

Item No. 6.	Classification: Open	Date: 5 September 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Unit 8, 133 Copeland Road, Peckham, London, SE15 3SN	
Ward(s) of group(s) affected		Rye Lane	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Jonathan Wilson and Lorelie Wilson for a time limited premises licence be granted under the Licensing Act 2003 in respect of the premises known as Unit 8, Copeland Park, 133 Copeland Road, Peckham, London, SE15 3SN.
2. Notes:
 - a) The application is for a premises licence and was submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 20 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as appendices C & D. A map showing the location of the premises is attached to this report as appendix F.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to applications 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 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 premises licence application 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 under the Act. 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.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 17 July 2019 Jonathan Wilson and Lorelie Wilson applied to this council for the grant of a time limited premises licence in respect of Unit 8, 133 Copeland Road, Peckham, London, SE15 3SN.
9. The application is summarised as follows:
- **To be time limited between 10 October 2019 to 13 October 2019**
 - **Films, live music, recorded music, performance of dance**
 - Thursday 18:00 – 01:00
 - Friday 18:00 – 02:00
 - Saturday 16:00 – 04:00
 - **The sale of alcohol to be consumed on the premises**
 - Thursday 18:00 – 00:30
 - Friday 18:00 – 01:30
 - Saturday 16:00 – 03:30
 - **Proposed opening hours of the premises**
 - Thursday 18:00 – 01:00
 - Friday 18:00 – 02:00
 - Saturday 16:00 – 04:00

The premises are described in the application as follows:

“Warehouse space used for art exhibitions, promotional events”

10. The premises licence application form provides the applicant's operating schedule. Parts B, E, F, G, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report as appendix A.

Designated Premises Supervisor

11. The proposed designated premises supervisor of the premises is Timothy Francis Guy Wilson.

Representations submitted by responsible authorities

12. Representations have been submitted by this council's trading standards service, this council's environmental protection team, the Metropolitan Police Service and by this council's licensing responsible authority.
13. The trading standards service recommended that various control measures relating to age verification, and the protection of children from harm licensing objective, be included in the application, and that these control measures should become conditions of any licence issued subsequent to the application.
14. The environmental protection team have submitted a representation relating to the prevention of public nuisance licensing objective. The representation notes that an event taking place at the premises on 20 July 2019 resulted in statutory nuisance being witnessed at the premises by council officers. A noise abatement notice was served under section 80 of the Environmental Protection Act 1990 in respect of the statutory nuisance witnessed. On the same date the visiting council officers witnessed an alleged breach of condition 340 of premises licence number 862946 which is held in respect of the premises by the applicants. Condition 340 of licence number 862946 states: "Doors and other openings shall be kept closed during licensable activities at the premises so as to ensure that noise caused by amplified music and speech is not be audible at the façade of any residential property." The environmental protection team further state that the applicants have not provided any measures in the operating schedule of the application to ensure that nearby residential properties are protected from the impact of the activities proposed in the application. The environmental protection team recommend that the application is refused.
15. The metropolitan police service notes that the premises are located within the Peckham cumulative impact policy area and contend that the applicants have not addressed cumulative impact in the application. The metropolitan police service further note that in May 2019 police officers had to attend the premises due to the alleged gathering of approximately 3000 people at the premises who had attended the premises to see a musical artist perform at the premises. The metropolitan police service contends that the musical artist should have been 'graded as a high risk performer' and that the metropolitan police service should have been notified of the proposed performance. The metropolitan police service states that they had to provide significant resources to manage the crowd. Further, the metropolitan police service notes that a noise abatement notice has been served in respect of the premises. The metropolitan police service states that the applicants have not sufficiently addressed the licensing objectives and therefore the metropolitan police service object to the application.

16. The licensing responsible authority have submitted a representation regarding the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives. The representation refers to the closing times recommended in this council's Statement of Licensing Policy for premises located in Peckham Major Town Centre Area, which the premises are located in. The licensing responsible authority notes that the premises are within the Peckham cumulative impact policy area and that Southwark Council's statement of licensing policy contains a 'rebuttal presumption' which means that applications for new premises licenses which are likely to add to the existing cumulative impact will normally be refused. The representation states that the applicant has not, within the operating schedule, addressed the presumption to refuse the application. The Licensing Responsible Authority recommends refusal of the application unless the applicant can demonstrate that the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact policy area. The licensing responsible authority also requests the following: information as to the nature of the event, a copy of the event management plan, an 'accommodation limit' (maximum number of attendees at any one time) and a written dispersal policy for the premises.
17. For reference, a copy of the premises licence held in respect of the premises by the applicants (premises licence number 862946) is attached as Appendix B.
18. Copies of the representations submitted by responsible authorities are attached as Appendix C.

Representations from other persons

19. Nine representations have been submitted by other persons (four from employees of a business located in Copeland Park). In summary the representations state that the premises are not suited for events involving loud music and entertainment, that prior events at the premises have resulted in noise nuisance in the locale, that prior events have led to crime, disorder and anti social behaviour in the locale and that therefore the application should not be granted.
20. Copies of the representations submitted by other persons are attached to this report as Appendix D.

Conciliation

21. At the time of the writing of this report all of the representations remain outstanding and must therefore be considered by the licensing sub-committee.
22. The licensing sub-committee will be informed as to the conciliation of any of the objectors to the application at the licensing sub-committee hearing to determine this application.

Premises history

23. Premises licence number 862946 was issued in respect of the premises to Jonathan Wilson and Lorelie Wilson (the applicants) on 14 May 2018. For reference, a copy of premises licence number 862946 is attached to this licence as Appendix B.
24. A list of temporary event notices (TENS) submitted in respect of the premises is attached as Appendix E.

Deregulation of entertainment

25. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00hrs and 23:00hrs on any premises.
 - Live amplified music and recorded music are deregulated between 08:00 and 23:00 at on licensed premises for an audience of up to 500 people.
 - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
 - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
26. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').
27. The showing of films has not been de-regulated.

Map

28. A map showing the location of the premises is attached to this report as Appendix F. The following licensed premises are also shown on the map and provide licensable activities as stated:

CLF Art Café, Units Unit A1, A2, A3, AG1 & Basement A, Copeland Industrial Park, 133 Copeland Road SE15 3SN licensed for:

- The sale of alcohol to be consumed on the premises, films, live music, recorded music, anything similar to live or recorded music and performance of dance:
 - Sunday to Wednesday from 09:00 to 23:00
 - Thursday from 09:00 to 02:30
 - Friday & Saturday from 09:00 to 06:00
- Late night refreshment:
 - Thursday from 23:00 to 02:30
 - Friday & Saturday from 23:00 to 06:00

Roof A, (Bussey Building), Copeland Industrial Park, 133 Copeland Road SE15 3SN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 17:00 to 23:00
 - Sunday from 17:00 to 22:30

- Films and plays:
 - Monday to Sunday from 12:00 to 00:00
- The provision of live music:
 - Monday to Sunday from 12:00 to 22:00

Roof B, (Bussey Building), Copeland Industrial Park, 133 Copeland Road SE15 3SN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Friday from 17:00 to 22:30
 - Saturday from 12:00 to 22:30
- Films:
 - Monday to Sunday from 12:00 to 00:00
- The provision of live music:
 - Monday to Sunday from 12:00 to 22:00
- The provision of plays:
 - Monday to Sunday from 12:00 to 23:00

Roof D, (Bussey Building), Copeland Industrial Park, 133 Copeland Road SE15 3SN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 17:00 to 22:30
 - Friday to Sunday from 12:00 to 22:30
- Films, performances of dance, plays, recorded music:
 - Sunday to Thursday from 12:00 to 23:00
 - Friday & Saturday from 12:00 to 00:00
- Live music:
 - Monday to Thursday from 17:00 to 22:00
 - Friday to Sunday from 12:00 to 22:00

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

- The sale of alcohol to be consumed on the premises:
 - Wednesday to Saturday from 12:00 to 23:30
 - Saturday from 12:00 to 22:30

Copeland Gallery, Unit 9, Copeland Industrial Park, 133 Copeland Road SE15 3SN licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday from 12:00 to 23:00
- Films, live music, recorded music, performance of dance and plays:
 - Monday to Sunday from 12:00 to 23:30
- Late night refreshment:
 - Monday to Sunday from 23:00 to 00:00

Copeland Square, Copeland Industrial Park, 133 Copeland Road SE15 3SN licensed for:

- Films, live music, recorded music, performance of dance and plays:
 - Monday to Sunday from 12:00 to 22:00
- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday from 12:00 to 21:30

Kanpai London Limited, Copeland Industrial Park, 133 Copeland Road, SE15 3SN licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday from 12:00 to 22:30
- Recorded music:
 - Monday to Sunday from 12:00 to 23:00

Oi Spaghetti, Timber Hut 2, Copeland Industrial Park, 133 Copeland Road, SE15 3SN licensed for:

- The sale of alcohol to be consumed on premises:
 - Monday to Sunday from 12:00 to 22:30

Social, Unit 9a, Copeland Industrial Park, 133 Copeland Road, SE15 3SN licensed for:

- The provision of films:
 - Monday to Friday from 18:00 to 00:00
 - Saturday and Sunday from 12:00 to 00:00
- The sale of alcohol to be consumed on the premises and the provision of live music and recorded music:

- Monday to Friday from 17:30 to 00:00
- Saturday and Sunday from 14:30 to 00:00
- The provision of plays:
 - Monday to Friday from 19:30 to 22:30
 - Saturday and Sunday from 14:30 to 22:30

Peckham Plex, 95 Rye Lane, Peckham, SE15 4ST licensed for:

- Films:
 - Sunday to Thursday from 09:00 to 00:00
 - Friday and Saturday from 09:00 to 02:00
- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 14:00 to 22:00
 - Friday and Saturday from 12:00 to 23:00

Bold Tendencies, Levels 7 & 8, 95a Rye Lane, Peckham, SE15 4ST licensed for:

- Live music and recorded music:
 - Tuesday to Friday from 17:00 to 23:00
 - Saturday from 12:00 to 23:00
 - Sunday from 12:00 to 22:00

Frank's Cafe, Levels 7 & 8, 95a Rye Lane, Peckham, SE15 4ST licensed for:

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

Market, Unit 2, Basement, 133 Rye Lane, Peckham, SE15 4ST licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Wednesday from 12:00 to 23:30
 - Thursday from 12:00 to 00:30
 - Friday and Saturday from 12:00 to 02:30
 - Sunday from 12:00 to 00:00
- Live music, recorded music and films:
 - Monday to Wednesday from 12:00 to 23:45
 - Thursday from 12:00 to 00:30
 - Friday and Saturday from 12:00 to 02:45
 - Sunday from 12:00 to 00:00
- Indoor sporting events, performances of dance, entertainment similar to live or recorded music:

- Monday to Sunday from 12:00 to 00:00

Tonkotsu, Ground Floor, 133 Rye Lane, Peckham, SE15 4ST licensed for:

- The sale of alcohol to be consumed on the premises:
 - Sunday to Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:30
- The provision of late night refreshment:
 - Sunday to Thursday from 23:00 to 00:30
 - Friday and Saturday from 23:00 to 01:00

Forza Win, 5th Floor, 133 Rye Lane, Peckham, SE15 4ST licensed for:

- The sale of alcohol to be consumed on the premises:
 - Sunday to Thursday from 10:00 to 00:00
 - Friday and Saturday from 10:00 to 01:00
- The provision of late night refreshment:
 - Sunday to Thursday from 10:00 to 00:00
 - Friday and Saturday from 10:00 to 01:00

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

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

John the Unicorn, 157-159 Rye Lane, SE15 4TL licensed for:

- The sale of alcohol to be consumed on the premises, recorded music
 - Sunday to Thursday from 23:00 to 00:00
 - Friday & Saturday from 23:00 to 01:00
- Late night refreshment
 - Sunday to Thursday from 23:00 to 00:30
 - Friday & Saturday from 23:00 to 01:30

Family Carnation Supermarket, 151 Rye Lane SE15 4TL licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 22:00
 - Sunday from 09:00 to 20:30

A Family Convenience Store Limited, 161 Rye Lane SE15 4TL licensed for:

- The sale of alcohol to be consumed off the premises:

- Monday to Sunday from 10:00 to 00:00

Il Giardino Restaurant, 7 Blenheim Grove, SE15 4QS licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:30
- The provision of late night refreshment:
 - Monday to Saturday from 11:00 to 00:00
 - Sunday from 12:00 to 23:30

Honest Burgers, Units 1 & 2, 12-16 Blenheim Grove, SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 00:00
 - Sunday from 10:00 to 23:00
- The provision of late night refreshment:
 - Friday to Saturday from 23:00 to 00:00
 -

Levan, Unit 3, 12-16 Blenheim Grove, SE15 4QL licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Friday from 07:00 to 23:30
 - Saturday from 09:00 to 23:30
 - Sunday from 09:00 to 16:30

Peckham Refreshment Rooms, Unit 4, 12-16 Blenheim Grove, SE15 4QL
licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Friday from 07:00 to 22:30
 - Saturday from 09:00 to 23:30
 - Sunday from 09:00 to 16:30

McDonald's Restaurants Limited, 72-74 Rye Lane, SE15 5DQ licensed for:

- The provision of late night refreshment:
 - Sunday to Thursday from 23:00 to 01:00
 - Friday and Saturday from 23:00 to 02:00

Iceland, Unit 1, Ground Floor, 87 - 95 Rye Lane, SE15 5EX licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 08:30 to 21:00

BIMS, 102 Rye Lane, SE15 4RZ licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 09:30 to 00:00

Southwark council saturation policy for Peckham

29. 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 March 2019 when full council assembly approved the 2019 - 2021 Statement of Licensing Policy.
30. 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.
31. 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.
32. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

33. Council assembly approved Southwark's Statement of Licensing Policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. 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 – Which 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 - Which 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 – Which 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 – Which 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 – Which provides general guidance on the promotion of the first licensing objective

- Section 9 – Public Safety – Which provides general guidance on the promotion of the second licensing objective
 - Section 10 – The Prevention of Nuisance – Which provides general guidance on the promotion of the third licensing objective
 - Section 11 – The Protection of Children from Harm – Which provides general guidance on the promotion of the fourth licensing objective.
34. 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.
35. According to this council’s Statement of Licensing Policy the premises are located in Peckham Major Town Centre Area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located Peckham Major Town Centre Area:

Restaurants

Sunday to Thursday: 00:00
 Friday and Saturday: 01:00

Public houses, wine bars, or other drinking establishments and bars in other types of premises

Sunday to Thursday: 23:00
 Friday and Saturday: 00:00

Nightclubs

Monday to Thursday: 01:00
 Friday and Saturday: 03:00
 Sunday: 00:00

Resource implications

36. A fee of £315.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band C.

Consultations

37. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice was exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

38. 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 & Democracy

39. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
40. The principles which sub-committee members must apply are set out below.

Principles for making the determination

41. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
42. Relevant representations are those which:
 - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
43. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
 - to grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - to exclude from the scope of the licence any of the licensable activities to which the application relates
 - to refuse to specify a person in the licence as the premises supervisor
 - to reject the application.

Conditions

44. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
45. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance

- The protection of children from harm.
46. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
 47. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
 48. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

49. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

Hearing procedures

50. 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.

51. This matter relates to the determination of an application for a premises licence under section 17 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

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
58. 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.
59. 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

60. Members are required to have regard to the DCMS 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS 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 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copy of premises licence number 862946
Appendix C	Copies of the representation submitted by responsible authorities
Appendix D	Copies of the representations submitted by other persons
Appendix E	List of TENs submitted in respect of the premises
Appendix F	Map of the local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	27 August 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 August 2019	