

LICENSING REVIEW SUB-COMMITTEE

Agenda

Place

To Be Held Remotely

Date

Thursday, 04 February 2021

Time

2:45 PM

This meeting is viewable by the press and public on the Council's [Youtube Channel](#).

Councillors

Jackie Smith (Chair)	Labour
Mathew Morrow	Labour
Roger Tester	Conservative

Deputies

All other members of the Licensing Committee

Members are reminded that officer contacts are shown at the end of each report and they are welcome to raise questions in advance with the appropriate officer. This does not prevent further questioning at the meeting.

If you require further information about this meeting please contact the Corporate Governance Officer:
Clare Chapman
Email: corporate-governance@royalgreenwich.gov.uk

Agenda

- 1 Apologies for Absence**
To receive apologies from Members of the Committee
- 2 Urgent business**
The Chair to announce any items of urgent business circulated separately from the main agenda.
- 3 Declarations of Interest**
Members to declare any personal and financial interests in items on the agenda. Attention is drawn to the Council's Constitution, the Council's Code of Conduct and associated advice.
- 4 Premises licence authorising off-sales of alcohol at Maistas & Gerimai, 33 Herbert Road, Woolwich, London SE18 3SZ.**
The Sub-Committee is requested to consider an Application for Review (with its appendices i to vii) of the premises licence in relation to Maistas & Gerimai, 33 Herbert Road, Woolwich, London SE18 3SZ, made by Royal Borough of Greenwich Trading Standards as a Responsible Authority, as set out at Appendix A, in line with the Prevention of Crime & Disorder and Protection of Children from Harm licensing objectives.

Date of Issue
Wednesday, 27
January 2021

Debbie Warren
Chief Executive

Remote Meetings

This meeting will be conducted remotely in accordance with the Coronavirus Act 2020 and related regulations.

This meeting will be viewable live, and for one year afterwards, on the Council's Youtube Channel: <https://www.youtube.com/user/royalgreenwich>

Those who have agreed to participate in the meeting have deemed to have consented to being recorded, and to the public use of the recording.

If you have any queries regarding the recording of meetings, please email the Corporate Governance Manager at corporate-governance@royalgreenwich.gov.uk

Licensing Review Sub-Committee Information

Terms of Reference

The Licensing Review Sub-Committee operating under delegated authority by the Licensing Committee will receive reports on matters determined by Licensing Officers with delegated authority to determine-

- applications to review a Premises Licence or Club Premises Certificate issued under Section 52(2) of the Licensing Act 2003;
- applications to review a Club Premises Certificate under Section 88(2) of the Licensing Act 2003;
- decisions on appropriate interim steps following a police application for a summary license review under Section 53a (2) of the Licensing Act 2003;
- reviews of a premises license following a summary review application under Section 53A (1) of the Licensing Act 2003;
- reviews of Premises Licence following closure order under Section 167(5)(a);
- applications to review a Premises Licence under Section 201 of the Gambling Act 2005.

Meetings will be held in public, with the full right of attendance for all Councillors, public and press, except where a matter is deemed to be confidential in accordance with the public interest test. An agenda for the Review Sub-Committee (including the Licensing Officer's report and representations) will be circulated in advance of the meeting in accordance with the requirements of the Licensing Act 2003 (Hearing) Regulations 2005 (Section 6).

Notice of Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of an application for the review of a licence and notices will be sent to each party informing them of the date.

Anyone who has made representations and wishes to address the Review Sub-Committee must inform Committee Services by e-mail or telephone **at least one day before** the date of the hearing.

When determining applications for review Council Officers and Councillors must adhere to important principles set out in legislation and Central Government Guidance.

What Members must take into account:

The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

What Members should not take into account:

Whether the premises will be open to the public.

Current permitted hours under Planning Consent.

The nature of any plays or the manner of performing plays except where necessary in the interests of physical safety or health.

The number of other similar venues in the locality.

Appeals Against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

Amendment to procedures

This meeting is being streamed live on the Council's YouTube Channel and a recording of this meeting will be available to view for one year after this meeting.

New emergency Regulations have been introduced to enable local authorities to hold virtual remote meetings. To ensure the smooth running of these virtual meetings, some of the Council's procedures have been amended in accordance with emergency powers.

The following additional procedure rules will apply to Licensing Sub-Committee hearings which will be held via the online Zoom facility.

- During the meeting, all participants will be in control of their own microphone on Zoom.
- The microphone should be set to mute at all times until the Chairperson invites you to address the Sub-Committee
- If you wish to speak during the discussion part of the hearing, you should do so by activating the 'raised hand' function in Zoom. Please be patient, the Chairperson will be aware you wish to speak and will come to you in due course
- The Chairperson will have complete discretion of the procedure to be adopted for the meeting and the order in which those entitled to address the Sub-Committee are permitted to make his or her submissions. Please remember to switch off the raised hand function once you have finished your submission to the Sub-Committee.
- If the Chairperson needs to adjourn the meeting, she /he will announce the time of adjournment and indicate when the meeting will be reconvened, and all participants should stay in the meeting until the meeting has ended.
- Upon conclusion of submissions and discussions, the hearing will come to an end. The Sub-Committee will then retire to deliberate its decision. The decision of the Sub-Committee will be notified to all parties by email, and a full written decision will be provided within 5 working days together with rights of appeal

Procedure for Considering Licensing Review Applications under the Licensing Act 2003 and the Gambling Act 2005

Note: Only those parties who have made written representations in advance will be invited to and allowed to address the licensing hearing. At the start of the meeting the Chair will confirm that all parties present have a copy of the procedure to be followed and give an outline.

The hearing shall not be adversarial but will take the form of a discussion led by Members. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, review application or notice as the case may require.

The Chair has strict control of the time. Each side, parties speaking in support of, or against, granting of the licence will have a total of 15 minutes to address the meeting. The Chair will remind all present that any documentary or other information they wish to produce in support of their review application or representations, must have been disclosed to all parties prior to the hearing taking place. No additional material may be produced at the hearing except with the consent of all the parties.

The Sub-Committee will disregard any information given by any party which is not relevant to—

- (a) their review application, representations or notice (as applicable) or in the case of the objectors, the review application representations or notice of the party requesting their appearance, and
- (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

The Sub-Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing and may—

- (a) refuse to permit that person to return, or
- (b) permit them to return only on the conditions that they give an assurance of no further interruptions.

Members of the Sub-Committee shall have the opportunity to ask questions at any time.

1. The Chair will ascertain whether the parties and their witnesses, if any, are present. If any party has indicated that they will not attend or failed to indicate whether or not they will attend, the Sub-Committee may hold the hearing in that party's absence or decide to adjourn.
2. Where the applicant is present the Chair will ascertain that they understand that they may be assisted or represented, legally or otherwise.
3. The Lead Officer will give details of each review application in each case and of the number and type of objections/representations received as set out in the report.
4. The applicant for review or their representative, and those in support of the review, will be invited to address the Sub-Committee confirming why they consider the issues they have raised to be relevant to the licensing objectives. **Any new evidence will only be considered with the consent of all the parties.**
5. The licence holder or their representative, and those in support of the licence, will then be invited to address the Sub-Committee responding to the issues raised by the review application in relation to the licensing objectives. **Any new evidence will only be considered with the consent of all the parties.**
6. A discussion involving all parties will ensue. Permission for cross-examination, if considered to be necessary, will be given.