Dear Miss Bina Patel,

I write on behalf of the Commissioner of police for the Metropolis to make a representation on the grounds of the following Licensing Objectives:

- The prevention of public nuisance.
- The prevention of crime and disorder.
- Public safety.
- Protection of children from harm.

The applicant has requested the following:

**Plays** 10:00 - 01:00

**Films** 10:00 - 01:00

**Live Music** 10:00 - 01:00

**Recorded Music** 10:00 - 01:00

**Performances of Dance** 10:00 - 01:00

**Entertainment Similar to Music/Dance**

**Late Night Refreshment** 23:00 - 01:00

**Supply of Alcohol** 08:00 - 01:00

On New Year's Eve, from the end of permitted hours to the commencement of permitted hours the following day.
Location

This application is located within Brixton and is referenced in London Borough of Lambeth’s Statement of Licensing Policy 2019 – 2024. It is defined as Major Centre, and is within well-known Night Time Economy as well.

Nearby are businesses and there are residential flats as well.

I would kindly ask for you to look at an online mapping application as that will show more detail with the premises and the layout.

Application

Zone C Plan
The application does not address any concerns and raises more questions than answers.

Of concern are the following:

**Capacity management.**

Due to narrow walk ways, how are the premises going to limit and manage the amount of people in the area? This could lead to overcrowding issues. How will security be able to control any potential situations in this case?

**Will impact other premises.**

The units already located inside Brixton Village will have their boundaries encroached, especially those with dining areas outside. This will be in the immediate vicinity of this new licensed premises, and will lead to overlapping of premises (whether they be licensed or not). The expectation for businesses is not to be right on the perimeter of a licensed premises. This would be thrust upon them.

**Increase in vulnerability.**

The hours proposed and the lack of managing attendance would no doubt lead to vulnerability and welfare issues. Especially with alcohol being supplied on the premises, at an early hour as well. Alcohol consumption could take place from 8am to 1am, this is far too long. It illustrates a lack of knowledge and understanding by the applicant (Policy below goes into further detail).

There is no mention with regards to implementing Ask4Angela, WAVE (Welfare and Vulnerability Engagement) training. All offered by Metropolitan Police Service, and referenced on the policy as well.

**Child welfare.**

This is grossly inadequate, with just Challenge 25 being offered on the application. Children are the most vulnerable, and for insufficient proposals offered further highlights lack of understanding. Again please see further details on policy below.

**Dispersal plan.**

This is not adequate. It does not detail how people would be dispersed, how to deal with any welfare issues, what are the security roles and responsibilities, where would they be directed to? Plus any other relevant information or details such as how many security?

**Noise nuisance.**

There have been noise complaints previously, in which officers from Lambeth Council – Public Protection raised concerns.
As noted at beginning of representation there are residents nearby, it is not known if the Noise management plan would help address this concern. I would suggest that relevant officer from Public Protection would be best suited to answer.

**Lambeth Statement of Licensing Policy:**

These are relevant sections to highlight concerns with regards to knowledge and understanding.

1.9 Each new licence application or an application for a variation of an existing licence will be considered on its own merits. This means that decisions will take into account the specific details in each case, including the proposed venue and the way it will operate, or proposed changes to an existing venue and/or its operation, as well as the context in which it operates.

5.2. Therefore, how applicants communicate the promotion of the licensing objectives in their operating schedule and application is essential for the full consideration of the application by the Authority.

5.3. Providing a full and detailed operating schedule as part of the application will make it clearer as to how the applicant will promote the licensing objectives. Applicants are expected to:

- demonstrate knowledge of the local area when describing the steps they propose to take in order to promote the licensing objectives;
- undertake enquiries about the area in which the premises are situated to inform the content of the application;
- 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:
  a) 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;
  b) any risks posed to the local area by the applicants’ proposed licensable activities;
  c) any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) they propose to put in place which might help to mitigate any potential risks.

5.5. Demonstrated knowledge about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises within close proximity to residential premises should consider how this will impact upon their smoking, noise management and dispersal policies, to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, to acknowledge this in their application.

5.7. It is also expected that applicants will canvass the views of their neighbours and local residents as this can clear up any ambiguities and develop a relationship based on mutual cooperation before an application is made. This may be facilitated by making direct contact with neighbours and any local group that represents residents or businesses. This will also assist the applicant by giving an understanding at the outset of what the community believe is acceptable in their area.
5.30. Applicants for licences to run after midnight and for variations to extend existing hours are expected to prepare a detailed dispersal policy and submit this with their application.

6.1. Two general principles have been identified which are noted throughout the Statement of Licensing Policy and are outlined here clearly as general principles that will be taken into consideration for all licensing applications.

All licensing applications are expected to show:

a). That applicants have a clear understanding of the locality in which they are operating or intending to operate and that this has been taken into account in the application, any voluntary conditions proposed and for these to be set out clearly within the operating schedule.

Appendix 5 – Hours proposed are against policy as well. Alcohol consumption could take place from 8am to 1am.

**Conclusion**

There are numerous concerns, which need to be taken into consideration:

- Capacity control / management.
- Will impact other premises / businesses.
- Increase in vulnerability.
- Child welfare issues.
- Dispersal plan inadequate.
- Noise nuisance.
- Lack of knowledge with regards to Lambeth Statement of Licensing Policy.

It is recommended that this application is not granted.

Yours sincerely,

_Mike Constable | PC 1596AS - Licensing & Night Time Economy Team |
Address Civic Centre, 3rd Floor, 6 Brixton Hill, SW2 1EG_
Ref: 20/00180/PRMNEW

23rd April 2020

Dear Licensing,

I write on behalf of the London Borough of Lambeth Public Protection Team with regards to the new premises license application made for Zone C, Brixton Village, Coldharbour Lane, London, SW9 8PT by AG Hondo Brixton Village, reference 20/00180/PRMNEW.

The Public Protection Team request that you accept this as a formal representation against the above-mentioned license application due to concerns that it is likely the following licensing objectives cannot be upheld:

- The prevention of public nuisance
- The prevention of crime & disorder
- Protection of children from harm
- Public Safety

Location

This premises are located in Brixton, which is defined as a major centre in the Statement for Licensing Policy 2019-2024. While this location is well known for the bustling night-time economy, the premises is surrounded by residential properties, many of which are situated above commercial premises such as business offices and a fitness studio.

History

The premises as with the neighbouring premises known as Brixton Village are of similar age and structure, which lends itself to poor sound insulation which is likely to raise concern in relation to noise nuisance. The combination of narrow internal walkways, open entry and exit points and the glass & metal roof structure, there is a real concern that permitting licensable activity in this location is likely to lead to noise nuisance, as a direct result of regulated entertainment and noise from patrons while in attendance at, and when leaving the location.

Points to consider

It is not clear how the applicant seeks to implement control measures to ensure the safety and security of patrons and neighbouring businesses, while also ensuring any noise nuisance
caused to those in the locality is avoided. There does not appear to be any mention of security staff, maximum capacity, searching or controlled entry and exit points.

The plan is lacking in detail but does appear to demonstrate a boundary overlap between the proposed premises and those premises already in situ, whether licensed or not. This is inappropriate given that it would be difficult to establish who is responsible for those patrons in the walkways. In addition, the application does not describe the purpose of the license, where will the proposed licensable activity take place.

**Conclusion**

Public Protection are concerned that it will not be possible to ensure that the licensing objectives are upheld. There is a need for a comprehensive noise assessment to be carried out to support the introduction of an informed and comprehensive Noise Management Plan, where there is consideration for the use of limiters to ensure music does not rise beyond any agreed acceptable levels. In addition, I’d suggest the building structure is assessed to aid the installation of suitable sound insulation.

Also, of concern is the lack of information, knowledge and consideration for the four licensing objectives. The application is sparse and fails to provide adequate information to evidence understanding of the Statement of Licensing Policy 2019-2024. There is no mention of control measures, security i.e. CCTV & SIA staff, control of the numerous entry/exit points, searching, capacity management, overcrowding or a dispersal plan.

There is also no mention of measures to ensure the safety of patrons i.e. customer welfare, protection of children. The site plan lacks detail and shows the outlined licensable area is currently a fire assembly point for another licensed premises, which is inappropriate.

I would recommend this application is not granted based on the reasons outlined above.

Yours Faithfully,

Sophie Costello  
Public Protection Officer  
Email: scostello@lambeth.gov.uk
Zone C Market Row (Walkway) London SW9 8LD

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

This application is one of three applications from the applicant for different areas in Brixton Market. The other two applications are for the Courtyard in Brixton Village and Zone B Brixton Village (Walkway)

This application seeks to permit the following licensable activities and operating hours:

**Plays, Films, Live Music, Recorded Music, Performances of Dance, Anything of a similar description to Music or Dance (Indoors and Outdoors)**
Monday to Sunday 10:00 – 01:00
From the end of permitted hours on New Year’s Eve to the commencement of permitted hours on New Year’s Day

**Late Night Refreshment (Indoors and Outdoors)**
Monday to Sunday 23:00 – 01:00
From the end of permitted hours on New Year’s Eve to the commencement of permitted hours on New Year’s Day

**Sale of Alcohol for consumption on and off the premises**
Monday - Sunday 08:00 – 01:00
From the end of permitted hours on New Year’s Eve to the commencement of permitted hours on New Year’s Day

**Hours premises are open to the public**
Monday - Sunday 06:00 –01:00
From the end of permitted hours on New Year’s Eve to the commencement of permitted hours on New Year’s Day

**Cumulative Impact Area (Saturation Zone)**

In accordance with the council’s statement of Licensing Policy, Page 58 Appendix 10 the premises does not fall within the area designated as an area of special interest in Clapham.

**Classification of Premises and Area within the policy**

Market Row is an indoor market with varying types of businesses ranging from shops to eateries, some of which are licensed premises such as cafés, restaurants and bars up to 13. Zone C, as indicated on the plan submitted with the application is the walkway within the indoor market, which is accessible via Atlantic Road and Coldharbour Lane. There are 65 units indicated on the plans provided.

The walkway is used by some traders to display their wares and businesses like cafés and restaurants place tables and chairs at the front of their units for customers to eat and drink. The rest of the walkway is kept clear to allow visitors to the market to be able to walk through safely and for the market to be safely evacuated in case of any emergency.
The applicant proposes to use the walkway to provide external space for customers to eat, drink and enjoy occasional events. It is unclear how the area will be used, as it is being used by licensed and other premises to allow their customers to eat and drink and whether it will be used during the times that businesses in the market are opened.

The style of operation proposed under this licence application is unique. However in accordance with Appendix 6 page 49 of the Policy, the premises is similar to non diversified alcohol led venues which may be operated primarily for the consumption of alcohol, no significant entertainment, limited inside seating and limited take up of food by customers.

This type of premises can have a potential impact on the local community in the following ways:

- Disturbance late at night from the departure and dispersal of patrons
- Disturbance from patrons outside
- Drunkenness problems associated with longer hours
- Violence associated with alcohol consumption

The applicant is also seeking to provide regulated entertainment in an area that is not suitable, as it is unclear whether this is to entertain customers already in the area or for events to be held to attract more customers to the area.

According to the current Licensing Policy, Appendix 5 page 46, the premises is located in the Town Centre, but it is in close proximity to residential properties. There are residential properties located on Coldharbour Lane and Electric Avenue. The premises are therefore designated for the purpose of this application as in a residential area.

Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include the Authority considering an earlier terminal hour than that proposed by the applicant. This is regardless of the designation assigned to the area in which the premises is situated under this policy, i.e. as a Major or District Town Centre. In such cases and where relevant representations are received, the Licensing Authority will have regard to the potential for, and the risk of, nuisance occurring to nearby residents, particularly when considering an application which proposes the conduct of licensable activities after the hours indicated in Appendix 5. It is important to stress that the terminal hours set out in Appendix 5 are intended as guidance only. The Licensing Authority may recommend or agree an earlier or later terminal hour where this is considered appropriate.

According to the current Licensing Policy, Appendix 1 page 46, the hours recommended in the policy for this kind of business in residential area is not considered appropriate.

The indoor market is not suitable for regulated entertainment and the applicants has not demonstrated in their operating schedule how nuisance arising from noise can be minimised. There is no information on an acoustic assessment of the area, noise attenuation measures, measures to minimise noise caused by patrons and dispersal policy.

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 and proximity to residential premises.
Noise nuisance is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep and so it is important that applicants can demonstrate how they will effectively manage such issues as:

- the exit and dispersal of their patrons;
- noise from patrons in queues or outside smoking areas;
- patrons returning to cars parked in surrounding streets;
- general noise of people arriving and leaving

Applicants for licences to run after midnight and for variations to extend hours should consider preparing a detailed dispersal policy and submit this with their application.

The application if granted as sought will enable the premises to be operated as a drink led establishment. This kind of operation will have a negative impact on the area and it may lead to;

- disturbance from departing patrons
- drunkenness
- violence associated with alcohol consumption.
- anti social behaviour and
- noise nuisance

**Summary**

This type of application in this area is not considered appropriate as recommended in the Statement of Licensing Policy, as the premises are in close proximity to residential accommodation and the activities sought are not suitable for the area, which will lead to public nuisance and anti-social behaviour.

The Licensing Authority is concerned of the lack adequate information in the operating schedule on how the licensing objectives will be promoted with regards to the number of persons that can be safely accommodated and how these numbers will be controlled. The use of the walkway, and if used in conjunction with the Courtyard are likely to endanger public safety, should the market need to be evacuated in case of any emergency.

There is a concern that if this licence is granted there will be multiple granted licences in place for the same area. There will be no control for enforcement over which licence is in use and who is responsible.

Therefore, the application is recommended to be refused entirely, as the application will fail to promote the licensing objectives, the hours sought are outside those recommended by the Licensing Policy and it will be detrimental to the area.

Sarah Williams
Licensing Officer
23rd April 2020