

Licensing Sub-Committee Report

Item No:

1

Title of Report:

Cattivo
201 - 207 Ferndale Road, London, SW9 8BA

Applicant:

Metropolitan Police Service & Public Protection

Application Type:

Temporary Event Notices (TEN)

Application Date:

4th March 2021

Ward:

Ferndale

Premises Type:

Bar

Policy Context:

Lambeth Statement of Licensing Policy 2019 - 2024

Report Author:

Mr Tom Dunn

Contact Details:

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Application Summary:

This is an application by the Metropolitan Police Service and Public Protection for a counter notice to be issued against a Temporary Event Notice.

Consultation Information:			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<u>Internal</u>			
Noise Service	Applicant	09/03/21	Y
<u>External</u>			
Police Licensing Unit	Applicant	09/03/21	Y

Policy implications:
<p><u>Licensing Objectives (chapter 5, pages 9 to 15 of the policy and appendices 1 to 4, pages 41 to 45)</u></p> <p>The Licensing Objectives engaged by this application are:-</p> <p>Prevention of Public Nuisance, Prevention of Crime & Disorder</p> <p><u>Temporary Events (policy 6, pages 23 to 25)</u></p> <p>Where a TEN is given for a premises which holds an existing premises licence, it is expected that any existing conditions on the licence will be maintained for the purposes of the TEN.</p>

1. Application:
<p>1.1 Mr Darren Rumbelow on 4th March 2021 gave the Licensing Authority a Temporary Event Notice (TEN) under section 100 of the Licensing Act 2003.</p> <p>1.2 The Notice will authorise the following licensable activities:</p> <ul style="list-style-type: none"> • Sale by Retail of Alcohol • Late Night Refreshment <p>1.3 It is proposed to provide these activities to no more than 150 persons at the premises, during the hours 23:00 - 02:00 hours on 30th - 31st May 2021.</p> <p>1.4 A copy of the notice is attached to this report as Annex A</p>

2. Representations:
<p>2.1 An objection notice was received from the Metropolitan Police Service & Public Protection on 9th March 2021. The objections engage with the licensing objectives of the prevention of public nuisance and prevention of crime and disorder.</p> <p>2.2 Both responsible authorities are concerned that the request for an increase in the premises hours will facilitate further alcohol consumption, which could lead to an increase in criminality and anti-social behaviour.</p>

- 2.3 The last date for giving an objection notice was 9th March 2021.
- 2.4 A copy of the objections have been provided to the applicant and are appended to this report as **Annex B**.
- 2.5 In response to the objections made by the authorities, the applicant has provided supporting information. This information hasn't addressed the concerns of the Police and Public Protection. A copy of the additional information and correspondence between the notice giver and both responsible authorities can be seen at **Annex C**.

3. Current Licence:

- 3.1 There is a valid premises licence in place for this address, licence number 18/00161/PRMNEW, which authorises the following licensable activities:
- Recorded Music and Late Night Refreshment**
Sunday - Thursday 23:00 - 00:00
Friday & Saturday 23:00 - 02:00
- Sale by Retail of Alcohol**
Sunday - Thursday 10:00 - 00:00
Friday & Saturday 10:00 - 02:00
- Non-standard timings**
From the start time on New Year's Eve to 02:00 on New Year's Day.
An additional hour when British Summer Time commences.
Terminal hour to be 02:00 on Sundays before Bank Holiday Mondays.
- 3.2 This licence was granted on the 4th October 2018 and the licence holder Albion & East Ltd has been in place for the duration of the licence.
- 3.3 A recent Designated Premises Supervisor (DPS) Variation has been submitted in respect of this licence. This application took immediate effect on the 10th March 2021 to name Kamila Wasilewska as the new DPS to replace Darren Rumbelow. This application is currently out to consultation until 24th March 2021.
- 3.4 A copy of the premises licence can be found at **Annex D**.

4. Background History:

- 4.1 This will be the first TENs applied for in the calendar year 2021.
- 4.2 The Premises are located within Brixton Major Town Centre. The area is well serviced by public transport, with bus links, the underground and railway services, some of which are 24/7, in close proximity to the premises.

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 are 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

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

6. Conclusion:

6.1 Members have three options when determining this Notice,

- To issue a Counter-Notice
- To refuse to issue Counter Notice,
- To impose on the Notice, one or more conditions imposed on the premises licence that has effect in respect of the same premises.

Appendices:

Annex A – TEN Application

Annex B – Metropolitan Police Service & Public Protection objections

Annex C – Notice giver's additional information

Annex D – A copy of the premises licence for Cattivo, 201-207 Ferndale Road

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”)