



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE - 2 OCTOBER 2017

#### LICENSING ACT 2003: UNIT 2, 777 OLD KENT ROAD, LONDON SE15 1NZ

##### 1. Decision

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by an 'other person' for the review of the premises licence issued in respect of the premises known as Empire, Unit 2, 777 Old Kent Road, London, SE15 1NZ and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to modify the conditions of the licence by adding the following conditions:

1. That a written dispersal policy be devised in respect of the premises. A copy of the policy shall be kept at / be accessible at the premises at all times that the premises are in use and shall be made available to council or police officers immediately on request. The policy must include (but not necessarily be limited to) the following:
  - The full name and address of the premises
  - The name(s) of the licensee and premises' designated premises supervisor
  - Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance
  - Details of public transport in the vicinity and how customers will be advised in respect of it
  - Details of the management of taxis to and from the premises
  - Details of the management of any 'winding down' period at the premises
  - Details of the use of security and stewarding in respect of managing customer dispersal from the premises
  - Details of any cloakroom facility at the premises and how it is managed
  - Details of road safety in respect of customers leaving the premises
  - Details of the management of ejections from the premises
  - Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up)
  - Details of any other premises licence conditions relating to dispersal / the management of patrons arriving at / leaving the premises
  - Details as to the management (if any) of parking in regards to customer's vehicles.
2. All relevant staff (e.g. SIA staff, managers / supervisors, stewards, bar staff or any other relevant staff) should be trained in respect of the policy. A record of the training, including the trainee's name (in capital letters) & signature, date that each member of staff is trained and declaration that the dispersal policy has been read and understood shall be kept at the premises and be made immediately available for inspection by officers of the council or police on request.

## 2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee received written representations from the applicant for the review, namely that the licence should be reviewed on the grounds of the prevention of crime and disorder, and prevention of public nuisance. It also received written representations from another interested party on the grounds of prevention of public nuisance. It was noted that neither the applicant for the review nor the other interested party were in attendance.

The licensing sub-committee heard oral representations from the public health officer, representing the director of public health, supporting the decision to review the licence on the grounds of prevention of public nuisance. The effects of persistent disturbance to sleep on an individual's health were explained. In view of these effects on an individual and the fact that a number of complaints had been received by the council, on behalf of the director, the sub-committee was invited to reduce the premises licence hours of operation to align with the council's policy.

The licensing sub-committee heard from the representative on behalf of the premises licence holder who explained that the application was made by a vexatious resident. It was further alleged that the applicant, and another, had actively sort to extort money from the licence holder. The representative went on to argue that because the applicant for the review or the other person supporting the review had attended the hearing to give live evidence, little or no weight should be attached to the representations that had been made by them, and that the representations made on behalf of the director public health should attract little weight because they were based on the same flawed representations.

The sub-committee reminded itself that it must promote the licensing objectives and have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the council's statement of licensing policy.

The sub-committee having considered all the evidence and have decided to take no action on this occasion save to add conditions concerning the dispersal policy of the premises.

The sub-committee noted that on 6 September 2017, the licensing sub-committee considered the representations from a number of interested parties and responsible authorities, and a number of the issues were ventilated on this occasion. In reaching its decision today, the sub-committee looked for new evidence that had not been previously considered or for any new evidence that had become available since the last hearing. The sub-committee was of the view that there was no new evidence since it made its decision on 6 September 2017 and noted that many of the issues raised by the interested parties and the responsible authority, in relation to this review hearing, had been dealt with by the addition of conditions added to the licence on 6 September 2017.

The sub-committee reminded itself that the issue of dispersal was raised at the hearing on 6 September 2017 and noted that the licence holder was unable to provide a copy of the dispersal policy today, and it would seem from the notes of the previous meeting, that one was not provided on the last occasion. In the circumstances, the sub-committee has concluded that it is therefore appropriate to amend the licence by adding conditions concerning the provision of a dispersal policy.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

### 3 **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 2 October 2017