

Licensing Sub-Committee [x]	Date & Time: Tuesday 14 May 2024 at 10:30am
Hearing under Provision: Section 18(3), Licensing Act 2003	Agenda Item Number: 5
Application: Variation of a Premises Licence for TG Convenience Store, Lakedale Service Station (Texaco), 190-214 Plumstead High Street, London SE18 1JH.	
Lead Officer: Director of Housing & Safer Communities.	Ward: Plumstead & Glyndon.

I. Decision Required

The Sub-Committee is requested to consider the application made by TG Convenience Stores Ltd for the variation of a premises licence in respect of TG Convenience Store, a forecourt shop at Lakedale Service Station (Texaco), 190-214 Plumstead High Street, London SE18 1JH, as set out at **Appendix A**.

Regulations made pursuant to the Licensing Act 2003, require the Council to provide its decision together with reasons, within five working days from the date of the hearing.

The Guidance requires the Council to give its decision with reasons within five working days.

Members must consider the application for variation having regard to the representation(s) made and take such of the steps as it considers appropriate for the promotion of the licensing objectives.

These steps are:

- To grant the variation application in its current form; or
- To modify the conditions of the licence; or
- Reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new conditions added.

The Licensing Act 2003 states that the licensing authority can only consider representations if they are relevant to one of the four licensing objectives:

- Prevention of Crime & Disorder;
- Prevention of Public Nuisance;
- Public Safety;
- Protection of Children from Harm.

The Sub-Committee may only consider matters that have been raised by way of written representations. Licensing conditions may only be imposed to promote the licensing objectives and must relate to the representations from Responsible Authorities and 'Other Persons', being those who live, or are involved in a business, in the relevant licensing authority's area and who are likely to be affected by the licensing application.

The written representation against this application relates to the Prevention of Crime & Disorder, Prevention of Public Nuisance, and the Public Safety licensing objectives.

1.1 Summary of Application

The application the Sub-Committee is asked to consider is to vary the premises licence as follows:

- **Current hours:**

Off-Sale & Supply of Alcohol: Daily from 06:00 hours until 00:00 midnight.

Late Night Refreshment (provision of hot food &/or hot drink from 11pm):
Daily from 23:00 until each following 05:00 (the maximum LNR period).

- **Proposed variation:**

Off-Sale & Supply of Alcohol: Midnight to midnight, i.e. 24 hours a day (an increase of six hours daily).

Late Night Refreshment – *No change.*

All existing conditions – *No change.*

1.2 Date of Application

The Council received the Application on 18 March 2024.

The last date for Representations was 16 April 2024.

1.3 Notice/Advertising Requirements

The application has been correctly advertised as required by Regulations by displaying a notice of application at the site of the premises for 28 days and advertising it in the local press. In line with RBG practice, a licensing officer from RBG Licensing visited the premises on 20 March 2024 and confirmed that the statutory blue Notice of Application was displayed correctly, with copies both at the forecourt shop premises and where the forecourt itself abuts Plumstead High Street.

2. Current Licence

Licensable Activity	Days & Hours Permitted	Date of Grant
Off-Sale & Supply of Alcohol; Provision of Late Night Refreshment.	Off-Sales: Daily from 06:00 hours to 00:00 midnight. LNR: Daily from 23:00 hours to each following 05:00.	20 September 2019. <i>NB: At time of grant, premises operated under the Esso brand.</i>

A certified copy of the current premises licence, inclusive of all existing conditions, is attached at **Appendix B**.

3. The Premises

3.1 History & Nature

The premises has historically operated as a petrol service station and currently operates under the Texaco brand. It has been licensed since the date shown at '2' above. Aside from alcohol, the forecourt shop also offers a variety of foods, soft drinks, household items, and motorists' goods, etc.

3.1.2 History of Noise Complaints

There have been *no* formal complaints received about the premises' operation by the RBG Community Protection (Noise) Team and, therefore, no requests for an Environmental Health Officer to attend in line with the CPT's callout service to assess levels of noise as determined with the statutory nuisance criteria of the Environmental Protection Act 1990.

3.2 Location

The premises are in Plumstead High Street, approximately 0.2 miles east of Lakedale Road fire station and next door to Plumstead Police Station, separated by Riverdale Road. Opposite is Bannockburn Primary School. The objector's residence is in one of the streets behind the school.

The premises are located within the Plumstead High Street Cumulative Impact Zone (CIZ) as prescribed by the Royal Borough of Greenwich licensing policy.

A map of the area is attached at **Appendix C** (with the premises cross-hatched).

3.3 Other Premises in Plumstead High Street licensed for the Off-Sale of Alcohol (listed geographically, west to east):

- **12 - Plumstead Mini Store:** Hours 07:00 until 00:00 midnight daily (with Late Night Refreshment from 23:00).
- **16-20 - Kooner General Store:** Hours 05:00 until 00:00 midnight daily.
- **50 - High Street Wines:** Hours 08:00 until 23:00 Monday to Saturday, 10:00 until 22:30 Sunday.
- **98A - Milsha Stores:** Hours 10:00 until 22:00 daily.
- **101 - Lucky Food & Wine:** Hours 08:00 until 23:00 Monday to Saturday, 08:00 until 22:30 Sunday.
- **102 - Premier Express (The Post Office):** Hours 09:00 until 23:00 daily.
- **104 - High Street News & Wine:** Hours 06:00 until 23:00 daily.
- **104A&B - Everest Stores Ltd:** Hours 08:30 until 21:30 Monday to Saturday, 10:00 until 21:00 Sunday.

- **134 - Chandra Cash & Carry:** Hours 07:00 until 00:00 midnight daily.
- **144-146 - Iceland:** Hours 08:00 until 23:00 Monday to Saturday, 10:00 until 22:30 Sunday.
- **244 - Expo International Supermarket Ltd:** Hours 08:00 until 00:00 midnight daily (open 24 hours for non-licensable activity).
- **262-264 - Londis Supermarket:** Hours 05:00 until 00:00 midnight daily.
- **299 - 'M&S' Food & Wine:** Hours 08:00 until 23:00 Monday to Saturday, 10:00 until 22:30 Sunday. (*NB: This is not a Marks & Spencer premises.*)
- **309 - Sal's Mini Market:** Hours 07:30 until 00:00 midnight Monday to Saturday, 08:30 until 22:30 Sunday.
- **Costcutter, 3 Wickham Lane, SE2, j/w Plumstead High Street:** Hours 08:00 until 23:00 Monday to Saturday, 10:00 to 22:30 Sunday (with bespoke hours on Christmas Day and Good Friday).

3.4 Premises in Plumstead High Street licensed for the *On-Sale* of Alcohol (listed geographically, west to east):

- **8 - Gandhi Tandoori:** Hours 11:00 to 00:00 midnight daily. Operates as a restaurant; no off-sales.
- **24 - Anedo:** Hours 10:00 until 00:00 midnight Sunday to Wednesday, until 00:30 each following day Thursday to Saturday. Operates as a restaurant and bar; also licensed for off-sales.
- **73 - Ebute Metta Joint:** Hours 12:00 noon until 23:30 Monday to Wednesday, until 01:30 each following day Thursday to Saturday, and until 00:00 midnight on Sunday. Operates as an African restaurant; no off-sales.
- **95 - Red Lion Noodle Bar:** Hours 11:30 until 02:00 each following day, daily. Operates as a restaurant; no off-sales.
- **100 - Belfry Social Club:** Hours 09:00 until 02:00 each following day, daily. Operates as a members' club; no off-sales.
- **107A - Dosa & Sambal Express:** Hours 11:00 until 23:00 daily. Operates as a restaurant; no off-sales.

- **130 - The Volunteer:** Hours 11:00 until 00:00 midnight Monday to Saturday, 12:00 noon to 00:00 midnight Sunday. Operates as a public house; also licensed for off-sales.
- **233 - Favourite African:** Hours 12:00 noon until 23:00 Monday to Thursday, until 00:00 midnight Friday & Saturday, and until 22:00 Sunday. Operates as a restaurant; also licensed for off-sales.
- **236 - Plumble:** Hours 10:00 until 23:00 Sunday to Thursday, until midnight Friday & Saturday. Operates as a restaurant & bar; also licensed for off-sales. *Premises currently not trading.*
- **250 - Tee's Bar:** Hours 11:00 until 00:00 midnight Monday to Saturday, 12:00 noon to 23:30 Sunday. Operates as a restaurant; no off-sales.

3.5 There are eleven premises in Plumstead High Street licensed solely for **Late Night Refreshment** (provision of hot food &/or hot drink from 23:00 hours and before the following 05:00), as follows (listed geographically, west to east):

- **4 - Taste of China:** Until 00:00 midnight Sunday to Thursday, until 01:00 each following day Friday & Saturday.
- **6 - Mr Uncle's Kebab:** Until 01:00 each following day Sunday to Thursday, until 03:00 following day Friday & Saturday.
- **10 - Kings Chicken:** Until 00:00 midnight Sunday to Thursday, until 01:00 each following day Friday & Saturday.
- **66 - KFC:** Until 02:00 each following day Monday to Thursday; until 02:30 each following day Friday & Saturday; and until 01:00 the following day on Sunday.
- **73 - Chick 'N' Chip:** Until 01:00 each following day Sunday to Thursday, until 02:00 each following day Friday & Saturday.
- **98B - Chick Chicken:** Until 03:00 each following day Monday to Saturday, until 01:00 each following day Sunday.
- **99 - Dilkush Fast Food:** Until 02:30 each following day, daily.
- **248 - Family Choice Pizza & Grill:** Until 03:00 each following day, daily.
- **260 - Express Kebab:** Until 01:00 each following day Sunday to Thursday, until 02:00 each following day Friday & Saturday.
- **289 - Perfect Fried Chicken:** Until 00:00 midnight, daily.

- **297 - Meghna Tandoori:** Until 00:00 midnight, daily.

4. Summary of Representations

Name of Person Making Representation & Relevant Authority/Other Person	Relevant Licensing Objective(s)	Appendix Reference
Robert Pinchen, local resident	Prevention of Crime & Disorder; Prevention of Public Nuisance; Public Safety.	<i>Appendix D</i>

Appendix D is exempt information under Part II, Section 40 of the Freedom of Information Act 2000.

Of the Responsible Authorities consulted, the Environmental Health Community Protection (Noise) Team and the EH Commercial Team both formally confirmed they had no representations to make. A representative of Greenwich Police Licensing verbally stated to the author of this report that, after due consideration, they had no representations either, but did not confirm this in writing. The remaining Responsible Authorities did not respond at all.

On 17 April 2024, Mr Robert Botkai, solicitor from Messrs Winckworth Sherwood, representing the applicant, contacted Mr Pinchen inviting him to discuss his concerns. On 29th April, Mr Pinchen replied by declining said invitation and enclosing a “Police Crime Stats” document. This e-mail exchange is attached at ***Appendix E***.

5. Relevant Provisions of Royal Borough of Greenwich Licensing Policy

Section & Paragraph	Provision
1.5	“The Policy aims to provide a necessary balance between

	<p>providing a platform upon which responsible business operators may contribute towards a thriving business and late-night economy, especially in those areas undergoing substantial regeneration, whilst at the same time ensuring that the quality of life of those who live and work in Royal Greenwich is protected and enhanced through the licensing system. These objectives are achievable if all parties concerned work together.”</p>
2.3	<p>“Applicants are required by the Act to submit an operating schedule as part of the application process. The Royal Borough will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities proposed, the location of the premises, and the potential impact of the premises operation on the local community.”</p>
4.1	<p>“The Royal Borough of Greenwich maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Any conditions attached to licences will be focused on matters that are within the control of individual licensees and must be appropriate for the promotion of the licensing objectives.”</p>
4.2	<p>“These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the near vicinity of the premises. In this regard, the Royal Borough of Greenwich will primarily focus on the impact, or reasonably anticipated impact, of any activities taking place at the licensed premises on those living, working or engaged in normal activity in the area concerned.”</p>
4.3	<p>“Where the Royal Borough of Greenwich’s discretion is engaged as a result of relevant representations, tailored and proportionate conditions may be imposed on a licence to address the individual licensing objectives.”</p>
4.5	<p>“In order to avoid duplication with other statutory regimes as far as possible, the Royal Borough will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. A list of non-exhaustive conditions for consideration appear in Appendices A to F [of the Greenwich Statement</p>

	of Licensing Policy]. Whilst these are not standard conditions, they demonstrate good practice and be may be used in preference to poorly worded conditions offered in the operating schedules of submitted applications.”
4.6	“The Royal Borough recognises that well-run premises can make a valuable, positive contribution to the local community though the local economy, tourism and cultural development. However, because of the link between alcohol consumption and crime and disorder, especially those offering late night entertainment / refreshment for large numbers of people, premises that are not properly managed and controlled can become a serious source anti-social behaviour, such as violence, sexual assault, domestic violence, public disorder, noise, and street drinking.”
4.8	“The Royal Borough will expect applicants to address in their operating schedule how the operation of the premises will satisfactorily address crime and disorder issues ranging from the design of the premises through to the daily operation of the business, whilst promoting the prevention of crime and disorder objective. For pubs, bars, and premises with facilities for music and dancing (e.g. nightclubs), a specific assessment may be needed of how the risks of violence and crime in the premises and the vicinity will be managed.”
4.11	“The Police and the Royal Borough’s Safer Spaces Service are the main source of advice on crime and disorder. Applicants are recommended to seek advice on crime prevention from Greenwich Police before making a formal application.”
4.12	“Conditions may, for example, include items relating to management systems, training, drugs policies, search procedures, entry policies, physical security, door supervisors, bottle bans, drinks containers, smoking area capacity limits, CCTV, restricting drinking areas, premises capacity limits, age verification systems such as ‘Challenge 25’, crime prevention notices, and signage.”
4.15	“... the Royal Borough may limit the alcoholic strength of beers, lagers and ciders for sale to under 6.5% ABV , excluding the sale of agreed premium alcoholic beverages.” <i>(NB: Application premises is currently conditioned to an ABV of</i>

	<i>not higher than 5.5%.)</i>
4.21	“The Royal Borough expects premises licence holders to implement measures which ensure the safety of all those using their premises. Physical safety measures may include, but are not necessarily limited to, the prevention of accidents and injuries and other immediate types of harm, such as loss of consciousness or alcohol poisoning.”
4.24	“The Royal Borough expects applicants in their operating schedules for premises licences and club premises certificates to consider measures ensuring the safety of the public, not only when they are present within the premises, but also their safety within the environs of the premises on arrival and departure. To promote the public safety licensing objective, these measures will be converted into enforceable conditions.”
4.25	“The Royal Borough recognises that the measures for each individual premises will depend on a range of factors including the nature and style of the venue, the type of activities being conducted, the location of the premises, the anticipated clientele, and the competency of management. Measures to be considered may include fire safety.”
4.26	“The Royal Borough recognises that conditions relating to public safety need to be relevant and proportionate to the circumstances of any individual premises or club premises. The conditions should not duplicate any other legal requirements. The attachment of conditions to the premises licences or club premises certificates will not in any way relieve the employers of their statutory duties to comply with the requirements of other legislation, such as the Health & Safety at Work Etc. Act 1974, associated regulations, and especially the requirements under the Management of Health & Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005, to undertake risk assessments.”
4.29	“The Royal Borough will require any applicant to demonstrate within their operating schedule how they intend to prevent public nuisance arising and, equally, to prevent nuisance to ensure that the prevention of public nuisance licensing objective in particular, and the licensing

	<p>objectives in general, are met. Public nuisance includes noise caused by customers arriving at and/or leaving a premises, noise created whilst they are within a premises, general anti-social behaviour, and issues such as smoke, odour, litter, light, fly-posting, and obstruction of the highway. These examples are not exhaustive and applicants should demonstrate within their application how all potential public nuisance issues relevant to their premises will be mitigated. Conditions which should be considered, to ensure the prevention of public nuisance, are listed in Appendix C [of the Royal Greenwich Statement of Licensing Policy].</p>
4.34	<p>“The trading hours during which licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate, are set for the prevention of public nuisance. Where premises are in a predominately residential area, the potential for public nuisance is greater. Restrictions may be necessary on the times when certain licensable activities take place, even though the premises may be open to the public at such times. For example, the playing of recorded music after 23:00 hours might be prohibited, even though other licensable activities are permitted to continue. Applicants should consider factoring a suitable “drinking up” time for alcohol and “winding down” time for regulated entertainment into their operating hours. Where an external area is permitted to have licenced activity, for example a beer garden or open forecourt, it may be appropriate to cease that activity earlier than the terminal hour for the rest of the premises.</p>
4.37	<p>“Licence holders are expected to adhere to the prevention of public nuisance through their licensable activities and demonstrate ways in which public nuisances, which result from the premises or its users, will be mitigated against. Conditions which should be considered, to ensure the prevention of public nuisance have been listed in Appendix C [of the Royal Greenwich Statement of Licensing Policy].”</p>
8.43	<p>“Applicants are expected to include positive proposals in their application on how they will manage any potential</p>

	risks.”
11.3 <i>NB: Referenced by objector in his representation.</i>	<p>“The Royal Borough has received evidence that the cumulative impact of licenced premises is continuing to undermine the licensing objectives in the following areas:</p> <ul style="list-style-type: none"> • Greenwich Town Centre; • Trafalgar Road [Greenwich] and environs; • Plumstead High Street; • Woolwich Town Centre; • Herbert Road (off Plumstead Common Road); • Eltham Town Centre; • The O2 [Greenwich Peninsula] and environs.”
11.7	<p>“The effect of the cumulative impact policy is that the Royal Borough will refuse applications for new premises licences or club premises certificates, or material variation of an existing licence or certificate, whenever it receives relevant representations, unless an applicant can demonstrate why the grant or variation involved will not add to the cumulative impact experienced.”</p>
11.8	<p>“The impact can be expected to be different for premises with different styles and characteristics and in different cumulative impact zones. The Royal Borough recognises that within areas of regeneration there is a need for an attractive night time economy that is fully inclusive and encourages families back into the town centre in the evening and most importantly that it is safe. The impact, for instance, of a late night vertical drinking establishment or an off licence would not be considered beneficial to the licensing objectives whereas a restaurant with ample seating that closes at 11:00pm could be considered to have a positive impact on the licensing objectives. An applicant within a cumulative impact zone will need to demonstrate in their application that, if granted, a licence will have a positive influence on the licensing objectives.”</p>
11.9	<p>“The Royal Borough recognises that within different cumulative impact zones different types of licensed premises mutually benefit from each other’s existence, attracting large groups of people. This in turn may increase the possibility of crime and disorder and public nuisance, thus impacting on the promotion of the licensing</p>

	objectives. For this reason, special consideration will be given to all classes of licensed premises within the cumulative impact zones.”
11.10	“The adoption of a cumulative impact policy for these areas does not relieve responsible authorities or other persons of the need to make a relevant representation. Before the Royal Borough may lawfully consider giving effect to this cumulative impact policy, a relevant representation must have been made. If no representations are received, it remains the case that any application must be granted in terms that are consistent with the operating schedule and any mandatory conditions required by the Act.”
11.11	“Responsible authorities and other persons may, however, make written representations, maintaining that it is necessary to refuse an application within the cumulative impact zone for the promotion of the licensing objectives, and in doing so may refer to the evidence considered by the Royal Borough in the adoption of the cumulative impact policy.”
11.13	“The cumulative impact policy does not include provision for terminal hours in respect of premises within these areas, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.”
12.3	“The Royal Borough will deal with the issue of licensing hours on the individual merits of each application.”
14.2	“The Royal Borough recognises that the promotion of the licensing objectives relies heavily on a partnership between premises licence and club premises certificate holders, authorised persons, other persons and Responsible Authorities in pursuit of common aims. The Royal Borough will endeavour to give premises licence and club premises certificate holders early warning of their concerns about problems identified at the premises and the need for improvement. The Royal Borough, where time allows, are prepared to facilitate mediation between the licensee and those who may be intending to review the licence.”

14.21	“In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.”
14.22	“Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick-pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.”
14.23	“Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.”
19.2	“The Royal Borough fully recognises the role businesses play in supporting our social life and the local economy. The Royal Borough and the Police share the aim of helping responsible businesses and their customers to take advantage of the new flexibilities, and taking appropriate enforcement action against those who abuse them. The Royal Borough will work with the Police to ensure that effective action is taken to deal with unlicensed activity, breaches of licence conditions, or crime and disorder associated with licensed premises. It should be noted that investigations will be undertaken through a range of means including overt and covert operations. It should be noted,

	in particular, that the Royal Borough’s Trading Standards Officers or officers from the Police will carry out test purchases of alcohol using young volunteers. Follow-up visits to licensed premises will include inspection for the presence of duty-evaded or counterfeit products.”
19.3	“An ongoing risk-based enforcement programme is in place to ensure we respond to complaints of non-compliance with licence conditions and we concentrate on areas where licensed premises are perceived to be contributing to anti-social behaviour. A sample of premises may also be inspected from time to time to ensure that the premises are operating in accordance with relevant licensing requirements.”
19.5	“In general, action will only be taken in accordance with agreed enforcement principles outlined in the Regulators’ Compliance Code and in line with the Royal Borough’s Enforcement Policy. To this end, the key principles of consistency, transparency, accountability, proportionality, and targeted action will be maintained.”

6. Relevant Provisions of Government Guidance under Section 182 of the Licensing Act 2003

Section	Provision
1.17	“Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.”
1.19	“While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees

	<p>should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:</p> <ul style="list-style-type: none"> • The Regulatory Reform (Fire Safety) Order 2005; • The Health & Safety at Work Act 1974.”
2.1	<p>“Licensing authorities should look to the Police as the main source of advice on crime and disorder. They should also seek to involve the Community Safety Partnership (CSP).”</p>
2.3	<p>“Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.”</p>
2.8	<p>“Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. [This] includes ... immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above.”</p>
2.9	<p>“A number of matters should be considered in relation to public safety. These may include:</p> <ul style="list-style-type: none"> • Fire safety; • Ensuring appropriate access for emergency services such as ambulances; • Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts; • Ensuring the presence of trained first aiders on the

	<p>premises and appropriate first aid kits;</p> <ul style="list-style-type: none"> • Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation); • Ensuring appropriate and frequent waste disposal, particularly of glass bottles; • Ensuring appropriate limits on the maximum capacity of the premises; and, <p>Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).”</p>
2.16	<p>“Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:</p> <ul style="list-style-type: none"> • Providing information on the premises of local taxi companies who can provide safe transportation home; <p>and</p> <ul style="list-style-type: none"> • Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.”
2.20	<p>“The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises, which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells, and litter.”</p>
2.21	<p>“Public nuisance is given a statutory meaning in many pieces of legislation. It is, however, not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the</p>

	<p>reduction of the living and working amenity, and environment, of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects, or where its effect is prejudicial to health.”</p>
2.22	<p>“As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.”</p>
2.26	<p>“Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.”</p>
8.43	<p>“Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area – for example, a cumulative impact policy – applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.”</p>
8.46 Pre-	<p>“While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of</p>

<p>application advice (not sought)</p>	<p>expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.”</p>
<p>9.15</p>	<p>“It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising Environmental Health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.”</p>
<p>9.37</p>	<p>“As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or ‘other person’ may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed to do so, within reasonable and practicable limits.”</p>
<p>9.38</p>	<p>“In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:</p> <ul style="list-style-type: none"> • The steps that are necessary to promote the licensing objectives; • The representations (including supporting information) presented by all the parties; • This Guidance;

	<ul style="list-style-type: none"> • Its own statement of licensing policy.”
9.39	<p>“The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal.”</p>

7. Further Considerations

7.1 Duration of the Licence

A premises licence lasts for the lifetime of the business unless it lapses due to the death or insolvency of the licence holder, is surrendered by the Applicant, or suspended or revoked by the Licensing Authority.

7.2 Review

The Review mechanism may be implemented by a relevant authority or any other person where a matter arises at the licensed premises which they consider to be contravening the licensing objectives.

7.3 Human Rights Act

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.

The Human Rights Act provides that: “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, or to secure the payment of taxes or other contributions or penalties.” The term “possession” includes a Licence as well as a home and the things it contains.

The Act further provides:

- “1. It is unlawful for a public authority to act in a way which is incompatible with a Convention right.
2. Subsection (1) does not apply to an act if:
- 2.1 As the result of one or more provisions of primary legislation, the authority could not have acted differently; or,
 - 2.2 In the case of one or more provisions of, or made under, primary legislation, which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.”

However, it is recognised that the Council’s Statement of Licensing Policy and Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Therefore, subject to both the Statement of Licensing Policy and Statutory Guidance having been properly and carefully considered, licensing authorities may depart from them if they have a justifiable reason to do so. If doing so, licensing authorities will need to give full reasons for their actions.

7.4 Written Decision & Reasons

A written decision notice with reasons will be provided within five working days of the date of the hearing.

Para 13.10 of the Guidance states: “It is important that a licensing authority should give comprehensive reasons for its decision in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that the reasons should also address the extent to which the decision has been made with regard to the Licensing Authority’s Statement of Policy and this Guidance. Reasons should be promulgated to all parties of any process which might give rise to an appeal under the terms of the 2003 Act.”

7.5 Appeal Rights

The Applicant and any person who has made a relevant representation may appeal the decision of the Licensing Sub-Committee by written

notification to the Magistrates' Court within 21 days of receipt of the decision notice and reasons.

List of Appendices:

Appendix A – Application.

Appendix B – Certified copy of current licence.

Appendix C – Map of local area.

Appendix D – Local resident's objection.

Appendix E – Solicitor/objector e-mail exchange, including objector's "Police Crime Stats" document.

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