



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 5 September 2024 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Jon Hartley
Councillor Margy Newens

**OTHER
AUTHORITIES
PRESENT:** P.C. Walter Minka Agyeman Metropolitan Police Service

**OFFICER
SUPPORT:** Debra Allday, legal officer
Andrew Heron, licensing 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.

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: FOX ON THE HILL, 149-153 DENMARK HILL, LONDON SE5 8EH**

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

The applicant for the review addressed the sub-committee. Members had questions for the applicant for the review.

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

Other person B, supporting the review, addressed the sub-committee. Members had questions for other person B.

There was a discussion about the path connecting Champion Hill and Denmark Hill and whether it could be closed.

The meeting adjourned at 11.36pm to allow for an officer from the highways team to come and advise on the status of the path.

The meeting reconvened at 11.47pm and the officer from the highways team addressed the sub-committee. They advised that it was not part of the highway and that public rights of way were difficult to define.

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

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

The meeting adjourned at 1.00pm for the sub-committee to consider its decision.

The meeting reconvened at 2.09pm and the chair advised attendees of the decision.

RESOLVED:

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 submitted by an other person for the review of the premises licence issued in respect of Fox on the Hill, 149-153 Denmark Hill, London SE5 8EH having had regard to all relevant representations has decided to modify the premises licence.

Conditions

1. That the management plan shall be incorporated into the premises licence as conditions namely:
 - i. That the front garden area shall close to customers no later than 22:00. All doors leading to the area will be closed except for emergency access/egress when the front garden closes.
 - ii. That the back garden area shall close to customers no later than 23:00 hours. All doors leading to the area will be closed except for emergency access/egress when the back garden closes.
 - iii. That the small car park adjacent to Denmark Hill shall be the designated smoking area after 22.00 each day.
 - iv. That customers will leave the premises via the exits closest to Denmark Hill after 22.00.
 - v. That staff will supervise the dispersal of customers from 22:00 hours until all customers have left the premises to ensure that noise from departing customers is kept to a minimum.
 - vi. That the front car park will be closed to vehicular access from 22:00 hours with only exit available after this time.
 - vii. That when the front garden is being used by customers an SIA registered door supervisor and/or a dedicated member of staff will be positioned outside in the area of the car park near Ruskin House to monitor noise levels and customer behaviour. The door supervisor or member of staff will be clearly identifiable and will be provided with a radio and bodycam and will monitor the external and car park areas as part of their overall customer management responsibilities.
 - viii. That customers creating excessive noise will be asked to keep the noise down. Customers that refuse to keep the noise premises will be asked to leave the premises. Customers who are found to create noise on two occasions, will be refused future access to the premises.
 - ix. That where identified, customers seen leaving the premises to use the gardens of Ruskin Park House will be asked not to do so. Customers identified as having done so, will be asked not to do so in the future. Those who persistently do so will be refused future access to the premises.

- x. That all new front of house employees (including door supervisors) will be trained on the need for effective management of the external areas and the need to monitor noise and customer behaviour on an-ongoing basis.
 - xi. That prominent signage shall be displayed reminding all customers of the need to keep noise to a minimum and be considerate of nearby residents.
 - xii. That prominent signage shall be displayed stating customers are not permitted to take drinks out of the designated external area for consumption elsewhere.
 - xiii. That subject to the necessary system being available, CCTV coverage will extend to the whole external customer area with a monitor visible from behind the bar of the premises.
 - xiv. That the premises will carry out regular checks of the perimeter of the premises and remove litter and glassware which has come from the premises, paying particular attention to any broken glass at or near the bus stop on Denmark Hill.
 - xv. That a designated WhatsApp enabled phone will be kept at the premises and monitored by the manager on duty to allow neighbours to raise issues directly. Local residents will be provided with the number of this phone and an e-mail address for the area manager of the premises.
 - xvi. That the premises manager will take all reasonable steps to resolve problems and concerns raised by residents in a timely fashion.
 - xvii. That there will be quarterly meetings organised by the premises management to address any issues regarding the operation of the premises to which local residents, the police and licensing authority will be invited.
 - xviii. That a log of any noise related disturbance arising from the external areas of the pub. Such records shall be kept for a minimum of 90 days and shall be made available for inspection by any responsible authority. This log will be maintained via the premises' Accident and Incident (A+I) recording system.
2. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused

footage.

3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.
4. That a member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a portable storage device, CCTV footage at the immediate request of responsible authority officers.
5. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
6. That if a Pubwatch scheme exists in respect of the local area, the licensee / management will join and participate in the Pubwatch scheme.
7. That a challenge 25 scheme shall be maintained requiring that staff selling or delivering alcohol request that any customer who looks under 25 years old, and who is attempting to purchase or take receipt of alcohol, provides valid photographic identification proving that they are at least 18 years old. Valid photographic identification is composed of a photo driving licence, passport, UK armed services photo ID card, any Proof of Age Standards Scheme (PASS) accredited card (such as the Proof of Age London (PAL) card) or any age verification card accredited by the Secretary of State.
8. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons (including the prevention of 'proxy sales') and the challenge 25 scheme in operation at 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 be made immediately available for inspection at the premises to council and/or police officers on request.
9. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
10. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be used to record details of all refused sales of alcohol. The register shall be kept / be accessible at the premises at all times. If the refusals register is a

paper document then it shall be clearly and legibly marked on the front cover as a register of refused alcohol sales, with the address of the premises and the name of the licence holder. The register shall be made immediately available for inspection at the premises to council or police officers on request.

11. 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.
12. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
13. 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 management of any 'winding down' period at the premises.
 - e. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
 - f. Details of any cloakroom facility at the premises and how it is managed.
 - g. Details of road safety in respect of customers leaving the premises.
 - h. Details of the management of ejections from the premises.
 - i. Details as to how any physical altercations at the premises are to be managed
 - j. 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).

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. If the dispersal policy is a

paper document then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to responsible authority officers on request.

14. That a minimum of four (4) SIA registered door supervisors will be employed at the premises at all times after 22:00 hours on Friday and Saturday. They will 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.
15. That on the website for the premises, patrons shall be encouraged to use public transport when travelling to and from the premises.
16. That the premises shall not use any single use plastics.

Reasons

This was an application made by an other person for the review of the premises licence in respect of Fox on the Hill, 149-153 Denmark Hill, London SE5 8EH.

The licensing sub-committee heard from the applicant for the review who stated that there were on-going issues with patrons leaving the premises and using the Ruskin Park House Estate grounds to smoke and drink alcohol. There was also an issue of patrons publicly urinating around the Estate grounds. Such incidents had occurred during the day and night.

The licensing sub-committee heard from an officer of the Metropolitan Police Service who advised over the previous 12 months the police had recorded four incidents, three of assault and one of criminal damage. The officer also advised that in 2022 there was a crime report of an attempted murder which occurred at the premises where the victim had been involved in a fight and was stabbed in the head with a knife. It was noted however, that in respect of the 2022 incident, the police did not consider it so serious to instigate a summary review of the licence.

The licensing sub-committee heard from Other Person B who supported the review application. They cited patrons causing noise and antisocial behaviour in Ruskin Park House Estate; patrons urinating and consuming drugs and drinking alcohol in the estate. They were of the view that there was a lack of security staff at the premises. They advised that easier contact with the premises management was required.

In view of the submissions made by the supporters of the review, the chair of the sub-committee requested that the Highways Licensing & Enforcement (HL&E) Manager should attend the hearing to assist on whether there was any reason why the access from Champion Hill could not be blocked off, which would discourage patrons from congregating in the Ruskin Park House Estate. Although the HL&E manager advised that there was no reason from the Highways Act 1980 perspective, both the Applicant and other person B informed the sub-committee that if access was completely blocked off, there would be inconvenience to local residents who would be unable to cut through the premises car park from Champion Hill to Denmark Hill, where there was public transport.

The licensing sub-committee noted the representations from seven other persons who were not in attendance who supported of the review.

The licensing sub-committee then heard from the representative for the premises who advised that the premises took its responsibility as a good neighbour very seriously. An “External Area Customer Management Plan” (the plan) had been distributed to all relevant parties of the actions that management of the premises would undertake in respect of its external areas and car parks to minimise any disturbance to local residents. The implementation of the plan would be the responsibility of management, but all staff would be trained on it. The plan would also be reviewed and updated regularly, taking into account the comments and feedback from local residents and businesses and responsible authorities. It was noted by the sub-committee that the plan consisted of voluntary measures and when asked, the representative for the premises advised that the premise would agree to have the same imposed as conditions.

The options available to this sub-committee were:

i. **Take no action**

The licensing sub-committee were of the view given the number of complaints made by residents of the number of breaches of licence conditions, it would be inappropriate to take no action.

ii. **Exclude a licensable activity**

The only activity that could be excluded from the licence would be the sale of alcohol. This would be tantamount to a revocation of the licence.

iii. **Remove the designated premises supervisor**

When the management structure of the premises was explained to the sub-committee, it was viewed that no in particular manager could be held to be at fault and the removal of the DPS would not achieve the objective, the promotion of the licensing objectives.

iv. **Suspend the licence**

It was the view of the sub-committee that the suspension of the premises licence would be a punitive measure only and this was not an appropriate course of action given all the circumstances.

v. **Revoke the licence**

The sub-committee took the view that the matters complained were serious, but it would be disproportionate to revoke the premises licence. The residents in the attendance also did not seek the permanent closure of the premises.

vi. **Modify the conditions of the licence by altering, omitting or adding any conditions**

After considering all of the circumstances, there was a unanimous decision among the members of the sub-committee that a modification of the premises licence would be an appropriate and proportionate response to the concerns of the local residents.

The licensing sub-committee were of the view that the measures also addressed the cause or causes of the concerns that the representations identify and are no more than an appropriate and proportionate response to address the causes of concern that instigated the review (paragraph 11.20 of the Home Office Revised Section 182 Guidance (December 2023)).

In reaching this decision the licensing sub-committee had regard to all the relevant considerations, its equality duties 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.

The meeting ended at 2.15pm.

CHAIR:

DATED: