

## LICENSING SUB-COMMITTEE 20 AUGUST 2021

**Item No:** 4a.

**Report title:** Passyunk Avenue, Unit 5, 22 Leake Street, London, SE1 7NN

**Applicant:** Liberty Cheesesteak LS Ltd.

**Application type:** Premises licence (grant)

**Application date:** 7 June 2021

**Wards:** Bishops

**Premises type:** Restaurant and Bar

**Policy Context:** Lambeth Statement of Licensing Policy 2019 - 2024

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### APPLICATION SUMMARY

This is an application for a Premises Licence (new application) authorising the following licensable activities: Films, Indoor Sporting Events, Live Music, Recorded Music, Provision of Late Night Refreshment and Sale by Retail of Alcohol.

### POLICY IMPLICATIONS

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

The Licensing Objectives engaged by this application are:

- The prevention of crime and disorder; and
- The prevention of public nuisance.

**Types of Premises and Recommend Hours (appendix 5, pages 46 to 47 and appendix 6, pages 48 to 50 of the policy)**

The premises are classified within Lambeth's Licensing Policy (2019 - 2024) as a Restaurant and Bar located within a Major, District Town Centre. These areas usually have more than 50,000m<sup>2</sup> of retail floor space, a sizeable catchment area and established cultural and entertainment facilities to keep them busy in the evenings.

The recommended start time within the policy for this type of premises, in a Major District Town Centre is 11:00 any day for the bar and no specific start time for the restaurant.

The recommended end time within the policy for this type of premises, in a Major District Town Centre is 23:00 Monday to Sunday and 02:00 Friday & Saturday.

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 for a Premises Licence under section 17 of the Licensing Act 2003.

1.2 The applicant is seeking authorisation for the following licensable activities:

Films, Indoor Sporting Events, Live Music, Recorded Music, and Sale by Retail of Alcohol, during the following times:

Monday - Thursday 10:00 - 01:00  
Friday to Saturday 10:00 - 02:00  
Sunday 10:00 - 00:00

The Provision of Late-Night Refreshment during the following times:

Monday - Thursday 23:00 - 01:00  
Friday to Saturday 23:00 - 02:00  
Sunday 23:00 - 00:00

In the section of the application form under the heading “**Non-Standard Timings**” is the following comment:

*“These hours to be extended until 02:00 on the morning following New Year’s Eve “.*

1.3 The opening hours for the premises are proposed as:

Monday - Thursday 10:00 - 01:30  
Friday to Saturday 10:00 - 02:30  
Sunday 10:00 - 00:30

1.4 A copy of the application form and plan are attached as **Annex A**.

## 2. REPRESENTATIONS

2.1 Three representations have been received against the application. All three are local residents.

2.2 The representations are based on two of the four licensing objectives namely prevention of public nuisance and crime and disorder. Concerns raised include the likelihood of noise from patrons leaving the premises in the early hours of the morning potentially creating noise nuisance in this highly populated residential area.

2.3 Although the Planning Authority have not made a formal representation, they did provide a comment which was forwarded to the applicant for information only.

2.4 Copies of the representations and comment made by the Planning Authority were provided to the applicant and are attached at **Annex B**.

2.5 A copy of proposed conditions is attached at **Annex C**.

2.6 The last date for making representations was on 5 July 2021.

## 3. CURRENT LICENCE

3.1 There is not a current premises licence in place for this address.

#### **4. BACKGROUND HISTORY**

- 4.1 The premises are located within the interior of Leake Street Tunnel and face out towards York Road, and is in close proximity to Magnum Square which has residential properties. It is also in close proximity to County Hall Apartments which also has a residential apartment complex of nearly 600 flats. There is access to public transport offering overground and underground train services, as well as bus services within walking distance.

#### **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 Licenses;
- 9) Determining Applications;
- 10) Conditions Attached to Premises Licenses and Club Premises Certificates; and
- 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 8 - Hours of sale and locations

Appendix 1: Prevention of Crime and Disorder

Appendix 2: Public Safety

Appendix 3: Prevention of Public Nuisance

Appendix 5: Types of premises and recommended hours

Appendix 6: Types of premises and potential impact

Appendix 7: Major, District and Local Town Centres and South Bank Strategic Cultural Area

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:

- a. Grant the application as it currently stands;
- b. Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives;
- c. Exclude from the scope of the licence any of the licensable activities to which the application relates;
- d. To refuse to specify the individual named in the applications as the DPS; or,
- e. Reject the application.

## CONSULTATION INFORMATION

Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
Health & Safety Section (internal)	Y		
Noise service (internal)	Y	05/07/21	N
Social Services (internal)	Y	-	-
Licensing Service (internal)	Y	09/06/21	Y
Planning (internal)	Y	02/07/21	Y
Trading Standards (internal)	Y	-	-
Fire Authority (external)	Y	26/04/21	N
Police Licensing Unit (external)	Y	10/06/21	N
Health Authority (external)	Y		

## APPENDICES AND REFERENCE DOCUMENTS

<b>Appendices</b>	Annex A – Application and Plan Annex B – representations and Planning comment Annex C – Proposed Conditions
<b>Reference documents</b>  Local Government Act 1972 – Access to information documents used in the preparation of this report	<ol style="list-style-type: none"> <li>1. The Licensing Act 2003 (“the Act”).</li> <li>2. Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”).</li> <li>3. Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”).</li> </ol>