

LICENSING COMMITTEE

Report Title	Phase One Lounge	Licence No. PL1153
Key Decision	No	Item No. 3
Ward	New Cross	
Contributors	Community Services – Licensing Authority Head of Law	
Class	Part 1	Date: 7 June 2018

Proposal: Premises Licence Review

Legislation: Licensing Act 2003

Premises: Phase One Lounge 136 New Cross Road SE14 5BA

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 included in 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.
- 1.4 The application for review was sent to all the Responsible Authorities. 1 Further representation was received from PC Nick Gerry Metropolitan Police Service.
- 1.5 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.
- 1.6 The application for the review of a premises licence has been advertised in accordance with regulation 39. A notice has been displayed prominently at the premises, and at the Councils main offices for a period of 28 consecutive days. The last date for receiving representations was 17/5/18

2. Outline Grounds for review

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

3. Legal & Human Rights Implications

3.1 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.

3.2 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.

3.3 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.

4. Application for review

4.1 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

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

Background Papers

<u>Short Title of Document</u>	<u>Date</u>
Application for review Licence	19/04/18
Evidence / documents	As served

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