

Bagel World, 516 Brixton Road, London, SW9 8EN

As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the following Licensing Objectives:

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

Cumulative Impact Area (Saturation Zone)

The premises is not located within the Clapham High Street Cumulative Impact Area as identified within the Council's Statement of Licensing Policy ('The Policy') on pages 30-31

Classification of Area within the policy

Appendix 1 page 30 of the Policy describes the premises as a café. The premises is located on Brixton Road which is classified as a major Town Centre. Therefore the terminal hour recommended in the Policy for premises falling within a major Town Centre is, Monday to Thursday until 01:00, Friday to Saturday until 02:00 and Sunday to 00:00

The application seeks to permit the following licensable activity and operating hours:

Late Night Refreshment

Monday to Sunday	23:00 - 05:00
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Hours premises are open to the public

Monday to Sunday 00.00 to 00.00 (24hours)

Operational Schedule

The licensing authority notes that the operating schedule contains very little information, and it is our view that these do not go far enough especially in relation to promoting the licensing objectives

Notwithstanding the above, Appendix 1 of the Council's Licensing Policy stated, for applications that fall within the hours shown in Appendix 1 there is no presumption that these hours will be granted. An appropriate operating schedule is still required and representations may still be made. Only if no representations are received will the licence be granted as applied for without being determined by the Licensing Sub-Committee.

Steps to promote the licensing objectives (Ref: Revised guidance under s 182 Licensing Act 2003 issued April 2018, *"In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application"*

It is a common occurrence premises that provide Late Night Refreshment can lead to ASB, which is a public nuisance, creates unsafety for the public and causes crime and disorder in an area where the applicant is proposing to sell/deliver late night refreshment at the above times stated.

If this premises are going to operate in an area with these concerns, they will need to be able to demonstrate how they will uphold all the licensing objectives.

Summary

The applicant has offered a limited operating schedule and therefore the Licensing Authority has made this representation to seek a more robust Operating Schedule to uphold the Licensing Objectives.

If the Committee is minded to grant the application, it is the view of the Council's Licensing Authority that the provision of LNR be in line with the Policy, namely, Sunday to Thursday 23:00 and Friday to Saturday 00:00.

The following conditions are proposed by the Licensing Authority as those appropriate to uphold the Licensing Objectives. These conditions are to replace those offered by the applicant within the operating schedule of their application.

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Lambeth Council
2. A staff member from the premises who is able to operate the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer or UK Border Agency copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
3. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local authority or UK Border Agency without difficulty, delay or charge.

4. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
5. All staff member should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
7. An incident log shall be kept at the premises and retained for a period of 12 months and made available on request to an authorised officer of Lambeth Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all ejections of patrons
 - (b) any complaints received
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
8. Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the building immediately.
9. There shall be no alcoholic drinks allowed on the premises. Customers shall not be allowed to enter the premises with alcoholic drinking vessels or to consume alcohol on the premises.
10. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by the Duty Manager so as to ensure that there is no public nuisance or obstruction to the public highway.
11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

The applicant is requested to consider the above conditions and amend the hours sought for the LNR in line with our Policy, Monday to Thursday 23:00 to 01:00 and Friday to Saturday 23:00 to 02:00 and Sunday 23:00 to 00:00. and to reduce the hours of opening so that the premises closes Monday to Thursday 01:00, Friday to Saturday 02:00 and Sunday 00:00.

Subject to the above agreement and the premises agreeing a suitable opening time, the Licensing Authority may consider withdrawing its representation.

Bina Patel,
Licensing Manager
London Borough of Lambeth,

Memo To: Mrs Pamela Riley

At: Lambeth Licensing

From: Mr. Henry Umeh

Date: 23rd December 2018

Pages including this one: 3

Our Ref: 18/17002/LICAPP

Your Ref: 18/00228/PRMNEW - Prem2178

Subject: LICENSING ACT 2003 – Application for Premises Licence (new application)

Dear Mrs. Riley,

Lambeth Public Protection Team, a responsible authority for the purposes of the Licensing Act 2003 hereby makes representation with regards to an application for a premises license made by Stella Blades, via a licensing agent, for Bagel World Ltd located at 516 Brixton Road, London SW9 8EN. This representation is made in accordance with the licensing objectives of Preventing Public Nuisance, Preventing Crime and Disorder, Public Safety and Protection of Children from Harm.

Bagel World seeks to operate as a café specializing in bagels. They are proposing to operate a take away service with a few standing wall mounted tables to cater for indoor eating for its customers. The establishment will also be providing late night refreshment and is seeking to provide the service as follows

Late Night Refreshment

Monday - Sunday

23:00 - 05:00

The business also seeks to operate 00:00hrs to 00:00hrs, Monday – Saturday which implies they will be open 24 hours a day. This premises is situated beside McDonald's in the heart of Brixton Town Centre which, as a major town centre, has a very active night time economy and experiences a significant amount of criminal activity, enviro-crime such as littering as well as anti-social behaviour. The Town Centre has a considerable number of residential properties

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within it and is also a major transport hub for buses, trains and the London underground which operates a 24hr service on Fridays and Saturdays.

It is our view that granting Bagel World a license to provide late night refreshment until 05:00 daily would only serve to encourage even more members of the public to loiter around the town centre thereby increasing the risk of public nuisance, littering, and could further lead to an increase in crime in the local area. Additionally, Lambeth Public Protection Team further objects to the proposed licensing hours applied for by Bagel World as these times are in contradiction with the licensing hours set out in Appendix 1 of the authority's current licensing policy which identifies Brixton as a major town centre and recommends terminal hours of 01:00 (Friday - Saturday) and 00:00 (Sunday - Thursday) for such establishments.

Furthermore, the applicant hasn't provided detailed information on how they will promote the Public Safety licensing objective other than stating "The premises will follow general Health & Safety and Fire Safety law". The responsible authority also disagrees with the applicant's submission on the Protection of Children from Harm licensing objective. The applicant appears to assume that this objective isn't relevant as the premises will not be providing alcohol for sale but there are other factors a license holder should consider, such as child safeguarding/protection.

In light of the above reasons we would ask that the committee, if it is minded to, considers granting a license to Bagel World that adheres to the council's current licensing policy. We also ask the committee to consider adding following conditions.

1. SIA security personnel for the premises should be present daily from 23:00 until the terminal hour.
2. To undertake daily routine litter picking of the immediate vicinity of the premises to remove restaurant associated litter such as food packaging, cups and cigarette butts, ensuring a last litter pick is done at the terminal hour.

3. The business should have a clear and effective dispersal policy to discourage loitering and prevent public nuisance.

23/12/2018

X 

Henry Umeh
Principal Public Protection Officer
Signed by: Umeh, Henry