SECOND DESPATCH - TEMPORARY EVENT NOTICES
LICENSING SUB-COMMITTEE

Date: Thursday 16 February 2017

Time: 7.00 pm

Venue: Lecture Theatre (2nd Floor) - International House, Canterbury Crescent, SW9 7QE

Copies of agendas, reports, minutes and other attachments for the Council's meetings are available on the Lambeth website. www.lambeth.gov.uk/moderngov

Members of the Committee

Councillor Michelle Agdomar, Councillor Linda Bray, Councillor Claire Holland, Councillor Jennie Mosley, Councillor Amélie Treppass, Councillor Louise Nathanson, Councillor Andrew Wilson, Councillor Max Deckers Dowber, Councillor Vaila McClure and Councillor Liz Atkins

Substitute Members

Councillor Matthew Bennett, Councillor Fred Cowell, Councillor Paul McGlone, Councillor Martin Tiedemann, Councillor Imogen Walker, Councillor Jane Edbrooke, Councillor Tim Briggs, Councillor Bernard Gentry and Councillor Marsha de Cordova

Members Required for this meeting will be: Councillor Andrew Wilson, Councillor Max Deckers-Dowber and Councillor Liz Atkins

Further Information

If you require any further information or have any queries please contact:
Jacqueline Pennycook, Telephone: 020 7926 2167; Email:jpennycook@lambeth.gov.uk

Members of the public are welcome to attend this meeting. If you have any specific needs please contact Facilities Management (020 7926 1010) in advance.

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.

Security

Please be aware that you may be subject to bag searches and asked to sign in at meetings that are held in public. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences. For more details please visit: our website.

Please contact Democratic Services for further information – 020 7926 2170 – or the number on the front page.

@LBLdemocracy on Twitter http://twitter.com/LBLdemocracy or use #Lambeth
Lambeth Council – Democracy Live on Facebook http://www.facebook.com/
While the Town Hall is closed meetings will take place at the Karibu Education Centre or International House. Please refer to the front page of this agenda to see meeting location.

Karibu Education Centre, 7 Gresham Rd, London SW9 7PH

International House, Canterbury Crescent, London SW9 7QE
AGENDA

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE CHANGED AT THE MEETING

5. Consideration of Objection to a Temporary Event Notice 1 - 6

Special circumstances justifying urgent consideration

A meeting of the Licensing Sub-Committee has been convened as a result of an objection raised by the Police regarding a Temporary Event Notice (TEN). Section 105 (2)(a) (of the Licensing Act 2003 [part5]) requires a minimum of two days' notice to be given. The event is due to take place from 25 February 2017.

The Chair is of the opinion that although the meeting has not been convened with at least five clear days notice, it should proceed now as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

a) The Royal Oak, 78 Fitzalan Street, London, SE11 6QU (Bishop's) 7 - 38
Digital engagement

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Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

Representation

Ward Councillors may be contacted directly to represent your views to the Council: (details via the website www.lambeth.gov.uk)
HEARING PROCEDURE FOR LICENSING SUB-COMMITTEE

Full information on the procedure is sent to all parties to the hearing. The information below is a précis of that information.

Parties to the hearing must notify Licensing Services within prescribed timescales (these vary according to the type of hearing) that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf.

The hearing will operate as follows (subject to the discretion of the Chair)

- In the form of a discussion led by the Committee; cross examination will not normally be permitted.

- A total of 3 minutes speaking time is normally allowed for each party. Any preliminary points will be treated separately.

- Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

- Parties to the hearing may be permitted to ask questions of any other party or witness.

- Parties to the hearing may be required to answer specific questions from members of the committee seeking clarification of information.

- The typical order of the hearing will be as follows:

  1. Chair will ask all parties and witnesses to introduce themselves and this should include a brief explanation of the purpose of their attendance.
  2. Officers present the report.
  3. Committee members ask questions of officers.
  4. Applicant speaks.
  5. Applicant's witnesses speak (with permission of Chair).
  6. Committee members ask questions of applicants and their witnesses (only applies to witnesses who have been given permission to speak).
  7. Other parties speak.
  8. Other parties' witnesses speak (with permission of Chair).
  9. Committee members ask questions of the other parties to the hearing and their witnesses (only applies to witnesses who have been given permission to speak).
 10. Applicant (with exception and with permission of Chair) asks questions of the other parties to the hearing and their witnesses.
 11. Other parties to the hearing (with exception and with permission of Chair) ask questions of the applicant/other parties to the hearing and their witnesses.
 12. Chair's closing remarks.
 13. Committee retires to make their decision.
 14. Legal adviser informs the hearing of any advice that they have given to the committee during the decision making process.
 15. Committee announces decision and gives reasons.
 16. After the hearing officers will write to all parties to confirm the committee's decision.
Licensing Sub-Committee 16th February 2017

Consideration of objection to Temporary Event Notice:

1. The Royal Oak, 78 Fitzalan Street, London SE11 6QU (Bishop's Ward)

Report authorised by: Sue Foster: Strategic Director for Neighbourhoods and Growth

Contact for enquiries: Robert Gardner, Principal Licensing Officer, 0207 926 6122, rgardner@lambeth.gov.uk

Executive summary

This report sets out details of a temporary event notice which has been given to the licensing authority, in respect of which the Police and Environmental Health (Community Safety) have submitted an objection notice.

Recommendation

That the notice set out in the Appendix to this report be considered having regard to the Council's Licensing Policy, the Licensing Objectives and the objection notice received.

Consultation

<table>
<thead>
<tr>
<th>Name of consultee</th>
<th>Directorate or Organisation</th>
<th>Date sent to consultee</th>
<th>Date response received from consultee</th>
<th>Comments appear in report (paragraph(s))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jean-Marc Moocarme or John Melnick</td>
<td>Corporate Resources</td>
<td>09/02/2017</td>
<td>09/02/2017</td>
<td></td>
</tr>
</tbody>
</table>

Report history

<table>
<thead>
<tr>
<th>Authorised by Executive Member</th>
<th>Date report drafted</th>
<th>Report deadline</th>
<th>Date report sent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8/02/2017</td>
<td>09/02/2017</td>
<td>09/02/2017</td>
</tr>
</tbody>
</table>

Appendices
1. Report and annexes for The Royal Oak, 78 Fitzalan Street, London SE11 6 (Bishop's Ward)
1. **Context**

1.1 Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

1.2 While most large-scale or permanent businesses will hold Premises Licences to authorise their activities, the Act also provides a light-touch mechanism for smaller, infrequent events, known as Temporary Event Notices.

1.3 An individual (known as the “premises user”) may give notice of a proposal to use premises for a temporary event, engaging in one or more licensable activities for a period of no more than 168 consecutive hours. The Licensing Sub-Committee is required to consider any objection notice received, and must give the premises user a counter-notice under section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of a licensing objective to do so. The temporary event may not proceed if a counter-notice has been issued.

2. **Proposals and reasons**

2.1 The Licensing Sub-Committee has responsibility for exercising many of the Council’s powers in respect of the Licensing Act 2003. Consideration by the Committee of the notice(s) appended to this report is required because the notice(s) have attracted an objection from the Council’s Noise and Pollution Team/Police.

2.2 Details of the notice(s) are set out in the Appendix to this report. The statutory consultation requirement set out in paragraph 3 below has been complied with by the premises user(s), and has resulted in the Noise Team and/or the Police giving an objection notice to the licensing authority.

2.3 The premises user and the Noise and Pollution Team/Police have been invited to attend the hearing.

2.4 The fee for giving a temporary event notice is prescribed within the Licensing Act 2003.

3. **Consultation requirements**

3.1 The premises user is required to give a copy of any temporary event notice to the Police and the Council’s Noise and Pollution Team no later than 10 working days before the first day of the proposed event. If either body is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, they must give an objection notice to the licensing authority and to the premises user within three days of receiving the copy of the notice. It is also possible to give a late TEN with between 5 and 10 working days notice, however if an objection notice is given the event cannot proceed.
3.2 An applicant’s failure to comply with the above consultation requirements would invalidate the notice. All notices set out in the appendix of this report have complied with the consultation requirements.

3.3 The Act does not make provision for further consultation with any other responsible authorities nor interested parties, and there is no requirement for the premises user to publicize their notice.

4. **Comments from Executive Director of Finance**

4.1 Not applicable.

5. **Comments from Director of Legal & Democratic Services**

5.1 The authorisation of premises for the supply of alcohol, regulated entertainment and late night refreshment fall within the provisions of the Licensing Act 2003.

5.2 When carrying out its licensing functions, the Sub-Committee shall act with regard to the Council’s Licensing Policy, Statutory Guidance, and with a view to promoting the Licensing Objectives. The objectives are:

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

5.3 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the statement of licensing policy;
- regard to the Secretary of State’s Guidance;
- there must not be a ‘blanket policy’ to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

Applications must be considered with regard to the principles of fair process and the Human Rights Act.

5.4 The purpose of Lambeth’s Statement of Licensing Policy is to make clear to applicants and relevant representatives the considerations that will be taken into account when determining applications. It is also intended to guide the Licensing Committee when considering licensing applications; however the Licensing Committee must consider each application on its own merit and only allow exceptions to its own policy where the circumstances of the application justify it.
5.5 Subject to both the Council’s Statement of Licensing Policy and Statutory Guidance having been properly considered a Sub Committee may depart from them if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.

5.6 Section 105(2)(b) of the Act requires that the licensing authority must, having regard to the objection notice, give the premises user a counter notice under this section if it considers it, “appropriate for the promotion of a licensing objective to do so.” The temporary event may not proceed if a counter-notice has been given.

5.7 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:

- it considers it appropriate for the promotion of the licensing objectives to do so;
- the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN;
- the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

5.8 It is considered inappropriate for officers involved in the administration of notices to make recommendations. However, the Committee may choose whether to have regard to any representations made by police officers or Council’s Noise and Pollution Team if they believe that using the premises in accordance with the TEN will undermine the licensing objectives.

5.9 At any time prior to the hearing, the police or the Council’s Noise and Pollution Team may, with the agreement of the premises user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. The premises user may also withdraw the notice completely at any time up until 24 hours prior to the proposed start time of the notice.

5.10 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the licensing authority gives a counter-notice under section 105, the premises user may appeal against the decision. Where the authority does not give a counter-notice, the person giving the objection notice may appeal against the decision. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision - however, no appeal can be brought less than 5 working days prior to the first proposed event day.

6. **Appendices**

Report for The Royal Oak, 78 Fitzalan Street, London SE11 6QU and annexes. (Bishop Ward)
<table>
<thead>
<tr>
<th>Item No:</th>
<th>5a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of Report:</td>
<td>The Royal Oak  78 Fitzalan Street London SE11 6QU</td>
</tr>
<tr>
<td>Applicant:</td>
<td>William Prophet</td>
</tr>
<tr>
<td>Application Type:</td>
<td>Temporary Event Notice</td>
</tr>
<tr>
<td>Application Date:</td>
<td>3rd February 2017</td>
</tr>
<tr>
<td>Ward:</td>
<td>Bishops</td>
</tr>
<tr>
<td>Premises Type:</td>
<td>Public House</td>
</tr>
<tr>
<td>Report Author:</td>
<td>Mrs. Esther Jones</td>
</tr>
<tr>
<td>Contact Details:</td>
<td>020 7926 6144 or <a href="mailto:efjones@lambeth.gov.uk">efjones@lambeth.gov.uk</a></td>
</tr>
<tr>
<td>Application Summary:</td>
<td>This is an application for a Temporary Event Notice over two days to allow authorisation for the following licensable activities:</td>
</tr>
<tr>
<td></td>
<td>- Regulated Entertainment</td>
</tr>
<tr>
<td></td>
<td>- Sale by Retail of Alcohol</td>
</tr>
</tbody>
</table>
Consultation Information:

<table>
<thead>
<tr>
<th>Department(s) or Organisation(s)</th>
<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Service</td>
<td>Y</td>
<td>8/2/2017</td>
<td>Y</td>
</tr>
<tr>
<td><strong>External</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Licensing Unit</td>
<td>Y</td>
<td>-</td>
<td>-</td>
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</table>

Policy implications:

*Licensing Objectives (chapters 6, 9, and 14, pages 12, 16 and 23 of the policy)*

The Licensing Objectives engaged by this application is:

Prevention of Public Nuisance-

The policy on page 23, paragraph 14.2 strongly recommends that those giving TENs for premises already holding a premises licence in order to extend the hours of operation should carefully consider applying any conditions on their licence to the TEN. This, it states, is particularly relevant for conditions relating to noise control as any noise sensitive area is likely to become more noise sensitive with later hours.

1. Application:

1.1 A Temporary Event Notice has been given by Mr. William Prophet under section 100 of the Licensing Act 2003.

1.2 The Notice will authorise the following licensable activities:

**Regulated Entertainment**

19:00 hours - 03:00 hours
Sale of Retail of Alcohol

19:00 hours - 03:00 hours

From: 25th February – 26th February 2017

A copy of the application is attached to this report as Annex A

2. Representations:

An objection notice to the TEN was received from Lambeth Community Safety on 8th February 2017. The objection engages with the licensing objective of:-

Prevention of Public Nuisance

In that the service is not satisfied that the licensing objective would not be undermined.

A copy of the objection has been provided to the applicant via email on 9th February and is appended to this report as Annex B.

Officers have provided supporting documents with regard to their objection to this application these have been appended to this report as Annex C.

The last date for giving an objection notice was Wednesday 8th February.

3. Current Licence:

3.1 There is a current premises licence in place for this venue. A copy of the premises licence is attached as Annex D.

4. Background History:
4.1 The premises is a single storey, purpose built public house and is located in the middle of residential properties with the majority of the properties in its immediate vicinity being residential. Immediately opposite it is a green space known as Lambeth Walk Open Space.

The premises traded under the old licensing regime and converted under grandfather rights to the new licensing regime in 2005. The premises licence holder (PLH) then was Mr Vincent Herbert, he was also the designated premises supervisor (DPS).

In September 2009, following applications to transfer the premises licence and to vary the DPS, Mr William Prophet became both the PLH and DPS.

4.2 The premises gave 6 Temporary Event Notices (TENs) in 2016 and has given 2 this year (2017) including the one under consideration.

5. Observations:

5.1 The parts of the Statutory Guidance (March 2015) relevant to this application and the representations received are Chapters:

7 – Temporary Event Notices;
9 – Determining Applications;
15 – Regulated Entertainment.

5.2 The parts of the Statement of Licensing Policy that relevant to this application and the representations are Sections:

5. The Licensing Objectives
6. The Prevention of Crime and Disorder
8. Prevention of Public Nuisance
14. Temporary Events
<table>
<thead>
<tr>
<th>Appendix 6 – Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix 9 – Public Nuisance</td>
</tr>
</tbody>
</table>
6. Conclusion:

6.1 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:

- it considers it appropriate for the promotion of the licensing objectives to do so;
- the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN;
- the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

6.2 Members have three options when determining this Notice,

- To issue a Counter-Notice,
- To impose conditions on the TEN where those are already imposed on the premises licence
- To refuse to issue a Counter Notice

Appendices:

Annex A – TENs Applications
Annex B – Objection
Annex C – Copy of Supporting Document from objector
Annex D – Copy of current premises licence.

Reference Documents:

Local Government Act 1972 – Access to information documents used in the preparation of this report

1 The Licensing Act 2003 ("the Act")
2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) ("the Guidance")
This page is intentionally left blank
Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

<table>
<thead>
<tr>
<th>System reference</th>
<th>Not Currently In Use</th>
<th>This is the unique reference for this application generated by the system.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your reference</td>
<td>no.3 feb2017</td>
<td>You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.</td>
</tr>
</tbody>
</table>

Are you an agent acting on behalf of the applicant?

- [ ] Yes
- [x] No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

<table>
<thead>
<tr>
<th>First name</th>
<th>William</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name</td>
<td>Prophet</td>
</tr>
<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Mobile number</td>
<td></td>
</tr>
<tr>
<td>Other telephone number</td>
<td></td>
</tr>
</tbody>
</table>

- [x] Indicate here if you would prefer not to be contacted by telephone

Are you:
- [ ] Applying as a business or organisation, including as a sole trader
- [x] Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?

- [ ] Yes
- [x] No

Note: completing the Applicant Business section is optional in this form.

<table>
<thead>
<tr>
<th>Registration number</th>
<th>10066404</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business name</td>
<td>The Uncommon Oak Ltd.</td>
</tr>
<tr>
<td>VAT number</td>
<td>GB 239804681</td>
</tr>
<tr>
<td>Legal status</td>
<td>Private Limited Company</td>
</tr>
</tbody>
</table>
Your position in the business: Director/Landlord

Home country: United Kingdom

Registered Address

Building number or name: The Royal Oak
Street: Fitzalan Street
District: Kennington
City or town: London
County or administrative area: London
Postcode: SE11 6QU
Country: United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?
- Yes
- No

Your date of birth: [dd] [mm] [yyyy]

National Insurance number: [redacted]

Place of birth: Dundee

Correspondence Address

Is the address the same as (or similar to) the address given in section one?
- Yes
- No

Building number or name: The Royal Oak
Street: Fitzalan Street
District: Kennington
City or town: London
County or administrative area: London
Postcode: SE11 6QU
Country: United Kingdom

Applicant must be 18 years of age or older

This box need not be completed if you are an individual not liable to pay UK national insurance.

If “Yes” is selected you can re-use the details from section one, or amend them as required. Select “No” to enter a completely new set of details.
### Additional Contact Details

- **Are the contact details the same as (or similar to) those given in section one?**
  - [ ] Yes
  - [ ] No

- **E-mail**
  - [Redacted]

- **Telephone number**
  - [Redacted]

- **Other telephone number**
  - [Redacted]

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### Section 3 of 9

#### THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). *(See also guidance on completing the form, note 2)*

Does the premises have an address?

- [ ] Yes
- [ ] No

#### Address

- **Is the address the same as (or similar to) the address given in section one?**
  - [ ] Yes
  - [ ] No

- **Building number or name**
  - The Royal Oak

- **Street**
  - Fitzalan Street

- **District**
  - Kennington

- **City or town**
  - London

- **County or administrative area**
  - London

- **Postcode**
  - SE11 6QU

- **Country**
  - United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- [ ] Neither
- [ ] Premises licence
- [ ] Club premises certificate

**Premises licence number**

- 05/01285//PRMCON/34

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### Location Details

Provide further details about the location of the event

The pub is located on a residential street with flats to either side and a green space (Lambeth Doorstep Green) directly over the road opposite. There is another green space (Roots and Shoots) to the rear of the beer garden at the back of the pub. The landlord's family flat is directly above the pub.
Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The pub has an internal area of approx. 6 x 19m with a bar at the front, men's and ladies' toilets and a small kitchen to the rear. There is a small beer garden at the front of the pub with an area of approx. 6 x 2m and a larger beer garden to the rear with an area of approx. 6.5 x 4.5m.

Describe the nature of the event below (see also guidance on completing the form, note 5)

The event is a party with some live music from a folk band.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

☒ The sale by retail of alcohol

☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

☒ The provision of regulated entertainment

☐ The provision of late night refreshment

☐ The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event. (See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 8)

Event start date

<table>
<thead>
<tr>
<th>dd</th>
<th>mm</th>
<th>yyyy</th>
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<tbody>
<tr>
<td>25</td>
<td>02</td>
<td>2017</td>
</tr>
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</table>

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

<table>
<thead>
<tr>
<th>dd</th>
<th>mm</th>
<th>yyyy</th>
</tr>
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<tbody>
<tr>
<td>26</td>
<td>02</td>
<td>2017</td>
</tr>
</tbody>
</table>
Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)  
19.00hrs to 03.00hrs

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers  
100

(see also guidance on completing the form, note 10)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both  
(see also guidance on completing the form, note 11):  
- On the premises only  
- Off the premises only  
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT  (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

There will be some live music from a band. It will not be amplified. There will be the usual amplified music in between the band playing. Music will be played from 19.00hrs to 03.00hrs.

Section 6 of 9

PERSONAL LICENCE HOLDERS  (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence?  
- Yes  
- No

Provide the details of your personal licence below.

Issuing licensing authority  
Lambeth

Licence number  
pers2573

Date of issue  
10 / 12 / 2009

dd  
m  
yyyy

Date of expiry  
10 / 12 / 2019

dd  
m  
yyyy
Continued from previous page...

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES  (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- Yes
- No

State the number of temporary event notices you have given for events in that same calendar year

2

Have you already given a temporary event notice for the same premises in which the event period:

- Ends 24 hours or less before; or
- Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES  (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes
- No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- Ends 24 hours or less before; or
- Begins 24 hours or less after the event period proposed in this notice?
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?  

☐ Yes ☐ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:  

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

☐ Yes ☐ No

Section 9 of 9

CONDITION  (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21

DECLARATION  (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name  
William Prophet

Capacity  
Director/Landlord

Date  
03 / 02 / 2017

dd mm yyyy

Add another signatory
Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to [https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lambeth/apply-1](https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lambeth/apply-1) to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

### OFFICE USE ONLY

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Annex B

Memo To: Licensing
At: Community Safety

From: Jim Foudy
Date: 8 February 2017

Reference: TEN 8974

Subject: Application for a Temporary Event, The Royal Oak Public House, 78 Fitzalan Street, Kennington, London, SE11 6QU

The Community Safety Area Teams, a responsible authority for the purpose of the Licensing Act 2003, hereby makes an objection to an application made by Mr William Prophet to hold a temporary event between Saturday 25th February 2017 until Sunday 26th February 2017 between the hours of 19:00 and 03:00 hours at the above premises, application reference TEN 8974 refers.

This objection is made as we cannot be satisfied that the licensing objective of Prevention of Public Nuisance would not be undermined.

Prevention of Public Nuisance
The events are scheduled for 19:00 – 03.00hrs on the following dates:
Saturday 25th February 2017
Sunday 26th February 2017

The objection is based on the fact that the Community Safety Team is of the opinion that the extension in hours of licensable activities, in particular regulated entertainment and the significant number of persons permitted on the premises is likely to result in public nuisance and statutory nuisance.

The Community Safety Team are also mindful of recent concerns raised by local residents relating to noise and disturbance caused by the venue as a result of a similar temporary event which took place at the premises on Saturday 28 January.
The Community Safety Team is not convinced their dispersal policy for vacating up to 100 persons will be effective.

Summary
Lambeth Community Safety Team asks the Licensing Sub-Committee to issue a counter-notice based on the information above to so the events cannot go ahead.

Yours faithfully

Jim Foudy
Senior Community Safety Officer
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Annex C

Community Safety Weekend Tasks: Results from Friday 03.02.17

Royal Oak, 78 Fitzalan Street, SE11 6QU

Officer report:

Friday:

23:06 All licensable activities should cease at 23:00 hrs. Resident complaints checking for noise disturbance with dispersal and intoxication. The premises appeared closed on approach with curtains drawn across the whole window frontage. The main doors were locked. We could hear customers inside and music playing. We spent 5 minutes banging on the door to get attention. An intoxicated female finally opened the door. We asked for the manager and Mr William Prophet came to the door and stated that he was having a small private party for family only. We asked to enter and inside we observed 40-50 customers in the pub all with drinks. Music was playing and there was no sign of winding down or drinking up. We went through to the back so we could speak with the licensee and be heard. Walking through we observed 3 customers smoking cigarettes inside and one person with an electric cigarette. The licensee confirmed that he should have closed at 23:00 but he needed to have an additional hour as he has a family to provide for. The intoxication and later dispersal would be an issue for the residents that are already being disturbed. I explained that the licence was at risk of being reviewed. Mr Prophet was the LH and DPS and I informed him that he would be called in. The issue of the customers smoking and the doors being locked was a major safety concern. The front doors were locked while in public use and this was not an emergency fire door. This report will be sent to the Fire Brigade and Health and Safety. We left at 23:20.

Report Ends
August 24, 2015

Mr William Prophet
The Premises Licence Holder
78 Fitzalan Street
London
SE11 6QU

Dear Mr Prophet

LICENSE ACT 2003
ALLEGATIONS OF ILLEGAL ENTERTAINMENT – THE ROYAL OAK, SE11 6QU

I refer to my letter to you dated February 3, 2014 when I drew your attention to complaints from residents about noise from your premises namely amplified music.

Unfortunately, we have again received complaints from an elected member that his constituent has complained to him about noise from your premises. As a result of this allegation, I have notified and copied both the Police and Lambeth’s Noise service into this letter and asked that they both visit your premises whenever they are on out of hours visit to see if the allegations can be verified.

Please note, should any of the council’s officers or other responsible authorities witness any infringement of the Licensing Act 2003 or any of its provisions from your premises the Licensing Authority shall not hesitate to take any action it considers appropriate in the circumstances.

As stated in my previous letters to you I do not intend to warn you again should we have verification that you are breaching the conditions on your premises licence or the provisions of the Licensing Act 2003.

If you require further clarification or advice with regards to this or any other matter, please do not hesitate to contact me using the details provided below.

Yours sincerely

Mrs Esther F. Jones
Licensing Officer
6th Floor, International House
London SW9 7QE
Tel: 0207 926 6144
Email: efjones@lambeth.gov.uk

Copy being emailed to Police Licensing and Noise Team1
February 3, 2014

Mr William Prophet
The Premises Licence Holder
78 Fitzalan Street
London
SE11 6QU

Dear Mr Prophet

LICENSING ACT 2003
ALLEGATIONS OF ILLEGAL ENTERTAINMENT – THE ROYAL OAK, SE11 6QU

I to the visit to your premises on 14th December by Mr Faulkner an environment and noise enforcement officer for Lambeth Council when he observed that your premises was providing regulated activity i.e. amplified music at 00:02 without the benefit of a temporary event notice or a special event notification contrary to the provisions of the Licensing Act 2003 and its regulations.

The officer states that he spoke to you, Mr Prophet and that you admitted operating after your stipulated hours the excuse preferred being that your friend who had a parked van outside was trying to pilot a mobile catering service and the venue was being used to promote the business and that you ceased all regulated activities and entertainment at 00:05am. Licensing officers have since visited and found your premises to be closed.

On 18th February 2012 I issued you with a final warning letter but as it has been at least 2 years after the warning letter I am going to afford you another final warning letter but please be under no shadow of doubt as to my intent on seeking further formal against you should we receive confirmed report(s) from any of the responsible authorities that you are operating outside of your permitted hours. This may include review of your premises licence to reduce your hours or to impose conditions on your premises licence.

I do not intend to warn you again verbally or in writing as it is your responsibility as a premises licence holder to ensure that you operate your premises within the parameters of your permit and to advice all those working for you to do the same whether you are there or not.

If you require further clarification or advice with regards to this or any other matter, please do not hesitate to contact me using the details provided below.

Yours sincerely

Mrs Esther F. Jones
Licensing Officer
234-244 Stockwell Road,
London SW9 9SP
Tel:- 0207 926 6144
Email:- efjones@lambeth.gov.uk

Copy being emailed to Noise Team1
Copy of letter being posted by mail and hand delivered

18th February 2012

Mr. W. Prophet
The Royal Oak
78 Fitzalan Street
London
SE11 6QU

Dear Mr. Prophet

**LICENSING ACT 2003 – SECTION 136**

I refer to my visit to your premises on Friday 17th February 2012 at 23:15, during which I was accompanied by my colleague Mr. Tonecas Fumo, from trading standards. This visit was a follow up to the earlier visit of Mr. John Smith, Licensing Manager to your premises and his subsequent letter to you dated 05.09.2011.

During my visit I witnessed your premises operating outside its permitted hours in that witnessed the sale of alcoholic drink, "Couversoir" the provision of facilities for making music (the equipment set up at the rear of the premises and the provision of live music, i.e. karaoke, which was ongoing during our visit.

Your premises is neither licensed for the provision of Karaoke music nor for the provision of facilities for making music nor for the sale of alcoholic drinks after 23:00. Before visiting your premises I had checked the council record to see if there is any temporary event notice in place for your premises and can confirm that none is in place for the activity, entertainment, date and time of my visit. This means that you were operating outside of your permitted hours and therefore, in breach of the above Section of the Licensing Act, which is a criminal offence.

During my visit, you informed me that you tried to apply for a temporary notice but went to Herne Hill Road, now that I have seen a copy of Mr. Smith’s letter I can confirm that he provided you with all the information you require to contact the licensing team in that you had the public telephone number details, his direct line details, his email address and our new postal address since July last year. This means that the excuse you provided to me yesterday during the visit is now seen under a much different and clearer light.

You are now being formally warned that should any bona-fide authorised council officer witness the provision of regulated activity or entertainment outside of your permitted hours, I shall refer the matter to my manager with a recommendation for prosecution.

This letter is therefore a final warning to you and all those who operate the business in your presence or absence that any further infringements of the above Act will be dealt with vigorously. I do not intend to issue any further warning to you or any other person acting on your behalf in that premises and would ask that you inform all of your staff temporary or permanent about this fact.

I have also enclosed with this letter an application form for a temporary event notice and variation of premises licence should you wish to vary your current hours. You can also apply, submit and pay via Copy to police licensing unit Frank O Neil House, Clapham Road, Via email.
Copy of letter being posted by mail and hand delivered  

Page 2  

February 9, 2017  

the internet should you not be able to come to our office. I shall be copying this letter to the licensing police branch of the Metropolitan Police, Lambeth for their information and also so that they can include your premises on those to be monitored for the foreseeable future.

Your premises will now be monitored anytime we are out on out of hours visits until such a time that we are confident that you are operating within the parameters of your permitted hours.

Should you wish to discuss the contents of this letter with me please do not hesitate to contact me directly using the contact details below.

Yours sincerely

Mrs Esther F. Jones  
Licensing Officer  
234-244 Stockwell Road, SW9 9SP  
Tel:- 0207 926 6144  
Email:- ejones@lambeth.gov.uk

Enclosed:- Application form to vary premises licence  
Application form for a temporary event notice.

Copy to police licensing unit Frank O Neill House, Clapham Road, Via email.  

2
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Annex D

Premises Licence Number Premises Licence Number | Prem34 | Version Reference | 09/00981/PREMLI

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description
The Royal Oak
78 Fitzalan Street
London
SE11 6QU

Telephone number 020 7752 5045

Where the licence is time limited the dates
- 

Licensable activities authorised by the licence
Recorded Music
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Recorded Music
- Monday - Saturday 10:00 – 23:00
- Sunday 12:00 – 22:30

Supply of Alcohol
- Monday - Saturday 10:00 – 23:00
- Sunday 12:00 – 22:30

The opening hours of the premises
- Monday - Saturday 10:00 - 23:00
- Sunday 12:00 - 22:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Alcohol is supplied for consumption both on and off the Premises
Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr William Prophet
78 Fitzalan Street
London
SE11 6QU

Email address: info@williamprophet.com

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr William Prophet

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence number: 2573  Licensees Authority: LB Lambeth

Signed: .........................

On behalf of the Head of Environmental Health

Dated: ..........................
Annex 1 – Mandatory conditions

1 MANDATORY CONDITIONS (Alcohol)

Supply of Alcohol

1. No supply of alcohol may be made under this licence:
   a) At a time that there is no designated premises supervisor in respect of the premises licence; or
   b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
Annex 2 – Conditions consistent with the Operating Schedule

1 GENERAL (EMBEDDED RESTRICTIONS)

For the purpose of paragraph 6(8) of Schedule 8 to the Licensing Act 2003 this licence is subject to the effect of restrictions contained in the Licensing Act 1964, the Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and the Sporting Events (Control of Alcohol Etc) Act 1985, which include, but may not be limited to, the following:

1. Alcohol shall not be sold or supplied except during permitted hours.

   (1) In this condition, permitted hours means:

   a. On weekdays, other than Christmas day, Good Friday or New Year's Eve, 11am to 11pm
   b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30pm
   c. On Good Friday, 12 noon to 10.30pm
   d. On Christmas Day, 12 noon to 3pm and 7pm to 10.30pm
   e. On New Year's Eve, except on a Sunday, 11am to 11pm
   f. On New Year's Eve on a Sunday, 12 noon to 10.30pm
   g. On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

   (2) The restrictions in sub-paragraph (1) do not prohibit:

   a. during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
   b. during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
   c. during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals if the alcohol was supplied for consumption as ancillary to the meal;
   d. consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
   e. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
   f. the sale of alcohol to a trader or club for the purpose of the trade or club;
   g. the sale of supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
   h. the taking of alcohol from the premises by a person residing there; or
   i. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
   j. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2 PREVENTION OF CRIME AND DISORDER

The premises licence holder or the designated premises supervisor shall ensure that the CCTV is maintained in working order, and that recordings are retained for an appropriate period of time.
Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable
**Premises Licence Summary**

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### Premises Details

- **Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description**
  - The Royal Oak
  - 78 Fitzalan Street
  - London SE11 6QU
- **Telephone number**
  - 020 7752 5045

### Where the licence is time limited the dates

- 

### Licensable activities authorised by the licence

- Recorded Music
- Supply of Alcohol

### The times the licence authorises the carrying out of licensable activities

**Recorded Music**
- Monday - Saturday: 10:00 – 23:00
- Sunday: 12:00 – 22:30

**Supply of Alcohol**
- Monday - Saturday: 10:00 – 23:00
- Sunday: 12:00 – 22:30

### The opening hours of the premises

- **Monday – Saturday**: 10:00 - 23:00
- **Sunday**: 12:00 - 22:30

### Where the licence authorises supplies of alcohol whether these are on and/or off supplies

- Alcohol is supplied for consumption both on and off the Premises
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| State whether access to the premises by children is restricted or prohibited                      |
