

**NOTICE OF DECISION****LICENSING SUB-COMMITTEE – 2 DECEMBER 2014****LICENSING ACT 2003: FOX ON THE HILL, 149 DENMARK HILL, LONDON SE5 8EH**

1. That the application by [REDACTED] for Review of the Premises Licence issued under the Licensing Act 2003 in respect of Fox On The Hill, 149 Denmark Hill, London SE5 8EH is agreed as follows:

2. Conditions

1. That the front beer garden will be closed to customers at 22.00.
2. That the small car park adjacent to Denmark Hill shall be the designated smoking area after 22.00 each day.
3. That staff shall keep 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.
4. That staff will supervise the dispersal of customers from 23.00 until all customers have left the premises to ensure that noise from departing customers is kept to a minimum.
5. That vehicles shall not be permitted to enter the large car park at the front of the premises after 22.00. Any cars parked in this area prior to this time will, however, be permitted to exit the car park.
6. That signage reminding customers to leave quietly shall be prominently displayed within the premises.
7. That customers shall be encouraged to depart the premises via the exits closest to Denmark Hill after 22.00.
8. That local residents shall be provided with the email address and contact telephone numbers for both the Fox on the Hill and the area manager.

3. Reasons

The licensing sub-committee heard from the applicant for the review who advised that he submitted the application following intermittent public nuisance disturbance. He had noticed an increase of disturbance between March 2014 and September 2014. Since submitting the review application, a meeting had been held with senior management from the premises and a number of conditions were agreed. The conditions had been in place for a trial period since mid-October and appeared to address his concerns.

The licensing sub-committee noted that the Metropolitan Police Service had withdrawn their representation.

The licensing sub-committee heard from the representative from the premises who accepted that there had been issues relating to the control of dispersal from the premises. They advised that in line with their licence conditions, they had quarterly meetings with residents. At the meeting on 13 October 2014, the conditions listed above were proposed and agreed with the applicant for the review and other residents. In addition, further physical changes were being made to the premises to control any future risk of disturbance to the residents. They also advised that they had commissioned six feet tall signage asking customers to leave in a quiet and responsible manner. They advised that the conditions and the additional physical measures would address the applicant's concerns and prevent similar issues occurring in the future.

The licensing sub-committee noted the positive engagement between the applicant for the review and the premises. The sub-committee were satisfied that the conditions agreed in addition to the physical works proposed would address the previous concerns raised by the applicant for the review.

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 necessary and proportionate.

4. Appeal Rights.

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 2 December 2014