



# Licensing Sub-Committee Report

**Item No:**

1

**Title of Report:**

Bagel World  
516 Brixton Road  
London SW9 8EN

**Applicant:**

Stella Blades

**Application Type:**

Premises Licence (New application)

**Application Date:**

3<sup>rd</sup> December 2018

**Ward:**

Ferndale

**Premises Type:**

Takeaway

**Policy Context:**

Lambeth Statement of licensing policy 2014 -2019

**Report Author:**

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**Application Summary:**

This is an application for a Premises Licence (new application) to allow authorisation for Late Night Refreshment

<b>Consultation Information:</b>			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<b><u>Internal</u></b>			
Health & Safety Section	Y	No	
Noise Service	Y	23.12.18	Y
Social Services	Y	No	
Licensing Service	Y	19.12.18	Y
Planning	Y	No	
Trading Standards	Y	No	
<b><u>External</u></b>			
Fire Authority	Y	No	
Police Licensing Unit	Y	No	
Health Authority	Y	No	

<b>Policy implications:</b>
<p><b><u>Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)</u></b></p> <p>The Licensing Objectives engaged by this application are;</p> <ul style="list-style-type: none"> <li>• The Prevention of Public Nuisance</li> <li>• The Prevention of Crime and Disorder</li> <li>• Public Safety</li> <li>• The Protection of Children from Harm</li> </ul> <p><b><u>Special Policy Area (chapter 15 and appendix 2, pages 24 and 31 of the policy)</u></b></p> <p>The premises is not located in the Cumulative Impact Zone.</p> <p><b><u>Hours policy (chapter 4 and appendix 1, pages 11 to 12 and 29 to 35 of the policy)</u></b></p> <p>The premises is classified within Lambeth's Licensing Policy (the Policy) as a Takeaway</p> <p>The applicant proposes to operate the premises as a Takeaway. The Policy recommends a terminal hour of <b>00:00 hours on Sunday, 01:00 on Monday to Thursday and 02:00 hours on Friday and Saturday</b> for premises of this kind in the Major Town Centre area.</p> <p>Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.</p>

## 1. Application:

1.1 This is an application for a Premises Licence (new application) under section 17 of the Licensing Act 2003

1.2 An application is seeking authorisation for the following licensable activities:

### Late Night Refreshment

Monday - Sunday

23:00 - 05:00

It is proposed to open the premises to the public during the following times:

Monday	00:00 - 00:00
Tuesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Thursday	00:00 - 00:00
Friday	00:00 - 00:00
Saturday	00:00 - 00:00
Sunday	00:00 - 00:00

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

A copy of the plans are attached to this report as **Annex B**

## 2. Representations:

2.1 Representations were received against the application from the Licensing Authority, and the Public Protection Department were based on all four of the licensing objectives.

2.2 The responsible authorities are concerned that the application if granted will exacerbate public nuisance in the area as a result of anti-social behaviour, littering by the premises. They are also concerned that the application if granted will have a negative impact on the area as a result of an increase in crime related incidents.

Redacted copies of the representation were provided to the applicant's representative and are attached to this report as **Annex C**.

The last date for making representations was 17<sup>th</sup> December 2018

## 3. Current Licence:

3.1 This is a new application for a late night refreshment venue wishing to trade 24 hours a day.

#### **4. Background History:**

4.1 The premises was previously licensed for the sale of alcohol for consumption off the premises since November 2005. This licence was surrendered in November 2018 following the closure of the business.

4.2 An application for a new premises licence was submitted on 26<sup>th</sup> November 2018. Following the end of the consultation period the applicants had been found to be providing licensable activities without a valid premises licence.

4.3 On 20<sup>th</sup> January 2019 a fight occurred inside Bagel World in the early hours of Sunday morning the police attended the premise with regards to a report of an assault. The Metropolitan police have provided a Section 9 Witness Statement with further details of the assault.

Copies of the Section 9 Statements have been provided and are attached to this report as **Annex D**.

4.4 On 31<sup>st</sup> January 2019 following tasking visit to the premises a test purchase was done and the premises was found to be trading without a valid premises licence. PPRS have provided a Section 9 Witness Statement confirming hot food and drink was sold without a valid premises licence.

4.5 A further tasking visit to the premises was done on 6<sup>th</sup> February, the premises was found to be trading again without a valid premises licence. PPRS have provided a Section 9 Witness Statement confirming hot food and drink was sold without a valid premises licence.

Copies of the Section 9 Statements have been provided and are attached to this report as **Annex E**.

4.6 Following the test purchases the Licensing Department wrote to the applicant advising them of the breaches that had occurred.

A copy of the letter has been submitted as been provided and are attached to this report as **Annex F**

4.7 On 1<sup>st</sup> February 2019 a late Temporary Event Notices (TEN's) was submitted online. The date of TEN's was for 9<sup>th</sup> - 10<sup>th</sup> February. This TEN's was objected to by the Police and a counter notice served on 1<sup>st</sup> February.

Copies of the representation were provided to the applicant's representative and are attached to this report as **Annex G**.

The premises is located on a double redline route area. It is a short walking distance from Brixton underground and over-ground train station and there are several day and night bus routes from the premises.

## **5. Observations:**

5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representations received are Chapters:

- 2 – The Licensing Objectives;
- 3 – Licensable Activities;
- 8 – Applications for Premises Licences;
- 9 – Determining Applications;
- 10 – Conditions Attached to Premises Licences and Club Premises Certificates;

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

- 5. The Licensing Objectives
- 6. The Prevention of Crime and Disorder
- 7. Public Safety
- 8. Prevention of Public Nuisance
- 9. Protection of Children from Harm
- 16. Applications
  - Appendix 1 – Preferred Hours
  - Appendix 3 - Major, District and Local Town Centres and South Bank Strategic Cultural Area
  - Appendix 4 – Premises Types
  - Appendix 6 – Applications
  - Appendix 7 – Crime and Disorder
  - Appendix 8 – Public Safety
  - Appendix 9 – Public Nuisance
  - Appendix 10 – Protection of Children from Harm

## **6. Conclusion:**

6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.

6.2 The options available to Members of the Licensing Sub Committee are;

- 1 – Grant the application as it currently stands.
- 2 – Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives.
- 3 – Reject the application.

**Appendices:**

Annex A – Application  
Annex B – Plan  
Annex C – Representation against the application  
Annex D – Section 9 Statements Metropolitan Police  
Annex E – Section 9 Statements PPRS  
Annex F – Licensing warning Letter  
Annex G – Tens Application

**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 (April 2018) (“the Guidance”)
- 3 Lambeth Statement of Licensing Policy 2014 (“the Policy”)