

Licensing Review Sub-Committee	Date & Time: Wednesday 28 September 2022 at 10:30am.
Hearing under Provision: Section 53C, Licensing Act 2003	Agenda Item Number: 4
Review of: Premises licence authorising on-sales of alcohol, regulated entertainment, and late night refreshment at Palm Beach, 121 Woolwich High Street, London SE18 6DS.	
Lead Officer: Director of Housing & Safer Communities.	Ward: Woolwich Arsenal formerly Woolwich Riverside.

I. Decision Required

The Sub-Committee is requested to consider an Application for Review of the premises licence in relation to Palm Beach, 121 Woolwich High Street, London SE18 6DS, made by PC Darryl Crossman for and on behalf of the Metropolitan Police as a Responsible Authority, as set out at **Appendix A**, in line with the Prevention of Crime & Disorder, Prevention of Public Nuisance, and Public Safety licensing objectives.

The Licensing Act 2003 (Hearings) Regulations 2005 require the Council to make its determination at the conclusion of the hearing. The Sub-Committee must give reasons for its decision.

Pursuant to Section 53C of the Licensing Act 2003, it is open to the Sub-Committee to:

- Revoke the premises licence;
- Modify the conditions of the premises licence;
- Exclude a licensable activity from the scope of the premises licence;
- Remove the existing Designated Premises Supervisor (DPS);
- Suspend the premises licence for a period not exceeding three months.

Where the Licensing Sub-Committee modifies the conditions of the premises licence or excludes a licensable activity from the scope of the premises licence, they may provide that the modification or exclusion is to have effect only for such period (not exceeding three months) that it may specify.

The Licensing Act 2003 states that the licensing authority can only consider representations if they are relevant to one of the Government's four licensing objectives:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm.

The Sub-Committee may only consider matters that have been raised with them based on the grounds for review *and* by way of representation. The Sub-Committee may not consider any other matters when making their decision.

The representation in this case have been made in line with the Prevention of Public Nuisance licensing objective.

1.1 Summary / Grounds of Application

The review seeks removal of the current Designated Premises Supervisor and the addition of 25 conditions to Annex 2 of the premises licence, details of which are contained within *Appendix A* – although the Police are aware that other options are open to the Sub-Committee.

The grounds for review are more fully described within the body of the review application, but are driven by an incident during the early morning of 18 May 2022 involving the physical and sexual assault of two females, and the premises remaining open almost five hours after it should have closed. There are also statutory noise nuisance issues.

The proposed conditions are replicated below, inclusive of four existing ones from Annex 2 of the current premises licence (as indicated):

- 1.* The premises must be *bona fide* [genuinely] used for the purpose of habitually providing the customary main meal at midday or in the

evening, or both, for the accommodation of persons frequenting the premises. (*Existing Annex 2, Condition 2.*)

2. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal. (*Existing Annex 2, Condition 3.*)

3. Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with, or otherwise as an ancillary to, meals served in the licensed premises. (*Existing Annex 2, Condition 4.*)

CCTV

4. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry & exit points and the street environment, shall be covered enabling facial identification of every person entering in any light condition. "Street environment" includes the front of the premises in, and the immediate area of, Woolwich High Street; and the rear of the premises in Mortgramit Square, with coverage there to include the premises' back door and the hardstanding immediately beyond. The CCTV cameras shall continually record and recordings shall be kept available for a minimum of thirty-one (31) days with date & time-stamping.

5. CCTV recordings shall be made available within forty-eight (48) hours upon receipt of a request by the Police and authorised officers of the licensing authority (as defined by Section 13 of the Licensing Act 2003), and footage provided in an easily downloadable format. A member of staff shall always be present on the premises whilst it is open who is capable of operating the CCTV system and able to facilitate viewing of CCTV footage upon the request of the Police and authorised officers of the licensing authority (as defined).

6. The premises licence holder (or a representative thereof) shall perform regular maintenance of the CCTV as instructed by the manufacturers' guidelines and recommended timeframe as a minimum. All cameras shall be kept clean and clear of obstructions and signage, including seasonal displays.

7. The premises shall perform a test of the CCTV every fourteen (14) days. This shall include, but not be limited to, confirmation of playback

of 31-day-old footage. This shall be recorded in a log with the time & date of the test and name of the staff member completing.

8. In the event of failure or faults with the CCTV which compromise its ability to record clear usable images, real-time playback, or provide footage in an easily downloadable format, licensable activity shall cease and the premises licence holder (or a representative thereof) shall inform Greenwich Police Licensing and the Royal Greenwich licensing authority with reasonable expedition, and seek guidance as to whether licensable activity may continue.

Incident Log

9. An incident log shall be kept at the premises and made available on request to the Police or authorised officers of the local authority (as defined by Section 13, Licensing Act 2003). The log shall record the following:

- a) All crimes reported to the venue.
- b) All ejections of customers.
- c) Any incidents of disorder (disturbance caused either by one person or a group of people).
- d) Any faults in the CCTV system, or searching equipment, or scanning equipment. An entry shall be made every fourteen (14) days as a minimum, confirming a successful test of the CCTV system, with details of the staff member also recorded. *Refer also proposed Condition 7.*

Additionally, the incident log shall include a section specifically to record:

- e) Any refusal of the sale of alcohol during the hours the premises is licensed to sell it, including, but not limited to, refusals of unauthorised deliveries of alcohol to the premises and refusals of underage sales. All entries shall record, as a minimum, the date & time of the refusal, details of the product, and the employee who refused the sale.

Challenge 25

10. All staff engaged in the sale of alcohol shall receive suitable training (including refresher training every six (6) months) in relation to the proof of age “Challenge 25” scheme to be applied on the premises. The following forms of identification are acceptable: photo driving

licence; passport; Proof of Age Standards Scheme (PASS) card; military ID; and any other locally or nationally approved form of identification.

11. “It’s A Crime!” notices (or similar) shall be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol, or for it to be purchased on their behalf by a person over 18.

12. Notices shall be displayed inside the premises stating that a “Challenge 25” policy is in force.

Staff Training

13. Staff shall be trained in the requirements of the Licensing Act 2003 in relation to the licensing objectives, and the laws relating to underage sales, and the sale of alcohol to intoxicated persons. This training shall be documented and repeated at six (6)-monthly intervals. This shall be documented, and signed & dated by the Designated Premises Supervisor and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by Police and authorised officers of the licensing authority (as defined by Section 13, Licensing Act 2003) upon request.

14. All staff shall also receive recognised customer welfare & vulnerability training from an appropriately qualified trainer, details of which must be documented (e.g. ‘WAVE’, ‘Ask Angela’, or similar). Furthermore, the premises licence holder (or a representative thereof if held in a company name) shall sign-up to the Royal Borough of Greenwich Women’s Charter, or its equivalent, and display certification of this prominently at the premises.

Additional Management Control Conditions:

15. The supply of alcohol shall be by waiter/waitress only.

16. There shall be no off-sales of alcohol.

17. There shall be no sale or supply of beer, lager or cider with an ABV of **6.5% or above**, except for ‘Premium’ brands agreed in writing with Royal Greenwich Licensing Authority and Greenwich Police Licensing.

18. No customers carrying either open or sealed bottles of alcohol shall be allowed to enter the premises at any time that the premises are open to the public.

- 19.** Spirits shall not be sold by the bottle.
- 20.** There shall be a maximum of fifty (50) customers* at any one time in the restaurant.
- [*Police have indicated that they would be willing to increase this proposed capacity figure if the licensees demonstrate a rationale as to why it should be raised.]*
- 21.** The Designated Premises Supervisor (or another personal licence holder duly appointed by the DPS) shall be on duty during all times the premises is open for licensable activity.
- 22.** The area immediately outside the premises shall be maintained in a clean and tidy manner at all times it is open for licensable activity. Suitable receptacles for litter and refuse shall be provided.
- 23.** Noise from the premises shall be inaudible one (1) metre from the façade of the nearest noise-sensitive premises.
- 24.** No customers or other members of the general public shall enter or exit the premises via the rear door in Mortgramit Square, nor gather there (except in the event of a fire or similar genuine emergency).
- 25.** Notices shall be displayed requesting patrons to leave quietly and have respect for local residents and businesses, or when using any designated smoking area.
- 26.** All drinks shall be left inside the premises when customers leave to go outside to smoke.
- 27.** The basement shall be clear of customers by 23:45 daily.
- 28.** The remainder of the premises shall be clear of customers by midnight daily, when the premises shall then close and the front shutter lowered and locked.
- 29.** No statutory regulations for music and dancing shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts [or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service] or of public

entertainment by way of the reproduction of recorded sound. (*Existing Annex 2, Condition 1.*)

1.2 Date of Application

The Council received the Application on 8 August 2022.

The last date for Representations was 5 September 2022.

1.3 Notice/Advertising Requirements

The review application has been correctly advertised as required by Regulations by displaying notice of the application at Palm Beach for 28 days, and on the highway in the immediate vicinity of the premises (namely on a sign-post directly adjacent). These notices have been regularly checked upon to ensure continued display without damage, defacement or removal. Notice of the application has also been posted at Woolwich Town Hall, facing the Royal Greenwich Council offices in Wellington Street, London SE18 6HQ, for 28 days, and advertised on the Royal Greenwich website.

2. Current Licence

Licensable Activity	Days & Hours Permitted	Date of Original Grant
Sale & Supply of Alcohol for consumption On the premises; Playing of Recorded Music; Provision of Late Night Refreshment; *Performance of Dance; *Performance of Live Music; **Provision of Facilities for Music & Dance.	Monday to Saturday, 11:00 hours until 00:00 midnight; Sunday, Good Friday and Christmas Day, 12:00 noon until 23:30 hours; New Year's Night, from the end of permitted on 31 st December to the start of permitted hours on 1 st January.	7 December 2005 (<i>converted from Licensing Act 1964 Justices' Licence</i>).

*Private entertainment only – not when open to the public.		
**Pursuant to the Live Music Act 2012, this is no longer deemed a licensable activity.		

A copy of the current premises licence is attached at **Appendix B**.

3. The Premises

3.1 History and Nature

The premises have historically operated as a restaurant, comprising a ground floor, basement, and a rear kitchen. Throughout, the holders have been Mr Yomi Anyiam and his wife, Bomi; Mr Anyiam has also held the role of Designated Premises Supervisor.

During 2020 / 2021, when Covid-19 pandemic restrictions were in place for licensed premises, Palm Beach was amongst many venues regularly visited by licensing and police officers to ensure compliance. Unsatisfactory visits were recorded on two occasions, 11 July 2020 and 1st August 2020, details of which are attached at **Appendix C**. *Please note that the gentlemen referred to in the 11th July report mis-identified himself to officers as Mr Yomi Anyiam. It is now believed that the man was 'Jude', as referred to in Part 3.3 of this report.*

Appendix C also includes a further unsatisfactory visit report dated 9 July 2022, when the premises was found open, with people present, beyond its midnight closing time.

3.1.2 History of Noise Complaints

There were two complaints made during May & June 2022 (one of which was a witnessed statutory nuisance pursuant to the Environmental Protection Act 1990), as more fully detailed within the Environmental Health representation supporting the review at *Appendix E*.

The review application also refers to three noise complaints made direct to the police on 3 June 2022 (a typographical error on page

three of the review document inadvertently states the date as 3 July 2022. The date of 2 July 2022 in the review paragraph immediately preceding, referring to a noise complaint made to Greenwich Council, is similarly erroneous.)

3.2 Location

The premises are located on Woolwich High Road, opposite the Waterfront Leisure Centre and a short distance along from Hare Street. Mortgramit Square, which leads into Powis Street, is located at the rear.

The premises are within the Woolwich town centre Cumulative Impact Zone (CIZ) as prescribed by the current Royal Borough of Greenwich Licensing Policy. *However, for purposes of review proceedings, consideration of a CIZ is not applicable in any event. Section 5, Part 10.1, of this report refers.*

A map of the area is attached at **Appendix D**.

3.3 On 30 May 2022, Mr & Mrs Anyiam met with representatives of RBG Licensing and Greenwich Police Licensing. The incident of 18th May at the premises was put to them and they referred to a man named Jude that they had put in charge to manage the premises in their absence. Jude was described as Mrs Anyiam's godson. They stated arrangements would be made to remove him from his management role.

3.4 Mr & Mrs Anyiam were then presented with details of the conditions included within *Appendix A*, and listed at Part 1.1, of this report. They were invited to consider them and make a formal application to add them into Annex 2 of their current licence. However, despite some conciliation, agreement was not forthcoming as several of the proposals were argued against, and no such application was made. Their response, received on 12 July 2022, is attached at **Appendix E**.

3.5 Premises in the vicinity licensed for On-Sales of Alcohol:

There are seven premises within the vicinity that are licensed for on-sales, as follows:

- **Waterfront Leisure Centre, Woolwich High Street (opposite Palm Beach):** 11:00 hours until 23:00 Monday to Saturday, 12:00

- noon to 22:30 hours Sunday. Operates as a leisure & sports centre with a function room / bar; not licensed for off-sales.
- **Enugu Spot, 120 Woolwich High Street (next door):** 10:00 hours until 23:00 daily. Operates as a restaurant; not licensed for off-sales.
 - **Helen's Kitchen (aka Amma's Fayre), 123 Woolwich High Street:** 12:00 noon until 00:00 midnight Sunday to Thursday; 12:00 noon to 04:00 the following day Friday & Saturday. Operates as a restaurant with music & dance; also licensed for off-sales.
 - **First Choice, 59-61 Hare Street:** 11:00 hours until 23:00 hours Monday to Saturday, 12:00 noon to 22:30 hours Sunday. Operates as a café/restaurant; not licensed for off-sales.
 - **Rose's Free House (aka The Prince Albert), 49 Hare Street (rear of Palm Beach):** 09:00 hours until 00:00 midnight Monday to Thursday; 09:00 hours until 02:00 the following day Friday & Saturday; 09:00 hours until 23:30 Sunday. Operates as a public house with music & dance; also licensed for off-sales.
 - **Star, 39-43 Hare Street:** 08:00 hours until 23:00 hours Monday to Saturday; 09:00 hours until hours Sunday. Operates as a restaurant / function rooms with music & dance; not licensed for off-sales.
 - **Hustlers Snooker Club, 2-10 Hare Street:** 10:00 hours until 01:00 the following day Sunday to Thursday; 10:00 hours until 03:00 the following day Friday & Saturday. Operates as a snooker and sports bar with music and films; not licensed for off-sales.

3.6 There are three **off-licensed** premises in the vicinity, as follows:

- **Woolwich Supermarket (Forecourt Shop), 125-129 Woolwich High Street:** 07:00 hours until 23:00 daily; otherwise open 24 hours for non-licensable activity.
- **ADC Mini-Market, 58 Hare Street:** 06:00 hours until 23:00 daily.
- **Vida & Sons, 46 Hare Street:** 10:00 hours until 22:00 daily.

3.7 There is one premises in the vicinity licensed solely for Late Night Refreshment from 23:00 hours, as follows:

- **Pizza Chicken Hot 4 U, 54 Hare Street:** Until 02:00 the following day, daily.

4. Summary of Representations

Name of Person Making Representation & Relevant Authority/Other Person	Relevant Licensing Objective(s)	Appendix Reference
Lisa Lacey, Community Protection Team, Environmental Health <i>(includes Exhibits LL/1 & LL/2.)</i>	Supports review in line with Prevention of Public Nuisance licensing objective.	Appendix F

Of the remaining Responsible Authorities, Home Office Immigration formally indicated that they had no representations to make.

On 8 August 2022, Mr & Mrs Onyiam formally responded to PC Crossman following receipt of the review application. A copy of that response, together with PC Crossman's reply, is attached at **Appendix G**.

At the time of writing this report, there has been no formal response to the representation lodged by Mrs Lacey.

5. Relevant Provisions of Royal Borough of Greenwich Licensing Policy

Section & Paragraph	Provision
1.6	"In order to avoid any duplication or inefficiency between the licensing and planning processes, the Royal Borough will expect that prior to the submission of a licensing application the appropriate planning permission will have been granted in respect of the premises concerned. The Royal Borough will only grant licences for premises without planning consent in exceptional circumstances."

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3.1	“The Royal Borough of Greenwich maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Any conditions attached to licences will be focused on matters that are within the control of individual licensees and must be appropriate for the promotion of the licensing objectives.”
3.2	“These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the near vicinity of the premises. In this regard, the Royal Borough of Greenwich will primarily focus on the impact, or reasonably anticipated impact, of any activities taking place at the licensed premises on those living, working or engaged in normal activity in the area concerned.”
3.3	“Where the Royal Borough of Greenwich’s discretion is engaged as a result of relevant representations, tailored and proportionate conditions may be imposed on a licence to address the individual licensing objectives.”
3.5	“In order to avoid duplication with other statutory regimes as far as possible, the Royal Borough of Greenwich will not attach conditions on a licence unless they are considered necessary for the promotion of the licensing objectives.”
3.6	“The Royal Borough recognises that well-run premises can make a valuable, positive contribution to the local community though the local economy, tourism and cultural development. However, if they are not properly managed and controlled, licensed premises ... can become a serious source of crime and disorder or anti-social behaviour problems.”
3.8	“The Royal Borough will expect applicants to address in their operating schedule how the operation of the premises will satisfactorily address crime and disorder issues ranging from the design of the premises through to the daily operation of the business whilst promoting the prevention of crime and disorder.”
3.12	“The Royal Borough will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on the

	relevant premises in order to reduce the risk of anti-social behaviour occurring elsewhere after customers have left the premises.”
3.12.1	“The Police and local Community Safety Partnership are the main source of advice on crime and disorder.”
3.13	“Conditions may, for example, include items relating to management systems, training, drugs policies, search procedures, entry policies, physical security, door supervisors, bottle bans, drinks containers, smoking area capacity limits, CCTV, restricting drinking areas, premises capacity limits, age verification systems such as ‘Challenge 25’, crime prevention notices, and signage.”
3.17	“Premises licenses will undergo review, where the premises in question is suspected to or proven to be the source of crime and disorder. Conditions which should be considered, to ensure prevention of crime and disorder, have been listed in Appendix A [of the Royal Greenwich Statement of Licensing Policy].”
4.21	“The Royal Borough expects premises licence holders to implement measures which ensure the safety of all those using their premises. Physical safety measures may include, but are not necessarily limited to, the prevention of accidents and injuries and other immediate types of harm, such as loss of consciousness or alcohol poisoning.”
4.24	“The Royal Borough expects applicants in their operating schedules for premises licences and club premises certificates to consider measures ensuring the safety of the public, not only when they are present within the premises, but also their safety within the environs of the premises on arrival and departure. To promote the public safety licensing objective, these measures will be converted into enforceable conditions.”
4.25	“The Royal Borough recognises that the measures for each individual premises will depend on a range of factors including the nature and style of the venue, the type of activities being conducted, the location of the premises, the anticipated clientele, and the competency of management.
4.26	“The Royal Borough recognises that conditions relating to public safety need to be relevant and proportionate to the

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	<p>circumstances of any individual premises or club premises. The conditions should not duplicate any other legal requirements. The attachment of conditions to the premises licences or club premises certificates will not in any way relieve the employers of their statutory duties to comply with the requirements of other legislation to undertake risk assessments.”</p>
4.29	<p>“The Royal Borough will require any applicant to demonstrate within their operating schedule how they intend to prevent public nuisance arising and, equally, to prevent nuisance to ensure that the prevention of public nuisance licensing objective in particular, and the licensing objectives in general, are met. Public nuisance includes noise caused by customers arriving at and/or leaving a premises, noise created whilst they are within a premises, general anti-social behaviour, and issues such as smoke, odour, litter, light, fly-posting, and obstruction of the highway. These examples are not exhaustive and applicants should demonstrate within their application how all potential public nuisance issues relevant to their premises will be mitigated. Conditions which should be considered, to ensure the prevention of public nuisance, are listed in Appendix C [of the Royal Greenwich Statement of Licensing Policy].</p>
4.30	<p>“Noise nuisance can arise from a range of sources such as entertainment noise escaping from premises, loud voices from customers standing outside, the disposal of waste in refuse or recycling bins, car doors slamming, taxi horns sounding as patrons are picked up, and the general noise of people arriving and leaving. This is particularly intrusive at night when background noise levels are lower and residents are trying to sleep, and so it is important that applicants can demonstrate how they will effectively manage the exit and dispersal of their customers. Consideration should be given to the following:</p> <ul style="list-style-type: none"> • Installing acoustic lobbies to all entrances/exits; • Installing speakers on acoustic mounts; • The use of appropriate noise limiters on amplification equipment used at the premises, to ensure that noise or vibration does not emanate from the premises so as to

	<p>cause a nuisance to nearby residential properties;</p> <ul style="list-style-type: none"> • Keeping all doors (except for access/egress) and windows at the premises closed whilst entertainment is taking place; • Prominently displaying clear and legible notices at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly; • That the placing of refuse and recycling into receptacles outside the premises should only take place between 08:00 hours and 23:00 hours to minimise the disturbance to nearby residential properties; • Limiting the number of customers smoking outside the premises at any one time.”
4.31	<p>“Procedures must be put in place to manage the behaviour of customers insofar as preventing it from becoming a public nuisance. These measures may include management of patrons when they arrive and leave the premises; the placing of signage reminding patrons to arrive and leave quietly, and to have respect for local residents; arranging a dedicated taxi service to assist the quick dispersal of customers away from the premises; and when drinking outside is permitted (such as in a beer garden or on a forecourt), the implementation of workable procedures to reduce/remove the potential of disturbance to neighbours. Again, these examples are not exhaustive.”</p>
4.34	<p>“The trading hours during which licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate, are set for the prevention of public nuisance. Where premises are in a predominately residential area, the potential for public nuisance is greater. Restrictions may be necessary on the times when certain licensable activities take place, even though the premises may be open to the public at such times. For example, the playing of recorded music after 23:00 hours might be prohibited, even though other licensable activities are permitted to continue. Applicants should consider factoring a suitable “drinking up” time for alcohol and “winding down” time for regulated entertainment into their operating hours. Where an external area is permitted to have licensed activity, for</p>

	example a beer garden or open forecourt, it may be appropriate to cease that activity earlier than the terminal hour for the rest of the premises.
4.36	<p>“The Royal Borough expects applicants to outline in the operation schedule of their application for a licence, measures so as to avoid disturbance to noise-sensitive premises from vehicles arriving, departing and parking for an event as follows:</p> <ul style="list-style-type: none"> • Guidance to patrons on routes to take as they depart, to cause least disturbance to noise-sensitive premises; • Guidance to patrons via websites to travel by public transport; • Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises; • Arrangements for the calling of taxis, minicabs, cars or limousines from within the premises, and for the collection of patrons by arrangement; • Arrangements with dedicated taxi, minicab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance; • Arrangements for staff and patron parking.”
4.37	<p>“Licence holders are expected to adhere to the prevention of public nuisance through their licensable activities and demonstrate ways in which public nuisances, which result from the premises or its users, will be mitigated against. Conditions which should be considered, to ensure the prevention of public nuisance have been listed in Appendix C [of the Royal Greenwich Statement of Licensing Policy].”</p>
8.1	<p>“Every application considered by the licensing authority...will be considered on its own merits and due regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act 2003 itself, and any supporting Regulations.”</p>
10.1	<p>The ‘cumulative impact’ on the licensing objectives of a concentration or clustering of multiple licensed premises may rise to a relevant representation when an application for the grant or variation of a premises licence is being</p>

	considered, <i>but not in relation to an application for review</i> which must relate to an individual premises.
13.1	“The Royal Borough of Greenwich recognises that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, other persons and responsible authorities in pursuit of common aims. The Royal Borough of Greenwich will endeavour to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. The Royal Borough of Greenwich, where time allows, will be prepared to facilitate mediation between licensee and those who may be intending to review the licence.”
13.3	“Where a review of a premises licence is sought, this must relate specifically to a particular premises licence relating to an individual premises.”
17.2	“The Royal Borough fully recognises the role businesses play in supporting our social life and the local economy. The Royal Borough and the Police share the aim of helping responsible businesses and their customers to take advantage of the new flexibilities, and taking appropriate enforcement action against those who abuse them. The Royal Borough will work with the Police to ensure that effective action is taken to deal with unlicensed activity, breaches of licence conditions, or crime and disorder associated with licensed premises. It should be noted that investigations will be undertaken through a range of means including overt and covert operations. It should be noted; in particular, that the Royal Borough’s Trading Standards Officers or officers from the Police will carry out test purchases of alcohol using young volunteers. Follow-up visits to licensed premises will include inspection for the presence of duty-evaded or counterfeit products.”
17.3	“An ongoing risk-based enforcement programme is in place to ensure we respond to complaints of non-compliance with licence conditions and we concentrate on areas where licensed premises are perceived to be contributing to anti-social behaviour. A sample of premises may also be inspected from time to time to ensure that the premises are operating in accordance with relevant

	licensing requirements.”
17.5	“For those who do act irresponsibly, serve alcohol to minors or those who are already clearly drunk, our aim is to take firm action against them.”

6. Relevant Provisions of Government Guidance under Section 182 of the Licensing Act 2003

Section	Provision
1.19	<p>“While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:</p> <ul style="list-style-type: none"> • The Environmental Protection Act 1990; • The Noise Act 1996.”
2.1	“Licensing authorities should look to the Police as the main source of advice on crime and disorder. They should also seek to involve the Community Safety Partnership (CSP).”
2.3	“Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.”
2.5	Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and

	<p>appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.</p>
2.7	<p>“Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. [This] includes ... immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above.”</p>
2.8	<p>“A number of matters should be considered in relation to public safety. These may include:</p> <ul style="list-style-type: none"> • Fire safety; • Ensuring appropriate access for emergency services such as ambulances; • Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts; • Ensuring the presence of trained first aiders on the premises and appropriate first aid kits; • Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation); • Ensuring appropriate and frequent waste disposal, particularly of glass bottles; • Ensuring appropriate limits on the maximum capacity of the premises; and, <p>Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).”</p>
2.10	<p>“Licence holders should make provision to ensure that premises users safely leave their premises. Measures that</p>

	<p>may assist include:</p> <ul style="list-style-type: none"> • Providing information on the premises of local taxi companies who can provide safe transportation home; <p>and</p> <ul style="list-style-type: none"> • Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.”
2.15	<p>“The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises, which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”</p>
2.16	<p>“Public nuisance is given a statutory meaning in many pieces of legislation. It is, however, not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity, and environment, of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects, or where its effect is prejudicial to health.”</p>
2.17	<p>“Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However,</p>

	<p>conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.”</p>
2.18	<p>“As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.”</p>
2.19	<p>“Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11:00pm and 8:00am [whereas other hours can be deregulated]. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.”</p>
2.21	<p>“Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant</p>

	<p>representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.”</p>
9.15	<p>“It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising Environmental Health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.”</p>
9.37	<p>“As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or ‘other person’ may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.”</p>
9.38	<p>“In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:</p> <ul style="list-style-type: none"> • The steps that are necessary to promote the licensing objectives; • The representations (including supporting information) presented by all the parties; • This Guidance; • Its own statement of licensing policy.”
9.39	<p>“The licensing authority should give its decision within five working days of the conclusion of the hearing (or</p>

	immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal.”
11.1	“The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.”
11.2	“At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
11.7	“In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.”
11.10	“Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address

	those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.”
11.17	“The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.”
11.18	“However, where responsible authorities such as the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.”
11.20	“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”
11.21	“Licensing authorities should be alive to the possibility that the removal and replacement of the Designated Premises Supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.”
11.22	“Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the Designated Premises Supervisor maybe an inadequate response to the problems presented. Indeed,

	<p>where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of Designated Premises Supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.”</p>
11.23	<p>“Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.</p>
11.26	<p>There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:</p> <ul style="list-style-type: none"> • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; • for the sale and distribution of illegal firearms; • for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; • for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people; • for prostitution or the sale of unlawful pornography; • by organised groups of paedophiles to groom children; • as the base for the organisation of criminal activity, particularly by gangs;

	<ul style="list-style-type: none"> • for the organisation of racist activity or the promotion of racist attacks; • for employing a person who is disqualified from that work by reason of their immigration status in the UK; • for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol.
11.27	<p>It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement), and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.</p>

7. Further Considerations

7.1 Duration of the Licence

A premises licence lasts for the lifetime of the business unless it lapses due to the death or insolvency of the licence holder, is surrendered by the Applicant, or suspended or revoked by the Licensing Authority.

7.2 Review

The Review mechanism may be implemented by a relevant authority or any other person where a matter arises at the licensed premises which they consider to be contravening the licensing objectives.

7.3 Human Rights Act

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

The Human Rights Act provides that: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any

way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, or to secure the payment of taxes or other contributions or penalties.” The term “possession” includes a Licence as well as a home and the things it contains.

The Act further provides:

“1. It is unlawful for a public authority to act in a way which is incompatible with a Convention right.

2. Subsection (1) does not apply to an act if:

2.1 As the result of one or more provisions of primary legislation, the authority could not have acted differently; or,

2.2 In the case of one or more provisions of, or made under, primary legislation, which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.”

However, it is recognised that the Council’s Statement of Principles and Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Therefore, subject to both the Statement of Principles and Statutory Guidance having been properly and carefully considered, licensing authorities may depart from them if they have a justifiable reason to do so. If doing so, licensing authorities will need to give full reasons for their actions.

8. Written Decision & Reasons

A written decision notice with reasons will be provided within five working days of the date of the hearing.

Para 13.10 of the Guidance states: “It is important that a licensing authority should give comprehensive reasons for its decision in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that the reasons should also address the extent to which the decision has been

made with regard to the Licensing Authority’s Statement of Policy and this Guidance. Reasons should be promulgated to all parties of any process which might give rise to an appeal under the terms of the 2003 Act.”

9. **Appeal Rights**

The Applicant and any person who has made a relevant representation may appeal the decision of the Licensing Sub-Committee by written notification to the Magistrates’ Court within 21 days of receipt of the decision notice and reasons.

10. **Appendices**

Appendix A	Review application and proposed conditions.
Appendix B	Current premises licence.
Appendix C	Visit reports, July & August 2020 and July ’22.
Appendix D	Map of local area.
Appendix E	Holders’ response to proposed conditions, 12 July 2022.
Appendix F	Environmental Health representation & exhibits.
Appendix G	Licence holders’ response to review / Police reply, 8 August 2022.

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