



170 Norwood Road Tulse Hill London SE27 9AZ

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

The premises are seeking to permit the following licensable activities and operational hours:

Late Night Refreshment (Indoors)

Monday - Sunday 23:00 – 01:00

Hours premises are open to the public

Monday - Sunday 10:00 – 01:00

Cumulative Impact Area (Saturation Zone)

The premises is not within the cumulative impact area zone as identified within the Council's Statement of Licensing Policy ('The Policy') on pages 26 and 59.

Classification of Area within the policy

According to the current Licensing Policy, Appendix 5 page 47, the area in which the premises is located is designated as District Centre.

Classification of Premises within the policy

District Centres are places where the night time economy does have a role, alongside other daytime shopping and other places of employment. Whilst not as big as our town centres they are generally well served by public transport and connected in numerous directions. 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 potential for public nuisance in the form of noise, litter from late night eateries and the targeting of individuals by criminals is high.

The potential for nuisance varies according to the nature of the premises. Takeaway premises can contribute to nuisance in the form of;

- Noise from patrons waiting to be served and departing from the premises
- Noise from delivery vehicles
- Litter dropped by patrons and
- Cooking smells

Operational Schedule

There is insufficient information in the applicant's operating schedule to adequately promote the licensing objectives. The completion of a full and detailed operating schedule will give

greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives. Applicants are expected to:

- demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives;
- to undertake enquiries about the area in which the premises are situated to inform the content of the application;
- to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities;
- any local initiatives for example, local crime reduction initiatives which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application as to how they will manage any potential risks. They should be able to demonstrate an understanding of any measures they will take to mitigate the impact and why their application should be considered as an exception to the policy.

Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower, and residents are trying to sleep, and so it is essential that applicants can demonstrate how they will effectively manage such issues as:

- the exit and dispersal of their patrons which should include the avoidance of patrons loitering;
- patrons returning to cars parked in surrounding streets
- general noise of people arriving and leaving.

Take away premises now offer food delivery service via online platforms, it was not stated in the application whether such offer will be available from the premises, as measures to minimising noise and disturbance caused by the dispatch of deliveries were not stated in the operating schedule.

There have been an increase in the number of premises offering food delivery services and the Authority has concerns on;

- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and
- the possible public nuisance that may be caused by delivery drivers collecting deliveries from the licensed premises.

In order to mitigate against these concerns, the Authority is likely to attach conditions on a premises licence for delivery services where it is appropriate and relevant to the application.

Summary

There is insufficient information in the applicant's operating schedule to adequately promote the licensing objectives and should the Committee be minded to grant the application, I will recommend that;

- the hours sought for licensable activities be reduced to 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday.

- the conditions below to be attached to the premises licence

Conditions

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 conversant with the operation of 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 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 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. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.
7. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon request to all responsible authorities.
8. An incident log shall be kept at the premises and retained for a period of twelve months and made available on request to an authorised officer of Lambeth Council or the police. It must be completed within twenty-four 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
9. 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.
10. 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.

11. All children under the age of 18 shall be accompanied by a responsible adult at all times whilst on the premises.
12. 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.
13. During the hours of operation of the premises the licence holder shall ensure that 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 or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
14. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
15. Management/staff shall proactively monitor the conduct and behaviour of patrons on the public highway to ensure no noisy, rowdy or anti-social behaviour (this includes loud talking/shouting, spitting and people congregating in large groups and obstructing the public highway). Those patrons deemed to be engaging in such behaviour shall be asked to cease this activity and/or disperse from the premises quietly.
16. Drivers awaiting to collect customer order shall not leave their engine running.
17. Drivers shall not congregate in the vicinity of the premises causing public nuisance.

Bina Patel
Licensing Manager
7th October 2019

Memo To: Licensing

At: Public Protection

From: Michael Anderson

Date: 10 October 2019

Pages including this one: 3

Reference: Prem2259 – 170 Norwood Road

Subject: Application for a Premises Licence, Prem2259- Application for a Premises Licence - No Name, 170 Norwood Road, West Norwood, London SE27 9AZ (Thurlow Park)

The Public Protection Service, a responsible authority, performing the Environmental Health functions for the purpose of the Licensing Act 2003, hereby makes a representation to an application pertaining to the granting of a premises Licence for 170 Norwood Road, West Norwood, London SE27 9AZ for the proposed times for Late Night Refreshment:

Monday - Saturday 23:00 - 01:00

Sunday 23:00 - 00:00

Currently 170 Norwood Road, West Norwood, London SE27 9AZ does not have a Premises Licence, so cannot conduct Late Night Refreshment activity such as the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

This representation is made on the grounds of the Prevention of Public Nuisance, as the Public Protection Service is of the opinion that the proposed hours for licensable activities is likely to result in public nuisance.

Officers from Lambeth's Public Protection Service visited this premises (170 Norwood Road, West Norwood, London SE27 9AZ) on 3th October 2019 at 23:25 hours and witnessed the premises conducting licensable activity (the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am) without the required permissions to do so (premises licence or a temporary event notice) 25 minutes past this activity being regulated to be conducted (regulated hours are 05:00 hours to 23:00 hours). Officers witnessed the sale of a portion of fries and 4 hot-wings.

On 4th October 2019 at 23:18 hours Officers from Lambeth's Public Protection Service visited this premises (170 Norwood Road, West Norwood, London SE27 9AZ) and witnessed the premises conducting licensable activity (the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am) without the required permissions to do so (premises licence or a temporary event notice) 18 minutes past this activity being regulated to be conducted (regulated hours are 05:00 hours to 23:00 hours). Officers witnessed the sale of a chicken fillet burger and a portion of fries.

On 5th October 2019 at 23:40 hours Officers from Lambeth's Public Protection Service visited this premises (170 Norwood Road, West Norwood, London SE27 9AZ) and witnessed the

premises conducting licensable activity (the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am) without the required permissions to do so (premises licence or a temporary event notice) 40 minutes after this activity ceased being regulated to be conducted (regulated hours are 05:00 hours to 23:00 hours). Officers witnessed the sale of a chicken fillet burger and a portion of fries.

In light of the applicant's repeated contraventions by continually providing hot food to the public, for consumption on or off the premises, between 11pm and 5am and not having the correct permission to do so Public Protection feel it is only right that the application should be refused in its entirety.

The Public Protection Service feels that granting the application as it currently stands will have a negative impact on the citizens who live in the immediate vicinity to this premises as the premises already breaches the current regulated times. It should not be rewarded by the granting of this application.

But, If the Committee is minded to grant the application, it is the view of Public Protection Service is that the timings for Late Night Refreshment should as recommended in Lambeth's Licencing Policy for this area of the borough. Lambeth's Licencing Policy outlines that 170 Norwood Road is located within a residential area, as such the policy recommends that end time after 11pm are not considered appropriate for this location.

The following conditions are proposed by the Public Protection Service as those appropriate to uphold the Licensing Objectives. These conditions are to replace those offered by the applicant within the operating schedule:

1. The premises shall install and maintain a comprehensive CCTV system including the police camera located at the front door of the premises. 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 for 24hours each and every day. 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. All staff members 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.
3. A staff member from the premises who is conversant with the operation of 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 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.
4. 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 without difficulty, delay or charge.
5. ~~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.
6. 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.

7. 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.
8. Install and maintain (and at terminal hour) a litter picking regime to the pavement directly outside of the premises to remove all discarded litter, drinking vessels, food waste/packaging, cigarette butts and the like.

Yours faithfully



Michael Anderson
Principal Public Protection Officer
