



## Licensing Sub-Committee Report

**Item No:**

1

**Title of Report:**

Plane Tree Hospitality  
441 Coldharbour Lane London SW9 8LN

**Applicant:**

Plane Tree Hospitality Ltd

**Application Type:**

Premises Licence (Variation)

**Application Date:**

27th July 2020

**Ward:**

Coldharbour

**Premises Type:**

Restaurant

**Policy Context:**

Lambeth Statement of Licensing Policy 2019- 2024

**Report Author:**

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**Application Summary:**

This is an application to vary a premises licence by authorising Late Night Refreshment (indoors)

Monday - Thursday 23:00 - 01:00

Friday & Saturday 23:00 - 02:00

Sunday 23:00 - 00:00

<b>Consultation Information:</b>			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<b><u>Internal</u></b>			
Health & Safety Section	Y	-	
Noise Service	Y	-	
Social Services	Y	-	
Licensing Service	Y	-	
Planning	Y	-	
Trading Standards	Y	-	
<b><u>External</u></b>			
Fire Authority	Y	-	
Police Licensing Unit	Y	-	
Health Authority	Y	-	

<b>Policy implications:</b>
<p><b><u>Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the policy)</u></b></p> <p>The Licensing Objectives engaged by this application are:</p> <ul style="list-style-type: none"> <li>• Prevention of Public Nuisance,</li> <li>• Public Safety</li> <li>• Prevention of Crime and Disorder and</li> <li>• Protection of Children from Harm</li> </ul> <p><b><u>Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)</u></b></p> <p>The premises are not located within the cumulative impact zone as identified within the Council's Statement of Licensing Policy (the Policy).</p> <p><b><u>Types of Premises and Recommend Hours (appendix 5, pages 46 to 47 and appendix 6, pages 48 to 50 of the policy)</u></b></p> <ul style="list-style-type: none"> <li>• The premises are classified within the Policy as a restaurant.</li> <li>• The Policy recommends the following terminal hours for a premises of this kind in a Major Town Centre; Sunday to Thursday, 00:00 Midnight and Friday and Saturday 01:00 hours.</li> </ul>

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

## 1. Application:

1.1 This is an application to vary a Premises Licence under section 34 of the Licensing Act 2003.

1.2 The current licence authorises the following licensable activity and opening hours:

**Sale of Alcohol (on sales only)**

Monday - Sunday 11:00 - 23:30

**Late Night Refreshment**

Monday - Sunday 23:00 - 00:00

**Opening Hours**

Monday - Sunday 11:00 - 00:00

1.3 The application is seeking to extend the hours for Late Night Refreshment and the opening hours. The hours for the sale of alcohol are to remain the same.

**Late Night Refreshment**

Monday – Thursday 23:00 – 01:00

Friday & Saturday 23:00 – 02:00

Sunday 23:00 – 00:00

**Opening Hours**

Monday – Thursday 11:00 – 01:00

Friday & Saturday 11:00 – 02:00

Sunday 11:00 – 00:00

A copy of the application form is attached to this report as **Annex A**

A copy of the current premises licence is attached to this report as **Annex B**

## 2. Representations:

2.1 There were 3 representations received against the application. These were from the 3

ward Councillors.

2.2

The representations are concerned that the grant of the application may cause anti-social behaviour and nuisance.

2.3

A copy of the representations were provided to the applicant and are attached to this report at **Annex C**.

2.4

The Applicant responded to the representations with information and proposed conditions to be considered should the Sub-Committee be minded to grant the application. These conditions are attached to the report as **Annex D**.

2.5

The applicant undertook pre application advice with a report written with recommendations from licensing officer Mr Dunn on 16<sup>th</sup> July 2020. This report has been attached as **Annex E**.

2.6

The additional conditions and pre application report have been sent to the three ward Councillors on 2<sup>nd</sup> September 2020. The Councillors have not yet responded.

The last date for making representations was 24<sup>th</sup> August 2020.

### **3. Current Licence:**

3.1 The licence was initially granted to Plane Tree Hospitality Limited on 23rd May 2019 and Hugo Ushida as Designated Premises Supervisor.

### **4. Background History:**

4.1 A variation application was submitted in June 2019 and was refused at Licensing Sub Committee on 13<sup>th</sup> August 2019. The full minutes, reasons and decision are attached to this report at **Annex F**.

4.2 The premises are located within Brixton Major Town Centre. Brixton is serviced by good transport links via bus routes, over-ground and underground.

### **5. Observations:**

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

- 2 – The Licensing Objectives;
- 3 – Licensable Activities;
- 8 – Applications for Premises Licences;
- 9 – Determining Applications;

10 – Conditions Attached to Premises Licenses and Club Premises Certificates;  
16 – Regulated Entertainment.

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

5. The Licensing Objectives

Policy 1: Process for applications

Policy 3: Partnership working

Policy 4: Enforcement approach

Policy 8: Hours of sale and locations

Appendix 1: Prevention of Crime and Disorder

Appendix 2: Public Safety

Appendix 3: Prevention of Public Nuisance

Appendix 4: Protection of Children from Harm

Appendix 5: Types of premises and recommended hours

Appendix 6: Types of premises and potential impact

Appendix 8: What to expect from a Licensing Sub-Committee Hearing

**6. Conclusion:**

6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.

6.2 The options available to Members of the Licensing Sub Committee are;

1 – Modify the conditions of the licence;

2 – Reject the application in whole or in part

**Appendices:**

**Annex A** - Application form

**Annex B** - Current Premises Licence

**Annex C** – Representations

**Annex D** - App proposed conditions

**Annex E** – Pre app advise report

**Annex F** – Minutes, Reasons Decision -13<sup>th</sup> August 2019

**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”)