

## LICENSING COMMITTEE

<b>Report Title</b>	Top Hut Pizza & Chicken Application for Premises Licence Variation	Licence No. PL 1097
<b>Key Decision</b>	No	Item No. 4
<b>Ward</b>	Lewisham Central	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 9 April 2018

**Proposal:** Premises Licence Variation

**Legislation:** Licensing Act 2003

**Premises:** Top Hut Pizza & Chicken 403 Hither Green Lane SE13 6TR

**Applicants:** Mr Abdul Ajan Haidari

**This is an application for a full variation to be considered pursuant to section 35 of the Licensing Act 2003**

**1. Background**

An application for a full variation was received on 13 February 2018 in relation to extending the provision of late night refreshments. 2300 until 0200 on Thursday to Sunday and 2300 until 0300 Friday and Saturday.

**2. Outline Grounds for Objection**

- 2.1 An application for the full variation of the premises licence was sent to all the Responsible Authorities. Representations were received from the Metropolitan Police, Planning Service and the Crime Enforcement and Regulation service in relation to the licensing objectives of the prevention of Crime and Disorder and of Public Nuisance. Representations were also received from three members of the public living in the immediate vicinity.
- 2.2 The application for the variation has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, and at the Council's main offices for a period of 28 consecutive days. The last date for receiving representations was the 14<sup>th</sup> March 2018.

**3. Current Licence Status**

The premises are currently licensed – See attached licence

#### **4. Legal & Human Rights Implications**

- 4.1 An interested party or responsible authority can apply to the licensing authority for a full variation of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for a full variation and any relevant representations made. The representations are required to be relevant to one or more of the licensing objectives.
- 4.2 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 4.3 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

#### **5. Application for Full variation**

- 5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The Licensing Committee may;

- (a) modify the conditions of the licence; OR  
(b) reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for the variation and any persons who made a valid representation.

#### **Background Papers**

Short Title of

Date

Document

Objection/ representations

13/3/18

Licence

Evidence / documents

As served

Should you require any further information on this report please contact Lisa Spall, Licensing Authority Officer on 02083148390