

Item No. 5.	Classification: Open	Date: 26 September 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Premier Peckham Local, 16 Peckham High Street, London SE15 5DT	
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 Amuthalingam Krishnapillai for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Premier Peckham Local, 16 Peckham High Street, London SE15 5DT.
2. Notes:
 - a) The application is for a club premises certificate 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 21 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as Appendices B and C. A map showing the location of the premises is attached to this report as Appendix D.
 - 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 26 July 2019 Amuthalingam Krishnapillai applied to this council for the grant of a premises licence in respect of Premier Peckham Local, 16 Peckham High Street SE15 5DT.
9. The application is summarised as follows:
- **Late Night Refreshment**
 - Monday to Sunday from 23:00 to 05:00
 - **Supply of alcohol for consumption off the premises**
 - Monday to Sunday from 00:00 to 00:00 (24 hours)
 - **Proposed opening hours of the premises**
 - Monday to Sunday from 00:00 to 00:00 (24 hours)
 - The premises and the intended operation of the premises are described in the application as follows:

“The premises has been operating as chicken takeaway for long time. This has been planned to convert into a local convenience store.

The premises will be fitted newly with high security system in place.

The premises is situated on high street, and there are many local residents, the area is ongoingly developing into new accommodations for city workers.

The premises would form part of retail chain call premier group.

The premises would continue to offer healthy food takeaway in hot and cold. Coffee, tea would also be provided to take away.

It will be managed by the applicant who has 10 years experience in managing retail store and take away food. He is already running a Morley's fried chicken two doors away. He has converted this store to offer hot food, hot drinks and essential food store for locals.”

10. The premises licence application form provides the applicant's operating schedule. Parts I, 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 Amuthalingam Krishnapillai.

Representations from responsible authorities

12. Representations have been submitted by this council's public health division, 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 public health division has submitted its representation regarding all of the licensing objectives. The public health division notes that the premises are located in the Peckham cumulative impact policy area. It is the public health division's opinion that the applicant has not adequately rebutted the presumption that the intended operation of the premises will add to the cumulative impact in the locale, of premises licensed to sell alcohol. The public health division also contend that late night food takeaways can generate crime and disorder. The public health division recommend that the application be refused, however if the licensing sub-committee are minded to grant the application the public health division have recommended that the opening hours of the premises should be 07:00 to 00:00, that the hours permitted for the sale of alcohol should be 11:00 to 00:00, that the hours pertaining to late night refreshment should be 23:00 to 00:00 hours and that conditions limiting the alcohol by volume (ABV) of certain alcoholic drinks sold at the premises, and relating to the display of alcohol at the premises, should be imposed on any licence issued subsequent to the application.
14. The trading standards service has submitted its representation in respect of the prevention of crime and disorder licensing objective. The trading standards service notes that the premises are located in the Peckham cumulative impact policy area. The trading standards service also notes that the closing times proposed in the application exceed those recommended in this council's Statement of Licensing Policy for premises licensed to sell alcohol in the area that the premises are located in. The trading standards service contend that the applicant has not shown any mitigating measures to prevent it adding to the cumulative impact in the locale, of premises licensed to sell alcohol. The trading standards service states that there are

serious issues with the sale of non-duty paid alcohol in the local area and that if the licensing sub-committee were minded to grant the application then conditions to prevent illegal alcohol being sold from the premises should be imposed on any licence issued subsequent to the application.

15. The environmental protection team have submitted their representation in respect of the prevention of public nuisance licensing objective. The environmental protection team notes that the premises are located in the Peckham cumulative impact policy area. It is the environmental protection team's opinion that the proposed operating hours of the premises are likely to add to the cumulative impact in the locale, of premises licensed to sell alcohol. The environmental protection team object to the application, however if the licensing sub-committee are minded to grant the application the environmental protection team recommend that the closing time of the premises is 00:00 daily and that conditions relating to the prevention of nuisance should be imposed on any licence issued subsequent to the application.
16. The Metropolitan Police Service's representation refers to the Camberwell cumulative impact zone and to problems relating to alcohol misuse in the Camberwell area. The metropolitan police service has confirmed that the sections of the representation relating to Camberwell are a mistake. In regards to the premises, it is the metropolitan police service's opinion that the applicant has not adequately rebutted the presumption that the intended operation of the premises will add to the cumulative impact in the locale, of premises licensed to sell alcohol. The metropolitan police service object to the grant of the licence in its entirety.
17. The licensing responsible authority have submitted their representation in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives. The licensing responsible authority notes that the premises are located in the Peckham cumulative impact policy area. It is the licensing responsible authority's opinion that the applicant has not adequately rebutted the presumption that the intended operation of the premises will add to the cumulative impact in the locale, of premises licensed to sell alcohol. The licensing responsible authority recommends that the application for the sale of alcohol is refused and that late night refreshment should finish at 00:00 on Sunday to Thursday and at 01:00 on Friday and Saturday. If the licensing sub-committee are minded to grant the application for the sale of alcohol at the premises the licensing responsible authority recommends that the hours permitted for the sale of alcohol should be 10:00 to 00:00 daily, that the opening hours of the premises should be 00:00 to 00:00 hours daily (24 hour opening) and that conditions pertaining to 'off sales' should be imposed on any licence issued subsequent to the application.
18. Copies of the representations submitted by responsible authorities, and related correspondence, are attached as Appendix B.

Representations from other persons

19. Ten representations objecting to the application have been submitted by 'other persons', nine of whom are local residents living in the immediate vicinity of the premises and one of whom owns residential premises in the immediate vicinity of the premises. The representations relate to the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm licensing objectives.
20. The representations submitted by the other persons all object to the grant of the application. In summary, the other persons contend that the proposed operation of the premises is likely to give rise to nuisance, crime and disorder and anti social

behaviour in the local area. Nine of the other persons also state that the premises are in close proximity to three local schools, that school children are likely to attend the premises and that the other persons are “uncomfortable” with the type of clientele that may be attracted to use premises which have a licence to sell alcohol 24 hours a day.

21. Copies of the representations submitted by the other persons are attached as to this report as Appendix C.

Conciliation

22. The applicant was sent copies of all of the representations that were submitted regarding the application and was advised that the applicant could respond to the representations if the applicant wished to do so.
23. Prior to this, the applicant had already been in contact with the trading standards service and agreed to the inclusion in the application of various control measures relating to the prevention of the purchase and sale of illegal alcohol, the maximum alcohol by volume (ABV) of certain alcoholic drinks sold at the premises, off sales at the premises and the minimum size (by volume) of certain alcohol drinks sold at the premises in single containers. The trading standards service have not withdrawn their representation and their representation and the control measures that the trading standards service have discussed with the applicant must be considered by the licensing sub committee.
24. All of the other representations remain outstanding and must also be considered by the licensing sub-committee.
25. At the hearing to determine this application the licensing sub-committee will be informed as to any conciliation of the objectors (or attempts to conciliate the objectors).

Premises history

26. Available records show that a justice’s night café licence, issued under the now repealed Licensing Act 1964, was previously held in respect of the premises since 1999.
27. An application to convert the justice’s night café licence into a premises licence via ‘grandfather rights’ under the Licensing Act 2003 was applied for in 2005. The application was granted and a premises licence was issued in respect of the premises on 5 October 2005. The licensee was M. Thasarathakumar. The premises operated as ‘Dixie Fried Chicken’. The licence allowed for the provision of late night refreshment as follows:

Sunday to Thursday from 23:00 to 02:00
Wednesday and Thursday from 23:00 to 03:00
Friday and Saturday from 23:00 to 05:00
28. On 30 November 2012 the licence was transferred to Amirthalingam Vakesan. The premises remained operating as ‘Dixie Fried Chicken’. The amended licence number was 839887.
29. Premises licence number 839887 remains active.

30. On 26 July 2019 Amuthalingam Krishnapillai applied to this council for the grant of a premises licence in respect of Premier Peckham Local, 16 Peckham High Street, London SE15 5DT.

Deregulation of entertainment

31. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 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.
32. 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').
33. The showing of films has not been de-regulated.

Map

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

Best Western London Peckham Hotel, 110 Union Court Peckham Road, London SE15 5EU licensed for:

- The sale of alcohol to be consumed on the premises, recorded music:
 - Monday to Sunday from 00:00 to 00:00

The Hope, 3 Melon Road, London SE15 5QW licensed for:

- The sale of alcohol to be consumed on the premises, recorded music:
 - Monday to Thursday from 10:00 to 00:00 (midnight)
 - Friday to Sunday from 10:00 to 01:00
- Late night refreshment:
 - Monday to Thursday from 23:00 to 00:30
 - Friday to Sunday from 23:00 to 01:30

Peckham Town Square, Peckham High Street, London SE15 licensed for:

- Films, live music, recorded music, anything similar to live or recorded music, performances of dance and plays:
 - Sunday to Thursday from 10:00 to 20:00
 - Friday and Saturday from 10:00 to 21:00

Delta Express Pizza, 9 Peckham High Street, London SE15 5EB licensed for:

- Late night refreshment:
 - Sunday to Thursday from 23:00 to 02:30
 - Friday and Saturday from 23:00 to 04:00

Morley's, 10 Peckham High Street, London SE15 5DT licensed for:

- Late night refreshment:
 - Monday to Sunday from 23:00 to 05:00

Price Cutter Food and Wine, 12 Peckham High Street, SE15 5DT licensed for:

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

Dixie Chicken, 16 Peckham High Street, London SE15 5DT licensed for:

- Late night refreshment:
 - Sunday to Tuesday from 23:00 to 23:30
 - Wednesday and Thursday from 23:00 to 03:00
 - Friday and Saturday from 23:00 to 05:00

Kam Foh, 19 Peckham High Street, London SE15 5EB licensed for:

- Late night refreshment:
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:00

Tiwa 'N' Tiwa (African Good Food Concept), 34b Peckham High Street, London SE15 5DP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 12:00 to 00:30
 - Friday to Sunday from 12:00 to 02:00
- Late night refreshment:
 - Monday to Thursday from 23:00 to 00:30
 - Friday to Sunday from 23:00 to 02:00

The Unity Centre, 37 – 39 Peckham High Street, London SE15 5EB licensed for:

- Films, live music, plays, recorded music:
 - Monday to Wednesday from 09:00 to 00:00
 - Thursday and Saturday from 09:00 to 05:00
 - Sunday from 09:00 to 02:00
- The sale of alcohol to be consumed on the premises:
 - Monday to Wednesday from 10:00 to 00:00
 - Thursday and Saturday from 10:00 to 05:00
 - Sunday from 10:00 to 02:00
- Entertainment similar to live or recorded music:
 - Monday to Wednesday from 10:00 to 00:00
 - Thursday and Saturday from 10:00 to 02:00
 - Sunday from 10:00 to 23:00
- Performances of dance:
 - Monday to Wednesday from 10:00 to 00:00
 - Thursday and Saturday from 10:00 to 05:30
 - Sunday from 10:00 to 04:30
- Late night refreshment:
 - Monday to Saturday from 23:00 to 23:30

O'Bar, 43a Peckham High Street, London SE15 5EB licensed for:

- Live music, recorded music, anything similar to live or recorded music, performances of dance:
 - Monday to Wednesday from 09:00 to 04:30
 - Thursday from 09:00 to 05:30
 - Friday and Saturday from 09:00 to 06:00
 - Sunday from 09:00 to 05:30
- Late night refreshment:
 - Monday to Wednesday from 09:00 to 04:00
 - Thursday from 09:00 to 04:30
 - Friday and Saturday from 09:00 to 05:00
 - Sunday from 09:00 to 04:30
- The sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday from 09:00 to 05:00
 - Friday to Sunday from 09:00 to 05:30

Shangeetha Supermarket Limited, 58-60 Peckham High Street, London SE15 5DP licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 07:00 to 00:00

Little Hut, 59 Peckham High Street, London SE15 5EB licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 10:00 to 22:30

The Kentish Drovers, 71 – 79 Peckham High Street, London SE15 5RS licensed for:

- Late night refreshment:
 - Sunday to Thursday from 23:00 to 00:30
 - Friday and Saturday from 23:00 to 01:00
- The sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday from 09:00 to 00:30
 - Friday and Saturday from 09:00 to 01:00

Peckham Space, 89 Peckham High Street, London SE15 5RS licensed for:

- Films, boxing / wrestling, indoor sporting events, live music, recorded music, anything similar to live or recorded music, performances of dance and plays:
 - Monday to Sunday from 10:00 to 23:00

Yesil Irmak, 107 Peckham High Street, London SE15 5RS:

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

The Clock Tower, 1a Rye Lane, London SE15 5EW licensed for:

- Films, live music, plays:
 - Monday to Thursday from 19:00 to 23:00
 - Friday and Saturday from 19:00 to 06:00
 - Sunday from 19:00 to 04:00
- Recorded music, anything similar to live or recorded music, the sale of alcohol to be consumed on the premises:
 - Monday to Thursday from 19:00 to 23:00
 - Friday and Saturday from 19:00 to 05:00
 - Sunday from 19:00 to 00:00

- Late night refreshment:
 - Friday and Saturday from 23:00 to 06:00
 - Sunday from 23:00 to 05:00

Nando's, Unit 2, The Aylesham Centre Rye Lane, London SE15 5EW licensed for:

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

Morrison's, Unit 3, The Aylesham Centre Rye Lane, London SE15 5EW licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 06:00 to 23:00

Lidl, Unit 3, Bellenden Road Retail Park, Bellenden Road, SE15 5BA licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 06:00 to 23:00

Mountview Academy of Theatre Arts, 120 Peckham Hill Street, London SE15 5JT licensed for:

- Films, Live music, recorded music, anything similar to live and recorded music, performances of dance, plays:
 - Monday to Saturday from 09:00 to 23:30
 - Sunday from 10:00 to 22:00

Well Street Pizza, 120 Peckham Hill Street, London SE15 5JT licensed for:

- The sale of alcohol to be consumed on and off the premises
 - Monday to Thursday from 12:00 to 23:30
 - Friday and Saturday from 11:30 to 00:30
 - Sunday from 11:30 to 23:30
- Late Night refreshment:
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:30 to 01:00

Westland Coffee and Wine, 120 Peckham Hill Street, London SE15 5JT licensed for:

- The sale of alcohol to be consumed on and off the premises
 - Monday to Sunday from 11:00 to 23:30
- Late Night refreshment:
 - Monday to Sunday from 23:00 to 00:30

Southwark council saturation policy for Peckham

35. 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.
36. 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.
37. 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.
38. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

39. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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. To be read in conjunction with Appendix B to the policy.

- 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.
40. 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.
41. 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 in Peckham major town centre area:
- Restaurants, cafes and takeaways:
 - Sunday to Thursday: 00:00
 - Friday and Saturday; 01:00
 - Off licences:
 - Monday to Sunday:00:00

Resource implications

42. A fee of £190.00 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 B.

Consultation

43. 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 exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

44. 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

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

Principles for making the determination

47. 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.
48. 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.
49. 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

50. 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.
51. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety

- The prevention of nuisance
 - The protection of children from harm.
52. 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.
53. 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.
54. 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

55. 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

56. 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.

57. 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

58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
64. 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.
65. 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

66. 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

67. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copies of the representation submitted by responsible authorities, and related correspondence
Appendix C	Copies of the representations submitted by other persons
Appendix D	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	10 September 2019	
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	13 September 2019	