

Annex E - Pre Application Advice

Pre Application Report – Mikos, 441 Coldharbour Lane, London, SW9 8LN

1. Pre Application Advice

1.1 A request for pre application advice was received from Hugo Ushida to vary the current licence for the above premises. This change would result in amended hours for Late Night Refreshment; however, it is proposed that the Sale of Alcohol timings will remain unchanged.

1.2 Hours requested for Late Night Refreshment:

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

1.3 To request the view of Lambeth Licensing.

2. Background

2.1 The premises have been licensed since 30th April 2019 in accordance with the Licensing Act 2003 under licence number Prem2222.

2.2 The current licence holder is Plane Tree Hospitality Ltd and the DPS is Hugo Ushida. Both parties have been in these positions since the start of the licence.

2.3 The licensee has applied for a variation previously to amend their hours for Late Night Refreshment, this was submitted on 2nd June 2019. This application was determined by the Licensing Sub-Committee on the 13th August 2019 whereby it was refused outright. A copy of the decision notice is available on request.

2.4 The current licence authorises Late Night Refreshment during the following hours:

Monday – Sunday 23:00 – 00:00

3. Findings

3.1 The rateable value for the premises is £23,250, therefore the annual fee falls within Band B (£180.00). According to the Licensing Authority's records the 2020 fee is currently outstanding.

3.2 No complaints have been reported to the Licensing Authority in respect of this premises.

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

3.4 We have been unable to discuss this pre-application advice with the Metropolitan Police Service. Should there be an opportunity at a later date to receive comments from this Authority, these will be circulated in a subsequent document.

3.5 We have discussed this pre-application advice with Lambeth Public Protection who exercise the Environmental Health function for the Local Authority. They have suggested that you may wish to apply for Temporary Event Notices for a couple of Friday's & Saturday's ahead of the variation. This will help both you and responsible authorities understand whether there is likely to be any issues around noise and anti-social behaviour as a result of the increased late-night refreshment hours. Please note; Temporary Event Notices are open to be objected to by the Police and Public Protection Team, therefore no guarantee can be given that these will be successful. Further information regarding Temporary Event Notices and how to apply

can be found at <https://www.lambeth.gov.uk/leisure-parks-and-libraries/apply-for-a-temporary-event-notice>.

- 3.6 Due to the nature of the change, this variation would be a full variation under Section 34 of the Licensing Act 2003. Responsible authorities are to be consulted on the proposal to amend the current licence and local residents will also be notified of the application in accordance with Licensing Regulation 25.
- 3.7 Tables and chairs inside the premises have been re-arranged due to Covid-19, all other elements of the plan remain unchanged. A new plan isn't required due to tables and chairs being moveable furniture and therefore are not required on the plan.

4. Recommendation

4.1 The pre-application advice has been considered and the following has been recommended.

4.2 Request the current licensee to pay their 2020 annual fee, to avoid the licence being suspended.

4.3 A full variation application to be submitted in order to amend the hours for Late Night Refreshment. The hours recommended by the Licensing Authority:

Sunday 23:00 – 00:00
Monday – Thursday 23:00 – 01:00
Friday & Saturday 23:00 – 02:00

4.8 Should an application be made to change the licensable hours for Late Night Refreshment, the following conditions are recommended to uphold the Licensing Objectives from the Licensing Authority.

- All alcoholic products shall be covered at those times when the sale of alcohol is not permitted at the premises.
- 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 premises immediately by the DPS or duty manager.
- There shall be a duty manager or the DPS on duty at all times during the hours for Late Night Refreshment.
- 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 and people congregating in large groups on pavement 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.
- SIA trained and licensed door supervisors shall be employed on occasions when a requirement is identified by the licence holder's risk assessment.
- There shall be a dedicated area for delivery personnel to safely park their vehicle and collect the customer order. Delivery vehicles shall not be allowed to stop or park on Coldharbour Lane.

4.9 Although the applicant has sought pre-application advice, all responsible authorities including the Licensing Authority reserve the right to make a representation against any future applications.