

Plane Tree Hospitality LTD T/A Mikos, 411 Coldharbour Lane, London, SW9 8LN

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 the variation application submitted by the applicant Hugo Ushida in full. The Licensing Authority has concerns in relation to how the premises will promote the following Licensing Objectives:

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

This variation application is seeking to extend the hours for late night refreshment and opening hours as follows:

Opening Hours and Late Night Refreshment

Sunday - Wednesday	23:00 - 01:00
Friday & Saturday	23:00 - 04:00
Thursday	23:00 - 02:00

The current permitted hours for this activity on the licence is as follows:

Late Night Refreshment

Monday - Sunday 23:00 - 00:00

Opening hours

Monday – Sunday 11:00 to 00:00

The premises is located in Coldharbour Lane described as a major town center it is identified within the Council's Statement of Licensing Policy.

Classification of area within the policy

Appendix 5 page 46 of the Policy describes the premises as a restaurant and cafe. According to the current Licensing Policy, Appendix 7 page 51, describes the area is located in a Major, District and Local Town Centre. o

Major centres

Major Centres are important shopping and service centres and are characteristic of Inner London. Their attractiveness for retailing is derived from a mix of both comparison and convenience shopping. They usually have more than 50,000m² of retail floor space. With sizeable local catchment areas, many of these centres have enough established cultural and entertainment facilities to keep them busy in the evenings. Areas classed as major centres for the borough are Brixton and Streatham. The key areas of concern for these areas is that whilst there might be very little residential property in the immediate area, a short walk will lead into highly residential streets and the 2 potential for public nuisance in the form of noise, litter from late night

eateries and the targeting of individuals by criminals is high.

The premises is located in a major town centre and therefore the terminal hour recommended in the Policy for premises falling within this is Friday and Saturday: 1am Sunday to Thursday: midnight.

Operational Schedule

The licensing authority notes that the operating schedule contains very little additional information outside of the conditions already attached to the existing licence, 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 these premises are seeking to extend their hours beyond the policy hours in an area with these concerns, they will need to be able to demonstrate how they will uphold all the licensing objectives.

Summary

This is a new licence which was determined on 23rd May 2019. Licensing Authority is concerned that the applicant has not had enough time to demonstrate a reasonable record of effective measures based on their operating schedule that would ensure the promotion of the licensing objectives effectively within the area.

In conclusion the Licensing Authority recommends that this variation application be refused. This additional hours to the current premises licence in this area would only undermine the licensing objectives.

Miss Bina Patel
Licensing Manager
27/06/2019