

## LICENSING COMMITTEE

<b>Report Title</b>	Exotic Bites	Licence No. PL1167
<b>Key Decision</b>	No	Item No. 3
<b>Ward</b>	New Cross	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 24 May 2018

**Proposal:** Premises Licence Review

**Legislation:** Licensing Act 2003

**Premises:** Exotic Bites 313 New Cross Road SE14 6AS

**Applicants:** Daniel Power - Crime, Enforcement and Regulation Officer

### **This is an application for a Review of the Premises Licence**

#### **1. Current Licence Status**

- 1.1 The premises are currently licensed for the sale of alcohol, late night refreshments and Regulated entertainment Sunday to Thursday 12.00 till 24:00, Friday and Saturday 12.00 till 02:00 as per the attached licence.
- 1.2 Conditions are attached to the licence to address the four licensing objectives as attached.
- 1.3 A review has been sought by Daniel Power, Crime, Enforcement and Regulation Service on the grounds of prevention of public nuisance and the prevention of crime and disorder.

#### **2. Representation**

- 2.1 The application for review was sent to all the Responsible Authorities. 1 Further representations were received from PC Nick Gerry Metropolitan Police Service.
- 2.2 The representations received from interested parties, all of which have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 2.3 The application for the review of a premises licence has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, and at the Councils main offices for a period of 28 consecutive days. The last date for receiving representations was 26<sup>th</sup> April 2018

3. **Outline Grounds for review**

Prevention of public nuisance and the Prevention of Crime and Disorder as outlined in the review application.

4 **Legal & Human Rights Implications**

4.1 An interested party or responsible authority can apply to the licensing authority for a review of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for review 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 review**

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;

- 1.) Modify the conditions of the licence ( this includes the power to omit or alter existing conditions and add new conditions)
- 2.) Exclude a licensable activity from the scope of the licence
- 3.) Suspend the licence for a period not exceeding three months
- 4.) Revoke the licence
- 5.) Take no action if it is considered that no steps are necessary for the promotion of the licensing objectives

5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for review and the Premises Licence holder.

**Background Papers**

<b><u>Short Title of Document</u></b>	<b><u>Date</u></b>
Application for review Licence	28/3/18
Evidence / documents	As served

Should you require any further information on this report please contact Lisa Spall at Licensing Services on 020 8314 8390.