

Decisions taken by the Licensing Committee on Wednesday, 6 September 2023

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

<p>A3</p>	<p>Ruby's - 104-106 Rushey Green, London, SE6</p>	<p>Rubys 104-106 Rushey Green, London, SE6 4HW Lewisham LBC, Licensing Committee 6 September 2023</p> <p align="center">DECISION NOTICE</p> <ol style="list-style-type: none"> 1. Rubys Events Ltd (“the Applicant”) has applied for a premises licence for Ruby’s 104-106 Rushey Green, London, SE6 4HW (“the Premises”). The application seeks authorisation for the sale by retail of alcohol on the premises 7 days per week between 11:00 and 04:30 Provision of Live music, Recorded music and Dance (indoor) between 11:00 and 04:30, and for late night refreshment between 23:00 and 05:00. 2. Relevant representations were received from three Responsible Authorities; The Police, London Fire Brigade and the Licensing Authority. The Licensing Committee held a hearing on 6 September 2023 to consider the application. 3. The agent for the applicant said that the application contained a list of measures that were comprehensive and robust and would be conditions on the licence if granted. It had been noted that the fire brigade had concerns about the fire exits, so an additional stairway would be fitted in order to meet fire service requirement. In addition, a fire risk assessment would be submitted to the fire service prior to licensable activity taking place. 4. Lewisham Licensing Policy referred to preferred licensing hours, but the agent reminded members that they could agree to later opening hours. However, the applicant did not agree with some of the conditions recommended by the licensing
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		<p>authority. It was considered unreasonable, for example that 12 door supervisors must be employed when the premises was open.</p> <ol style="list-style-type: none"> 5. The agent said that the concerns expressed regarding crime and disorder in the area was the responsibility of the Police not the applicant. Residents had not objected to the application. 6. The Police referred to the Statement of Licensing Policy which expects the application to demonstrate, in the operating schedule, how to promote the four licensing objectives before submitting an application. As a matter of principle, fire assessment work should be done before granting the licence. There was no evidence in the application of an operating plan or any consultation in advance with responsible authorities. 7. The capacity of the premises was given on the spot to police without prior consideration, and concern was expressed about whether the building would be safe with the proposed 500 patrons on the roof terrace. 8. The Police considered the overheads to be huge and believed that the premises would need to be run at capacity if the business was to be viable. The applicant did not know if he would be able to run a viable business. Police were concerned that the impact on residents had not been considered, particularly if Uber vehicles had to queue in residential areas for patrons leaving in the early hours of the morning. 9. The Fire Service had concerns about the capacity of the premises and the number and width of fire exits.

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		<p>10. The Local Authority considered all the proposed conditions to be necessary for the promotion of the licensing objectives. 12 SIA staff would be required from 10pm until the last customer left. A noise limiter was required because the proposed venue was large. The premises next door held events; a limiter for both premises was required to reduce any cumulative noise impact on residents in the vicinity. The position of the smoking area was not clear. If it was at the back of the premises it would be very close to residential homes.</p> <p>11. Having considered the written and oral evidence and representations made by the parties, the Committee has decided to <u>refuse</u> the application. Its reasons are as follows:</p> <ul style="list-style-type: none"> • The Applicant has failed to follow the local authority's published Statement of Licensing Policy. The committee are required to consider the application and apply the policy unless there is good reason to depart from it. The Applicant was unable to demonstrate why it wanted the Licensing Committee to disapply the Policy or depart from it. • There were many concerns raised by the Responsible Authorities that demonstrated how granting the licence would undermine the Licensing Objectives. • The Applicant did not provide sufficient information with the Application or in submissions to the committee to demonstrate that it could uphold the Licensing Objectives. • The Applicants plans did not adequately address its plans for the smoking area

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		<p>and how it would manage this in order to uphold the Licensing Objectives.</p> <ul style="list-style-type: none"> • The committee were not satisfied that the Applicant demonstrated sufficient capability to manage the venue in a safe way to uphold the Licensing Objectives. • There was insufficient information within the Application and submissions that would enable the Committee to grant the licence subject to further conditions. • There was no evidence that was able to demonstrate how the Premises would mitigate noise nuisance. • Given the lack of information relating to capacity, the Committee were unable to propose conditions that would uphold the Licensing Objectives. • The Applicant did not demonstrate how it would uphold the Licensing Objectives dealing with ingress and egress given the location of the Premises and its proximity to a main road with a red route. • The lack of information and plans relating to capacity and the fire safety concerns should the venue exceed the capacity. <p>12. 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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