



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 9 July 2024 at 10.00 am at Innovation Space, Ground Floor, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Maria Linforth-Hall
Councillor Charlie Smith

OTHER AUTHORITIES PRESENT: P.C. Ian Clements, Metropolitan Police Service

OFFICER SUPPORT: Charlotte Precious, legal officer
Jayne Tear, licensing officer
Wesley McArthur, licensing responsible authority officer
Andrew Weir, constitutional officer

1. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally, one at a time.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

5. **LICENSING ACT 2003: THE NAGS HEAD, 231-235 RYE LANE, LONDON SE15 4TP - REVIEW**

The licensing officer presented their report. Members had questions for the licensing officer.

The representative for the applicant addressed the sub-committee. Members had questions for the applicant's representative.

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing responsible authority officer.

The Metropolitan Police Service officer addressed the sub-committee. Members had questions for the police officer.

The representatives for the premises addressed the sub-committee. Members had questions for the representatives for the premises.

The sub-committee noted the written representations from the four other persons, supporting the review.

All parties were given up to five minutes for summing up.

The meeting adjourned at 10.30am for the sub-committee to consider its decision.

The meeting reconvened at 11.07am and the chair advised everyone of the decision.

RESOLVED:

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 the The Nags Head, 231-235 Rye Lane, London SE15 4TP 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.

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, the conditions agreed with the licensing responsible authority and the following additional conditions as agreed by the licensing sub-committee:

1. That air conditioning shall be installed inside of the premises.
2. That the premises shall provide a portable receptacle for the disposal of cigarette butts.
3. That a contact number for the premises will be made available and clearly displayed for residents in the event of any issues.
4. That after 20:00, and until the premises close on each day, staff shall periodically monitor outside the premises and take all necessary steps to ensure that noise from patrons or the premises' operation does not cause disturbance or public nuisance (including customers playing music via car radios). A log of such monitoring including the printed name of the person who undertook the monitoring, the date and time of the monitoring and any observations or actions taken subsequent to the monitoring shall be kept at the premises and be made immediately available to authorised officers on request.
5. That broken or waste glass / earthenware shall be cleared away as soon as possible on a continuous basis whilst the premises are in use to minimise risk of injury. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
6. That any litter / waste caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
7. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this Licence. Records pertaining to such training ('the staff training logs') shall be kept at the premises, shall be updated every six months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainees name (in block capitals), the trainer's name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hard copy then the signature of the trainee and the signature of the trainer shall be included.
8. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such

signage shall be kept free from obstructions at all times.

9. That a minimum of two SIA registered door supervisors shall be deployed every day from 20:00. The need for further SIA registered door supervisors at the premises shall be risk assessed on an ongoing basis. Risk assessments shall be undertaken regarding any 'special events' at the premises such as parties, receptions, wakes, discos, major sporting events or any events where a large number of customers are expected at the premises. Copies of any such risk assessments shall be kept at the premises and provided to responsible authority officers immediately on request.
10. When SIA registered door supervisors are deployed at the premises, the door supervisors shall be employed to control entry to the premises, to deal with the searching/ scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to de-escalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises, to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to. When deployed, they shall remain at the premises until all patrons have vacated the premises and until at least 30 minutes after the premises close. The door supervisors shall be easily identifiable.
11. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
 - a) Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
 - b) Details of public transport in the vicinity and how customers will be advised in respect of it.
 - c) Details of the management of taxis to and from the premises.
 - d) Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
 - e) Details of road safety in respect of customers leaving the premises.
 - f) Details of the management of ejections from the premises.
 - g) All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. The dispersal policy shall be made immediately available to responsible authority officers on request.
12. That staff at the premises shall be trained to interact with customers to request that customers behave at the premises in a quiet and orderly manner, and also leave the premises and locale in a quiet and orderly manner, prevent customers from congregating outside of the premises and to

ensure that customers do not block the roads or pavements in the immediate vicinity of the premises. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises and shall be made immediately available to responsible authority officers on request.

13. That any 'off sales' of alcohol (drinks purchased at the premises) shall be taken away /consumed away from the frontage of the premises) shall be provided in sealed containers.
14. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits requesting to the effect that customers do not consume alcoholic drinks bought at the premises beyond the frontage of the premises. Such signage shall be kept free from obstructions at all times.

Reasons

This was an application made by an other person for the premises licence issued in respect of the premises known as The Nags Head to be reviewed.

A representative for the applicant was in attendance. They reside next to the premises so were familiar with the issues being raised. They explained to the sub-committee that residents appreciated the work that had been put into the premises and that, in general, they wanted to support the improvement of local amenities. However, they wanted them to adhere to socially acceptable standards within the area.

The premises is situated within one of the densest areas in Peckham in terms of licenced premises and operates until 01:00. It has become the gathering point for patrons to go when other premises close at 23:00. When these patrons leave, they move towards the residents' properties and vomit and urinate. The applicant's representative conceded that this could also be from those travelling from other venues, but it has become a weekly occurrence since the premises management changed and families often find vomit and urine when taking children to school in the morning.

Whilst dispersal is an issue, there is also a problem with people standing outside making noise, drinking and smoking. There is a limit to what security are able to do, as displayed by the videos submitted prior to the hearing.

Since the premises was informed of the review application, they had made an effort to keep the surrounding area quiet. However, this was also the response when residents complained previously and the effort quickly withered away, they are therefore concerned this will happen again. They emphasised that they do not want the premises to close, they respected their right to operate, but wished for residents' right to a peaceful night to also be respected by the closing hour changing to 23:00 hours Sunday through to Thursday.

Licensing as a responsible authority stressed the need to find the balance between supporting local businesses and protecting the rights of residents. They had met with the designated premises supervisor (DPS) and considered him to be a sensible person, a list of conditions was agreed, and it was submitted that these would be proportionate. Further conditions regarding the cleaning of the premises were also suggested.

The management of patrons at the premises needed to be addressed, as well as dispersal. Patrons took drinks outside and consumed them on the pavement as well as the nearby traffic island. It was suggested that on busy days door staff needed to negate that and the imposition of conditions setting down what they must do would assist with this.

A representative for the Metropolitan Police Service noted that some of the issues of crime and disorder raised within their representations were not concerned with the premises. He supported the conditions agreed with licensing as a responsible authority and raised whether a reduction in hours during the week should be considered. He conceded that the premises is not one which gives them cause for concern in respect of crime and disorder.

The representative for the premises was keen to assure residents that the progress made since the review had been initiated would continue. They explained the operators of the premises were very experienced and that the premises was an integral community led local pub which has been there since the early 1800s.

They contended that the problems raised were not to do with the running of the pub, they centre around the noise outside of the premises. No drinking was permitted outside from 22:00, thereafter a maximum of 10 people were permitted outside to smoke. If a customer was found outside with a drink, they would be directed back inside by door staff. The area was continually monitored and door staff stayed half an hour after the premises had closed to ensure patrons had dispersed.

The premises used to have security staff on the weekend only, this was increased to two members of staff on Tuesdays through to Saturdays and one on Sundays and Mondays. The main focus of their jobs was to ensure no drinks were taken outside after 22:00, check IDs and to disperse patrons. There were no issues for them to assist with inside so all of their attention would be on people management and noise control. An additional third doorman was employed when the premises expected to be very busy.

Air conditioning was due to be installed imminently, meaning doors and windows could be kept closed during the warmer months and patrons would be more inclined to stay indoors. The outside of the premises was swept every evening, usually after 22:00 and again upon closing.

The premises previously had a pavement licence but this expired, there was a discrepancy, and it wasn't renewed. Southwark Council visited the premises and, when the expired licence was discovered, the tables and chairs were removed immediately. The premises had no plans to reapply for the pavement licence.

The designated premises supervisor explained that the videos submitted by one of the other persons showed a chaotic scenario; a gentleman got into an altercation with youths further down the road, they followed him and were throwing eggs. He went in the direction of the pub and some customers were hit by the eggs, as were door staff. None of the youths were customers and the doorman crossed the road to ask them to move away, it is not something that happens regularly.

The premises raised that there was a venue along Copeland Road which opened until 03:00 hours, this was in the direction of the residents' homes and some people travelled that way from other premises.

The sub-committee gave careful consideration to the representations made at the hearing, as well as those submitted by other persons in advance.

In respect of the videos, the sub-committee accepted the DPS' account of what happened. Since no issues were raised in respect of the inside of the premises, it was not proportionate or necessary to amend the hours permitted for licensable activities.

The applicant's representative conceded that the issues had been much better since the review was initiated, this demonstrated the measures the premises put in place were able to control the problems outside. The sub-committee was mindful of the residents' concerns that the problems may reoccur, they therefore considered further conditions needed to be imposed in order to codify and bolster the measures they have been using.

The employment of two SIA staff every evening from 20:00 hours would assist with ensuring the new conditions are complied with, abating any public nuisance which may occur. The sub-committee recommended the premises invite local residents to quarterly meetings to help build relations within the community and resolve any further issues that may arise. The displaying of a telephone number would assist residents in contacting the premises in the event of any immediate concerns.

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

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.

6. LICENSING ACT 2003: DELICIAS COLOMBIANAS, 720 - 722 OLD KENT ROAD, LONDON SE15 1NG

It was noted that this item had been conciliated prior to the meeting.

The meeting ended at 12.29pm.

CHAIR:

DATED: