table border="1" data-bbox="891 935 2065 1193"> <tr> <td data-bbox="891 935 1688 1193" rowspan="7">Sale of alcohol for consumption On and Off the premises</td> <td data-bbox="1688 935 2065 970">09:00 – 23:00 Sunday</td> </tr> <tr> <td data-bbox="1688 970 2065 1005">09:00 – 23:00 Monday</td> </tr> <tr> <td data-bbox="1688 1005 2065 1040">09:00 – 23:00 Tuesday</td> </tr> <tr> <td data-bbox="1688 1040 2065 1075">09:00–23:00 Wednesday</td> </tr> <tr> <td data-bbox="1688 1075 2065 1110">09:00 – 23:00 Thursday</td> </tr> <tr> <td data-bbox="1688 1110 2065 1145">09:00 – 01:00 Friday</td> </tr> <tr> <td data-bbox="1688 1145 2065 1193">09:00 – 01:00 Saturday</td> </tr> </table> <p><u>Season Variation</u> New Year’s Eve alcohol sales may continue until the start of trading hours on New Year’s Day.</p> <p>3. The application proposes the following:</p>	Provision of Late Night Refreshment	23:00 – 01:00 Friday 23:00 – 01:00 Saturday	Sale of alcohol for consumption On and Off the premises	09:00 – 23:00 Sunday	09:00 – 23:00 Monday	09:00 – 23:00 Tuesday	09:00–23:00 Wednesday	09:00 – 23:00 Thursday	09:00 – 01:00 Friday	09:00 – 01:00 Saturday
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		<ul style="list-style-type: none"> • the change of the layout and associated plan of the premises on the Ground floor • extension of hours:for the following activities <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 70%;">the sale by retail of alcohol on and off the premises</td> <td style="width: 30%;">23:00 – 01:00 Thursday, 01:00 – 02:00 Friday and Saturday.</td> </tr> </table> <p>Annex 2 conditions amendments (a) Paragraph 3 “Toughened glass shall be used for draft beer and lager at all times the premises are open to the public” Amend to: “Toughened glass or similar, such as polycarbonate shall be used for draft beer and lager at all times the premises are open to the public” (B) Paragraph 8 “Children under the age of 16 shall not be permitted to enter the premises after 19.00”. Amend to: “Children under the age of 16 shall not be permitted to enter the premises after 21.00”</p> <p>4. Relevant representations have been received from seven local residents on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.</p> <p>5. The Licensing Committee held a hearing on 8 August 2023 to consider the application. A solicitor spoke on behalf of the Applicant and two colleagues attended the meeting. Five residents attended the meeting and addressed the Committee.</p>	the sale by retail of alcohol on and off the premises	23:00 – 01:00 Thursday, 01:00 – 02:00 Friday and Saturday.
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		<p>6. The Applicant acknowledged that the premises had a checkered history and had previously been operated at arm's length. The applicant purchased the freehold in the spring of 2023 and the premises had been open for a month. It was noted that the car park had been sold and the applicant did not have responsibility for this area.</p> <p>7. The Applicant intended to replicate the operation of the Royal Albert in New Cross which had been managed by the Applicant. It offered good gastro food and was a modern community pub.</p> <p>8. The Applicant noted the photographic evidence of alleged incidences submitted by objectors. but it was claimed that previous clientele had moved on. It was acknowledged that more work was required before the premises was able to run successfully. The proposed licence changes would enable the premises to modernise and to be run in a similar manner as their other 29 establishments in London. The extended hours. If granted, would ensure that their operating hours were different to their competitors and patrons would not be leaving at the same time. The Applicant wanted to encourage families to enjoy their facilities. If football was being shown, boys of up to 16 years would be able to stay and watch the game. Changes to the lower ground floor level would enable engaged frontage and some overview of the public passageway.</p> <p>9. Residents complained about lack of engagement from staff at the premises who did not respond to complaints from residents. They did not have any confidence in management particularly with enforcing refusal of entry at midnight. There were</p>

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		<p>complaints about drug dealing, cars in the road turning around in forecourts, disturbance from noise from patrons and nefarious behaviour within the residents' private estate., There was no precedent for such a late licence in the area.</p> <p>10. The Committee noted that the Police and the Council's Safer Communities Service had agreed conditions with the Applicant and had not submitted an objection.</p> <p>11. Having considered the written and oral evidence and representations made by the parties, the Committee has decided to agree the following:</p> <p style="padding-left: 40px;">Change the layout and associated plan of the premises on the Ground floor.</p> <p style="padding-left: 40px;">Annex 2 conditions amendments (a) Paragraph 3 "Toughened glass shall be used for draft beer and lager at all times the premises are open to the public" Amend to: "Toughened glass or similar, such as polycarbonate shall be used for draft beer and lager at all times the premises are open to the public" (B) Paragraph 8 "Children under the age of 16 shall not be permitted to enter the premises after 19.00". Amend to: "Children under the age of 16 shall not be permitted to enter the premises after 21.00"</p> <p style="padding-left: 40px;">The following conditions be added to the licence.:</p> <p style="padding-left: 40px;">1. <i>A minimum of 2x Security Officers, (which one (1) must be female) and are all employed the Premises Owners. Security must be on duty when the premises intends to remain open past 0100hrs. When opening beyond 0100hrs Security must start at 21:00hrs until 30 minutes after closing and when conducting licensable activities or any other advertised or private event.</i></p>

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		<p>2. <i>A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, Security badge number or staff ref number, time of commencement and completion of duties. The security operative should then sign their name.</i></p> <p>3. <i>All persons entering or re-entering the premises beyond Midnight shall be searched by the security officer on duty and monitored by the premises CCTV system.</i></p> <p>12. The Committee, however, did not agree to the application to amend the hours as sought by the applicant. The hours remain unchanged.</p> <p>13. The reason for this decision was that although members appreciated the investment in the premises and conditions had been agreed, they did not accept the reason given for wanting an extension of hours for the sale of alcohol by retail. If the hours were extended, the premises would not be in keeping with neighbouring premises and would not help to create a modern community pub.</p> <p>14. There is a right of appeal against this decision. Any appeal should be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified of this decision.</p>
A4	Royal George at 85 Tanner's Hill, London, SE8 4QD	<p>Royal George at 85 Tanner's Hill, London, SE8 4QD Lewisham LBC, Licensing Committee Application for variation to premises licence</p>

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		<p align="center">DECISION NOTICE</p> <p>1. Samuel Smith (Southern) (“the Applicant”) has submitted an application to vary the premises licence for the Royal George at 85 Tanner’s Hill, London, SE8 4QD (“the Premises”).</p> <p>2. The Premises is currently authorised for the following licensable activities:</p> <table border="1" data-bbox="891 715 2040 975"> <tr> <td rowspan="7">Sale by retail of alcohol for consumption on and off the premises</td> <td>10.00 – 23.00 Monday</td> </tr> <tr> <td>10.00 – 23.00 Tuesday</td> </tr> <tr> <td>10.00 – 23.00 Wednesday</td> </tr> <tr> <td>10.00 – 23.00 Thursday</td> </tr> <tr> <td>10.00 – 23.00 Friday</td> </tr> <tr> <td>12.00 – 23.00 Saturday</td> </tr> <tr> <td>22.30 Sunday</td> </tr> </table> <p>3. The application proposes the following:</p> <ul style="list-style-type: none"> • Change the layout and associated plan of the premises on the Ground floor • Extension of hours for the following activities: <table border="1" data-bbox="891 1182 2040 1249"> <tr> <td>Sale of alcohol for consumption on and off the premises</td> <td>23:00 – 00:00 Friday 23:00 – 00:00 Saturday</td> </tr> </table> <table border="1" data-bbox="891 1283 2040 1350"> <tr> <td>Late Night Refreshment</td> <td>23:00 – 00:30 Friday 23:00 – 00:30 Saturday</td> </tr> </table> <table border="1" data-bbox="891 1383 2040 1417"> <tr> <td>Opening Hours</td> <td>10:00 – 00:30 Friday</td> </tr> </table>	Sale by retail of alcohol for consumption on and off the premises	10.00 – 23.00 Monday	10.00 – 23.00 Tuesday	10.00 – 23.00 Wednesday	10.00 – 23.00 Thursday	10.00 – 23.00 Friday	12.00 – 23.00 Saturday	22.30 Sunday	Sale of alcohol for consumption on and off the premises	23:00 – 00:00 Friday 23:00 – 00:00 Saturday	Late Night Refreshment	23:00 – 00:30 Friday 23:00 – 00:30 Saturday	Opening Hours	10:00 – 00:30 Friday
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		<table border="1" data-bbox="891 448 2042 485"> <tr> <td data-bbox="891 448 1688 485"></td> <td data-bbox="1688 448 2042 485">10:00 – 00:30 Saturday</td> </tr> </table> <p data-bbox="842 552 2078 612">4. There were five relevant representations in response to the application, received from members of the public. Objections were received from the Police and Licensing Authority.</p> <p data-bbox="842 651 2022 679">5. The Licensing Committee held a hearing on 8 August 2023 to consider those representations.</p> <p data-bbox="842 715 2078 807">6. In making its decision, the Committee has considered all of the papers in the reports pack and the evidence and submissions presented 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 data-bbox="842 842 2078 903">7. The Committee's decision is to grant the application subject to the conditions recommended by the Police and Licensing Authority which are attached. Its reasons are as follows:</p> <ul data-bbox="936 976 2078 1401" style="list-style-type: none"> <li data-bbox="936 976 2078 1037">• The Committee noted that the applicant had agreed the conditions recommended by the Police and the licensing Authority. <li data-bbox="936 1075 2078 1136">• 00.30 was considered to be a reasonable time for the premises to close and was in line with this Council's licensing policy. <li data-bbox="936 1174 2078 1299">• The Committee were concerned about communication between the premises and residents. Particular note was made regarding a claim made by one of the applicant's representatives that the problem regarding deliveries had been resolved. This claim was not shared by a resident. <li data-bbox="936 1337 2078 1398">• The Committee also expressed concern that patrons were not brought inside the premises at closing hours. The premises did not have a dispersal policy and it was agreed 		10:00 – 00:30 Saturday
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		<p>that this should be added to the conditions on the licence.</p> <ul style="list-style-type: none"> • Although the Committee had concerns about the application, they put weight on the fact that the conditions had been agreed and considered it appropriate to vary the licence as sought, subject to the conditions attached to this notice. <p>8..There is a right of appeal against this decision. Any appeal should be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified of this decision.</p>
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		<ol style="list-style-type: none"> 1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. 2. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. 3. All recordings shall be stored for a minimum period of 31 days with the date and time stamping. Recordings shall be made available within 24 hours upon the request of the Police or authorized officer throughout the preceding 31-day period. 4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested. 5. The CCTV must cover all areas of the venue that the public has access to. There should be no obstructions to any internal camera that creates areas that are not wholly covered by CCTV, apart from within toilet cubicles and directly covering men's urinals. 6. Any smoking area must be covered by CCTV that is to the same standards as the internal CCTV system. 7. A proof of age scheme, such as Challenge 25, must be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a

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		<p>driving licence or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed.</p> <p>8. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.</p> <p>9. All children under the age of 18 must be accompanied by an adult.</p> <p>10. The premises shall prominently display signage at all entrances informing customers: -</p> <p>(Police may be called if drugs or weapons are found) (CCTV is in operation throughout this premises and is made available to the police.) (Management reserve the right to refuse entry)</p> <p>11. A record book of banned individuals shall be held by Duty Manager and will be made available to Police and Council upon request.</p> <p>12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</p> <p>13. No noise generated on the premises, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>

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		<p>14. The front outside area for customers will be closed at 2200hrs, and smoking customers will be permitted to use the rear garden until the closing time of 2300hrs and midnight on Fridays & Saturdays. Drinks are not permitted in the rear garden past 2300hrs.</p> <p>15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.</p> <p>16. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.</p> <p>17. During the 30-minute cool-down period after the sale of alcohol ceases, the volume of any music being played must be decreased.</p> <p>18. Loudspeakers shall not be located in the entrance lobby or outside the premises building.</p> <p>19. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The police (and, where appropriate, the London Ambulance Service) are called without delay; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.</p>

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		<p>20. All documents of members of staff will be retained for a period of 12 months post-termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.</p> <p>21. All staff must attend induction training and receive refresher training every six months.</p> <p>22. Staff are to engage in training in Ask Angela and such topics in Vulnerability towards women and girls, as well as drink spiking awareness campaigns.</p> <p>23. The Premises Licence Holder and/or Designated Premises Supervisor shall keep up-to-date policies and staff training records in relation to the following: Requirements of the Challenge 25 scheme, drugs, identification & recognition of drunks, identification recognition and responsibilities of dealing with vulnerable persons and the correct procedures to be followed when refusing service regular training must be provided to all staff at least every six months, a record of the training will be maintained for at least twelve months.</p> <p>24. An incident log shall be kept at the premises, and made available on request to an authorized Local Authority or Police Officer, which will record the following:</p> <ul style="list-style-type: none"> a) All crimes reported to the venue. b) All ejections of patrons c) Any complaints received. d) Any incidents of disorder. e) All seizure of drugs or offensive weapons.

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		<p>f) Any faults in the CCTV system. g) Any refusal of the sale of alcohol. h) Any visit by a relevant authority or emergency service.</p> <p>25. Ashtrays and cigarette bins must be provided to ensure rubbish and smoking debris can be collected and not left to impact the streets outside the premises.</p> <p>26. At the close of business, staff will ensure that customers are moved on and encouraged to leave; to ensure that customers do not cause noise disturbances outside the premises.</p> <p>27. The premises is to have a dispersal policy in place to show how they intend to move on customers and this document should be available for inspection on request of Police and Local Authority Enforcement Officers.</p>

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