

Item No. 5.	Classification: Open	Date: 6 March 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by an other person under Section 51 of the Licensing Act 2003 for a review of the premises licence held by Michael Smith and Saija Marjaana Kamarainen in respect of the premises known as The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The application is supported in representations submitted by four responsible authorities. Copies of the representations are attached in Appendix B. Details of the representations are provided in paragraphs 15 to 21 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
 - Regulated entertainment and the sale of alcohol to be consumed on the premises:

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day
Friday and Saturday	between 09:00 and 06:00 the following day

 - Late night refreshment:

Thursday	between 23:00 and 02:30 the following day
Friday and Saturday	between 23:00 and 05:00 the following day

 - Opening hours:

Sunday to Wednesday	between 09:00 and 23:00
Thursday	between 09:00 and 02:30 the following day

Friday and Saturday between 09:00 & 06:00 the following day.

10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

Designated premises supervisor (DPS)

11. The current designated premises supervisor (DPS) named on the licence is Saija Marjaana Kamarainen.

The review application

12. On 17 October 2016, an application was made on by an 'other person' under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN.
13. The review application was submitted in respect of the prevention of public nuisance licensing objective on the grounds that:
 - The premises give rise to public nuisance. The nuisance is due to the constant noise pollution caused by drunken very noisy customers.
 - This nuisance is elevated by the fact that this night club has a licence until 6am in the morning, both Saturday and Sunday mornings and also on bank holiday Monday mornings.
 - The applicant states that the nuisance impinges the applicant's, and the applicant's family's human rights, in particular the "right not to have one's home life interfered with and the right to respect for one's established family life."
 - The ongoing noise pollution from this building going on till 6am in the morning is excessive.
 - The applicant wants the opening times of the premises reviewed.
 - The applicant states that the applicant cannot open windows or patios doors at their residence in summer months and that the noise from music and customers screaming and shouting in a narrow pathway right next door to the applicant's bedroom goes on 'till 6-7am.
 - The premises are situated right next door to a built up housing complex. The applicant feels that the premises opening hours are excessive.
 - Calls to the council's Noise and Nuisance Team have not addressed the problem.
14. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

15. This council's planning department, public health directorate, environmental protection team and licensing responsible authority have submitted representations in respect of the review.
16. The planning department's representation refers to planning permission granted in respect of the premises and that there have been no complaints since 2009 when the first planning application was approved. The officer also advises that whilst the acceptability of an entertainment use at this location has been established, to operate as intended and not cause harm to amenity the conditions placed on the planning permission need to be discharged. The planning department will open a case in respect of the failure to discharge planning conditions. It is requested that the operator be required to demonstrate the adequacy of or a scheme of improvement of sound insulation and ventilation.
17. The public health directorate representation expresses concern over the events alleged to have taken place and concern that a local resident claims to have been extensively disturbed by the premises. The public health directorate supports the application to review the premises licence issued in respect of the premises.
18. The environmental protection team's representation supports the review application in respect of the prevention of public nuisance licensing objective. The representation notes that the premises are in the Peckham cumulative impact policy (CIP) area and also refers to the closing times suggested in this council's statement of licensing policy for nightclubs in the area that the premises are located in. The representation refers to a warning letter sent to the premises' licensees in respect of allegations of noise nuisance attributed as emanating from the premises, an instance of statutory nuisance being witnessed at the premises and a warning letter sent to the premises' licensees in regards to the statutory nuisance witnessed. The representation notes that the premises do not have planning permission to operate as a nightclub. The representation refers to various complaints submitted by the review applicant in respect of the premises. The environmental protection team recommend that the hours of operation permitted in respect of the premises are reduced to those suggested in the statement of licensing policy for public houses (as the premises is without sui generis planning permission) in the area, that the hours permitted for regulated entertainment be reduced and that regulated entertainment is not permitted after 22:00 unless various planning conditions have been discharged.
19. The licensing responsible authority's representation has been submitted in respect of the prevention of public nuisance licensing objective. The representation states that there have been several complaints to the licensing unit regarding noise and anti-social behaviour from the patrons of the premises. In spite of the management of the premises being given advice and warnings from council officers, they have not rectified these issues and do not appear to have any control of their patrons in the outside courtyard of the premises." The representation also notes that the premises are in the Peckham Cumulative Impact Policy (CIP) area and states that "...the licensing sub committee may want to consider bringing the hours of operation in line with that of the hours recommended within the Southwark Statement of licensing policy..." The representation fully supports the review application.
20. Copies of the representations and related correspondence are attached to this report as Appendix B.

Representations from other persons

21. No representations have been submitted by other persons.

Operating history

22. A premises licence (number 832624) was issued in respect of the premises on 15 September 2010. It allowed for the same licensable activities as permitted by the current premises licence, however with earlier terminal hours in respect of those licensable activities (Monday to Thursday – 23:00, Friday and Saturday – 02:00 and Sunday – 22:00). The licence was stopped on 25 April 2013. The current premises licence in respect of the premises was issued in 15 August 2014.
23. An application for a new premises licence was submitted on 10 April 2012. A premises licence (number 837671) was issued on 6 June 2012. Licence 837671 ran concurrently with licence number 832624 until 25 April 2013 when licence number 832624 was stopped. Licence number 837671 allowed for the provision of licensable activities with terminal hours as per the current premises licence.
24. On 23 June 2014 an application to vary licence 837671 was submitted. The application sought to include the basement area of the premises (known as 'Rye Wax') into the licensable area of the premises and also to amend various licence conditions. Subsequent to the application the current licence (number 845207) was issued on 15 August 2014.
25. On 13 July 2016 an application was submitted to vary licence 845207 by removing and amending various licence conditions. The application was subject to representations. A licensing sub-committee hearing was scheduled to determine the application but was adjourned twice to facilitate conciliation of the representations. All representations were conciliated on 1 December 2016 licence number 854693 was issued. Licence number 854693 is the current and only premises licence issued in respect of the premises.
26. On 17 October 2016, an application was made on by an other person under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN. The grounds for the review are given in paragraph 13 above.
27. On 13 December 2016 a licensing sub-committee hearing was held to determine the review application that is the subject of this report. The Licensing Sub Committee decided to adjourn the hearing until 6 March 2017 so that the council's Environmental Protection Team could inspect the premises as directed by the sub-committee and provide an acoustic report. The notice of adjournment is attached as appendix D.
28. A copy of the environmental protection team's acoustic report is attached as appendix E.
29. A list of all temporary event notices submitted in respect of the premises is attached in Appendix F.

30. A list of all night time visits to the premises by licensing officers is attached in Appendix G.

Noise complaints in respect of the premises

31. On 2 July 2012 a local resident complained to the licensing unit about noise nuisance caused during an event that took place on the roof of the premises on 31 June 2012. The complainant was advised of the council's noise and nuisance team service. The complainant was also advised that the noise and nuisance team had attended the premises to investigate another complaint about the same event, but that the noise and nuisance team had not witnessed any nuisance arising from the event.
32. On 2 July 2012 a different local resident complained to the licensing unit about noise nuisance caused during the event that took place on the roof of the premises on 31 June 2012. In response to the complaint visits to the premises by licensing officers were undertaken on 9 and 10 November 2012. Details of these visits are in Appendix E.
33. On 23 April 2015 a complaint relating to continued noise nuisance arising due to the operation of the premises was submitted to the council's environmental protection team by the review applicant. The complaint was copied to the licensing unit for informative purposes. In response to the complaint visits to the premises by licensing officers were undertaken on 24 April 2015 and 9 May 2015. Details of these visits are in Appendix E.
34. On 22 May 2015 the review applicant contacted the licensing unit to inform the licensing unit that the review applicant was still experiencing noise nuisance caused by the operation of the premises. The review applicant also enquired as to how a licence was granted to the premises. The review applicant was advised as to the premises licence application procedure, given details of the noise and nuisance team service, provided with advice as to the licence review procedure, provided with advice as to taking private legal action in respect of noise nuisance and also given advice on licensing enforcement and the temporary event notice procedure. In response to the complaint visits to the premises by licensing officers were undertaken between 23 May 2015 and 5 September 2015. Details of these visits are in Appendix E.
35. On 7 September 2015 the review applicant contacted the environmental protection team and the noise and nuisance team to inform them that the review applicant was still experiencing noise nuisance caused by the operation of the premises. This complaint was copied to the licensing unit. Two visits to the premises by licensing officers were undertaken on 13 September 2015. Details of these visits are in Appendix E.
36. During the visits of 13 September 2015 breaches of licence conditions 313, 345 and 354 were noted. The licensees were invited to, and attended, an interview under caution in accordance with the Police and Criminal Evidence Act 1984 on 15 October 2016 to discuss the breaches of licence. The licensees gave an undertaking to install an acoustic baffle in the courtyard area of the premises and to vary the premises licence to remove and amend various licence conditions. The purpose of the acoustic baffle would be to attenuate noise caused by patrons in the courtyard. No further action was taken in regards to the breached licence conditions. (**N.B.** – an acoustic baffle has been installed in the courtyard area of the premises but its

acoustic attenuation properties (if any) are unknown. An application to vary the premises licence was submitted on 13 July 2016 as per paragraph 25 above). In response to the continued complaint visits to the premises by licensing officers were undertaken between 19 September and 5 November 2016. Details of these visits are in Appendix E.

37. On 17 October 2016, an application was made on by an other person under Section 51 of the Licensing Act 2003, for the review of the premises licence held by The CLF Art Café, Unit A1, A2, & A3, AG1, Basement A, The Bussey Building, Copeland Park, 133 Copeland Road, London SE15 3SN. The grounds for the review are given in paragraph 13 above.

The local area

38. A map of the area is attached to this report as Appendix H. The premises are identified by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

- **PECKHAMPLEX, 95A Rye Lane, London SE15 4ST** licensed for:

The provision of films on Sunday to Thursday between 09:00 and 00:00 (midnight) and on Friday and Saturday between 09:00 and 02:00

Sale of alcohol to be consumed on the premises on Monday to Thursday between 14:00 and 22:00 and on Friday to Sunday between 12:00 and 23:00.

- **Roof B (Bussey Building), 133 Copeland Road, London SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Friday between 17:00 and 22:30 and on Saturday between 12:00 and 22:30

The provision of films on Monday to Sunday between 12:00 and 00:00

The provision of live music on Monday to Sunday between 12:00 and 22:00

The provision of plays on Monday to Sunday between 12:00 and 23:00.

- **Forza Win Ltd, Unit 4.1, Copeland Industrial Park, 133 Copeland Road, London SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises on Wednesday to Saturday between 12:00 and 23:30 and on Saturday between 12:00 and 22:30.

- **The Last Refuge Arts, 133 Unit, 9a Copeland Road, London SE15 3SN** licensed for:

The provision of films on Monday to Friday between 18:00 and 00:00 and on Saturday and Sunday between 12:00 and 00:00

The sale of alcohol and the provision of live music and recorded music on Monday to Friday between 17:30 and 00:00 and on Saturday and Sunday between 14:30 and 00:00

The provision of plays on Monday to Friday between 19:30 and 22:30 and on Saturday and Sunday between 14:30 and 22:30.

- **Frank's Café, Levels 9 & 10, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises on Monday to Sunday between 11:00 and 23:00.

- **Frank's Café, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:

The sale of alcohol to be consumed on the premises Tuesday to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.

- **Bold Tendencies, Levels 7 & 8, Peckham Multi Story Car Park, 95A Rye Lane, London SE15 4ST** licensed for:

The provision of live and recorded music to Friday 17:00 to 23:00 Saturday 12:00 to 23:00 and Sunday 12:00 to 22:00.

- **Rye Express, 137-139 Unit 1 Rye Lane, London SE15 4ST** licensed for:

The sale of alcohol to be consumed off the premises Monday to Sunday 08:00 to 00:00.

- **John The Unicorn, 157-159 Rye Lane, London SE15 4TL** licensed for:

The sale of alcohol to be consumed on the premises Sunday to Thursday 11:00 to 00:00 and Friday to Saturday 11:00 to 01:00

The provision of late night refreshment Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00.

- **Iceland Frozen Foods, 74 Rye Lane, London SE15 5DQ** licensed for:

The sale of alcohol to be consumed off the premises Monday to Saturday 08:00 to 23:00 and Friday to Saturday 10:00 to 22:30.

- **Ali Baba Bar, 133 Copeland Road, London SE15 3SN** licensed for:

The sale of alcohol to be consumed on the premises Friday 16:00 to 22:45 and Saturday and Sunday 12:00 to 22:45

The provision of live and recorded music Friday and Saturday 18:00 to 23:00 and on Sunday 12:00 to 22:30.

Southwark council saturation policy for Peckham

39. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 - 2020 statement of licensing policy.

40. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
41. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
42. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

43. Council assembly approved Southwark's statement of licensing policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
 - Section 5 - Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of Operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 - Public Safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
44. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining

applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

45. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within the Peckham major town centre area. The closing times recommended in the statement of licensing policy for the Peckham major town centre area are as follows for the types of premises stated:

- **Restaurants and cafes**
Friday and Saturday 01:00
Sunday to Thursday 00:00
- **Public Houses / wine bars**
Friday and Saturday 01:00
Sunday to Thursday 00:00
- **Nightclubs (with 'sui generis planning permission)**
Friday and Saturday 03:00
Monday to Thursday 01:00
Sunday 00:00.

Resource implications

46. There is no fee associated with this type of application.

Consultation

47. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

Community impact statement

48. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

49. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

50. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

51. Under Section 52 of the Licensing Act, the licensing authority must hold a hearing to determine the review and any relevant representations.

52. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
53. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
54. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
55. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
56. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
57. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
58. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

59. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The applicant
 - Any person who made relevant representations

- The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

60. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee, and
 - The licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
61. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

62. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
63. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing

of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

64. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
65. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
66. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
67. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
68. 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 sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
69. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

70. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

71. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations and related correspondence submitted by responsible authorities
Appendix C	Copy of the current premises licence
Appendix D	Copy of notice of Adjournment
Appendix E	Copy of environmental protection team acoustic report
Appendix F	Details of licensing visits to the premises
Appendix G	Details of temporary event notices submitted in respect of the premises
Appendix H	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	22 February 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2017	