

LICENSING COMMITTEE		
Report Title	8/12 Creekside, SE8 3DX Licence No. New App PL	
Key Decision	No	Item No. 3
Ward	New Cross	
Contributors	Community Services – Licensing Authority Head of Law	
Class	Part 1	Date: 31 July 2018

Proposal: **New application for a Premises Licence**

Legislation: **Licensing Act 2003**

Premises: **Fuel Tank, 8/12 Creekside SE8 3DX**

Applicants: **Vacherin Ltd**

This is an application for a new premises licence

1. Current Licence Status

The premises are currently not licensed.

2. Application

2.1 The application for a new premises licence was sent to all the Responsible Authorities. The application is for the supply of alcohol, Monday to Sunday, between 10am and 11pm. 14 Representations were received from residents within close proximity to the premises. 1 Representation was received from a responsible authority, namely the London Fire Brigade.

2.2 The representations received have been examined by Officers and are not considered to be vexatious or frivolous. These representation was received within the specified time.

2.3 The application for the new premises licence has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, a newspaper advertisement and at the Council’s main offices for a period of 28 consecutive days. The last date for receiving representations was the 9 July 2018.

3. Outline of objections received

- 3.1 The residents have objected primarily on the grounds of public nuisance. They are mainly concerned that the proximity of the premises to their homes may cause them nuisance in the form of noise from either music from the premises or activity of patrons at the premises.
- 3.2 The London Fire Brigade has objected on the grounds of Public Safety, whereby they have identified concerns that certain fire safety standards are not being met.

4. Legal & Human Rights Implications

- 4.1 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.
- 4.2 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 the New Premises Licence

After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives and under the powers pursuant to s. 18(4) of the Licensing Act 2003, as amended. They may:

- Grant the licence
- Exclude from the scope of the licence any of the licensable activities to which the application relates
- Refuse to specify a person in the licence as the premises supervisor
- Reject the application

Background Papers

Short Title of Document

Date

Application

11 June 2018

Evidence / documents

15 Objection letters / emails as served

Should you require any further information on this report please contact Lisa Hooper at Licensing Services on 020 8314 6324.