<table>
<thead>
<tr>
<th>Item No:</th>
<th>1</th>
</tr>
</thead>
</table>
| Title of Report: | Secret Garden  
53 Mount Ephraim Lane, London, SW16 1JE |
| Applicant:    | Metropolitan Police Service & Public Protection |
| Application Type: | Temporary Event Notices (TEN) |
| Application Date: | 2nd September 2020 |
| Ward:         | St Leonards |
| Premises Type: | Other Entertainment Venue |
| Policy Context: | Lambeth Statement of Licensing Policy 2019 - 2024 |
| Report Author: | Mr Tom Dunn |
| Contact Details: | 020 7926 1866 tdunn@lambeth.gov.uk |
| Application Summary: | This is an application by the Metropolitan Police Service & Public Protection exercising their Environmental Health function, for a counter notice to be issued against a Temporary Event Notice. |
**Consultation Information:**

<table>
<thead>
<tr>
<th>Department(s) or Organisation(s)</th>
<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
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<tbody>
<tr>
<td><strong>Internal</strong></td>
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<tr>
<td>Noise Service</td>
<td>Applicant</td>
<td>10/09/2020</td>
<td>Y</td>
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<tr>
<td><strong>External</strong></td>
<td></td>
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<td></td>
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<tr>
<td>Police Licensing Unit</td>
<td>Applicant</td>
<td>10/09/2020</td>
<td>Y</td>
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</tbody>
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**Policy implications:**

*Licensing Objectives (chapter 5, pages 9 to 15 of the policy and appendices 1 to 4, pages 41 to 45)*

The Licensing Objectives engaged by this application are:-

**Prevention of Public Nuisance and Public Safety**

**Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)**

The premises is not situated in the Clapham Cumulative Impact Zone.

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**1. Application:**

1.1 Mr Christopher Grist on 2nd September 2020 gave the Licensing Authority a Temporary Event Notice (TEN) for this premises under section 100 of the Licensing Act 2003.

1.2 The Notice will authorise the licensable activity of the *sale by retail of alcohol for consumption on the premises*.

1.3 It is proposed to provide the above activity at the premises to a maximum capacity of 100 persons, during the following times:

   - 18th September 2020 18:00 – 22:00
   - 19th September 2020 18:00 – 22:00
   - 20th September 2020 18:00 – 22:00

1.4 The notice giver also included the hours of 14:30 – 17:00 for the 19th & 20th September 2020 but indicated there will be no alcohol during these times.

1.5 The event is a classical concert taking place at a house in a residential street, which has a 1/3-acre plot, secure fence, front gate and equipped with CCTV throughout the garden.

1.6 The notice doesn't include regulated entertainment due to the music being unamplified and therefore deregulated between the hours 08:00 – 23:00 on any day, up to a audience of 500 persons.
A copy of the notice is attached to this report as Annex A.

The notice giver provided additional supporting information to accompany their TEN, including a risk assessment, a plan of the premises, a Secret Gardens information sheet and messages of support. These documents can be seen at Annex B.

2. Representations:

2.1 An objection notice to the TEN was received from the Metropolitan Police Service & Public Protection on the 10th September 2020. These objections engage with the licensing objectives of the prevention of public nuisance and public safety.

2.2 Both responsible authorities are concerned that there were resident complaints following previous notices, during the periods 21st – 23rd August 2020 and 29th – 30th August 2020. These complaints included concerns with social distancing and public nuisance.

2.3 Although the notice was given to the Licensing Authority on the 2nd September 2020, this wasn’t served on the Responsible Authorities until 8th September 2020. Therefore, the last date for giving an objection notice was 11th September 2020.

2.4 A copy of the objections have been provided to the notice giver and are appended to this report as Annex C.

2.5 Public Protection provided supporting documentation on the 12th September 2020, regarding a resident complaint made on the 11th September 2020. This can be seen at Annex D and has been circulated to all parties.

3. Current Licence:

3.1 There isn’t a valid premises licence in place for this address.

4. Background History:

4.1 The notice giver has given 5 other notices so far in 2020 for this premises. The event dates were as follows:
- 2nd – 8th August 2020
- 14th – 16th August 2020
- 21st – 23rd August 2020
- 27th – 30th August 2020
- 5th – 6th September 2020

4.2 The late TEN applied for the event period 5th-6th September 2020 received a counter notice, following objections from the Police and Public Protection. A copy of the objections and counter notice can be seen at Annex E.

4.3 The Premises are located on Mount Ephraim Lane, which is a highly residential street with on-road parking. The area has limited public transport options, with bus links available on Streatham High Road and Streatham Hill Station a 10-minute walk.
5. Observations:

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

- 7 – Temporary Event Notices;
- 9 – Determining Applications;
- 15 – Regulated Entertainment.

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

- 5. The Licensing Objectives
  - 5.11. The Prevention of Crime and Disorder
  - 5.20. Public Safety
  - 5.27. Prevention of Public Nuisance
- Policy 6 - Temporary Events
- Policy 7 – Cumulative Impact

Appendix 1 – The Prevention of Crime and Disorder
Appendix 2 – Public Safety
Appendix 3 – Prevention of Public Nuisance
Appendix 5 – Recommend hours by location
Appendix 6 – Types of premises
Appendix 7 – Major, District and local Town Centres
Appendix 10 – Clapham Cumulative Impact Policy

6. Conclusion:

6.1 Members have two options when determining this application:
- To issue a Counter-Notice;
- To refuse to issue a Counter Notice.

Appendices:

Annex A – TEN Application
Annex B – Supporting documentation
Annex C - Metropolitan Police Service & Public Protection objection notices
Annex D – Public Protection supporting documentation
Annex E – Objections and counter notice to TEN period 5th-6th September 2020

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 2019 - 2024 (“the Policy”) |