

LICENSING SUB-COMMITTEE 20 AUGUST 2021

Item No: 4b.

Report Title: Charcoal Kebab 266 Wandsworth Road London SW8 2JR

Applicant: Mr Iqbal Rana

Application Type: Premises Licence (Variation)

Application Date: 29 June 2021

Wards: Larkhall

Premises Type: Restaurant/Takeaway

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

Report author: Mr Ola Owojori, Licensing Officer, Public Protection, Regulatory Services and Assurance, 0207 926 1649, owojori@lambeth.gov.uk

APPLICATION SUMMARY

This is an application to vary the premises licence to amend one condition and to extend the current hours for the provision of late-night refreshment.

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
- Public Safety
- The Prevention of Public Nuisance and
- Protection of Children from Harm

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

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

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 but are to be operated as a takeaway during the proposed hours. The premises are located in a local centre/shopping parade and there are residential properties above .

The recommended end time within the policy for this type of premises, in a local centre/shopping parade is midnight on Friday and 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 to vary the premises licence under section 34 of the Licensing Act 2003.
- 1.2 The applicant is seeking authorisation for the following:
 - a) To amend condition 1.

The current condition reads:

The premises shall operate as a delivery service after 00:00 and customers shall not be permitted inside the premises after this time.

The proposed amended condition would read:

The premises shall operate as a delivery and takeaway service after 00:00

- b) To extend the hours for the provision of late-night refreshment until 04:00 hours on Monday to Sunday.
- 1.3 The opening hours for the premises are proposed as:

Monday to Sunday 11:00 – 04:00

- 1.4 A copy of the application form is attached as **Annex A**.

2. REPRESENTATIONS

- 2.1 Four representations have been received against the application. These were from the Licensing Authority, Public Protection Team, one local resident and one local councillor
- 2.2 The representations are based on all four of the licensing objectives. Copies of the representations were provided to the applicant and are attached as **Annex B**.
- 2.3 The representations highlight concerns in respect of the hours sought, which they believe will have a negative impact on residents in the area.
- 2.4 The last date for making representations was on 26 July 2021.

3. CURRENT LICENCE

- 3.1 The current premises licence is attached to the report as **Annex C**.

4. BACKGROUND HISTORY

- 4.1 There are parking restrictions in the area and the premises has no dedicated car parking for its customers. The premises are within easy access to 24 hour public buses to several London destinations and within a short distance to Vauxhall and Wandsworth Road rail stations.
- 4.2 Although the Planning Authority have not made a formal representation in respect of the application, they did provide comments which have been sent to the applicant:

“planning permission would be required for this change of use, and none has been granted (nor applied for). If they are currently operating the premises as a takeaway, then they are likely to be in breach of planning control and subject to formal action. As such, the applicant is advised to ensure that the premises is used lawfully in planning terms and the following note should be added to any decision:

“The takeaway use of the premises should not commence until such time as formal planning permission has been obtained. If the use has already commenced, please ensure that a planning application is received by the council as a matter of urgency. If you consider that the use of the premises is lawful, you should submit an application for a Lawful Development Certificate (Existing) with supporting documentation. Should the use commence or continue in the absence of planning permission, the premises may be liable to formal planning enforcement action”.

4.3 There is no record of any licensing enforcement action having been taken against the premises, but they were found not to have adhered to four of the conditions attached to the premises licence during an inspection on 12 June 2021. The conditions are:-

- The premises shall operate as a delivery service after 00:00 and customers shall not be permitted inside the premises after this time.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- The Premises Licence Holder shall ensure that clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly
- A direct telephone number for the manager of the premises shall be publicly available at all times that the premises is open. This number is to be made available to residents and businesses in the vicinity. Any complaints shall be remedied within 48 hours and details to be recorded in the incident book including the action taken by the manager.

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; and,
- 10) Conditions Attached to Premises Licenses and Club Premises Certificates

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

Chapter 5 - The Licensing Objectives

Policy 1 - Process for applications

Policy 3 - Partnership working

Policy 4 - Enforcement approach

Policy 8 – Hours of sale and locations

Policy 16 – Delivery Services (note, erroneously marked as Policy 15)

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 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

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

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; or
- c. Reject the whole or part of the application.

For this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

CONSULTATION INFORMATION

Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
Health & Safety Section (internal)	Y	-	N
Noise service (internal)	Y	13/07/2021	Y
Social Services (internal)	Y	-	N
Licensing Service (internal)	Y	23/07/2021	Y
Planning (internal)	Y	06/07/2021	Y
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	20/04/2021	N
Police Licensing Unit (external)	Y	-	N
Health Authority (external)	Y	-	N

APPENDICES AND REFERENCE DOCUMENTS

Appendices	Annex A – Application Annex B – Representations Annex C – Premises Licence
Reference documents Local Government Act 1972 – Access to information documents used in the preparation of this report	<ol style="list-style-type: none"> 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”).