

21/00184/PRMVAR - Charcoal Kebab, 266 Wandsworth Road London SW8 2JR

As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the following Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

The premises are operated as a restaurant and takeaway, providing late night refreshment until 00:00 hours on Monday to Sunday and until 01:00 on Monday to Thursday and 02:00 hours on Friday and Saturday delivery.

The variation application is proposed to:

1. extend the hours for late night refreshment until 04:00 hours on Monday to Sunday
2. amend condition 1 to allow the premises to operate as delivery and takeaway service after 00:00
3. extend opening hours until 04:00 on Monday to Sunday.

Background

The applicant was notified of the grant of a new premises licence on 4th June 2021 and was informed to operate in line with the hours and conditions agreed. A visit by the licenising authority was conducted on 12th June 2021, following a complaint of noise from the premises. The premises were found to be in breach of four out of seven conditions they had agreed with the Licensing Authority.

Classification of Area within the policy

According to the current Licensing Policy, Appendix 5 page 46, the premises are located in a local centre/shopping parade and it is also in close proximity to residential properties. There are residential properties above the premises.

Local centres have traditionally provided a range of small shops of a local nature, serving a small catchment. Typically, local centres might include shops, a small supermarket, newsagent, sub-post office and a pharmacy. Other facilities may include a hot food takeaway and launderette.

Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include the Authority considering an earlier terminal hour than that proposed by the applicant. This is regardless of the designation assigned to the area in which the premises is situated under this policy, i.e. as a Major or District Town Centre. In such cases and where relevant representations are received, the Licensing Authority will have regard to the potential for, and the risk of, nuisance occurring to nearby residents, particularly when considering an application which proposes the conduct of licensable activities after the hours indicated in Appendix 5. It is important to stress that the terminal

hours set out in Appendix 5 are intended as guidance only. The Licensing Authority may recommend or agree an earlier or later terminal hour where this is considered appropriate.

Operational Schedule

Premises operated as takeaway can contribute to nuisance in the form of;

- Noise from patrons or delivery vehicles
- Litter dropped by patrons
- Cooking smells
- Can be a place for people to congregate after late- night drinking, and there is a small associated risk for violence and anti-social behaviour to occur as a result

Applicants are expected to demonstrate how they will effectively manage the issues above and applications for licences or variations to operate beyond midnight are expected to include a detailed dispersal policy to be considered with the application.

Applicants seeking hours later than those specified in the policy are expected to provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

There is insufficient information in the applicant's operating schedule to adequately promote the licensing objectives. The completion of a full and detailed operating schedule will give greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives. Applicants are expected to:

- demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives;
- to undertake enquiries about the area in which the premises are situated to inform the content of the application;
- to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots and proximity to residential premises

Noise nuisance is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep and so it is important that applicants can demonstrate how they will effectively manage such issues as:

- the exit and dispersal of their patrons;
- noise from patrons in queues or outside smoking areas;
- patrons returning to cars parked in surrounding streets;
- general noise of people arriving and leaving

Applicants for licences to run after midnight and for variations to extend hours should consider preparing a detailed dispersal policy and submit this with their application.

Summary

The applicant has recently been granted a licence of which he has failed to adhere to a number of conditions within one week of its grant. Whilst the applicant informed the breaches would not re-occur, there are concerns with the current application submitted to extend hours further. The hours currently permitted on the licence are already beyond policy

hours on Monday to Sunday and no information has been provided by the applicant as to how he will uphold the licensing objectives or address and nuisance arising in the early hours for the hours applied for under this variation.

The applicant already demonstrated failure to adhere to conditions; has failed to provide any information that the hours sought will not exacerbate public nuisance or impact adversely on the area and has not provided any information as to how the licensing objectives will be promoted. It is therefore recommended this application refused.

Miss Bina Patel
Licensing Manager
London Borough of Lambeth

12th July 2021

Dear Miss Patel,

My name is Oladayo Bello, I am employed by London Borough of Lambeth as a Public Protection Officer within Public Protection and Regulatory Services (PPARS)
I write on behalf of the London Borough of Lambeth Public Protection Team against the granting of a variation to premises licence for:

**Charcoal Kebab, 266 Wandsworth Road, London, SW8 2JR
(Ref: 21/00184/PRMVAR)**

The Public Protection Team are entering a formal representation on the grounds of the following licensing objectives:

- The prevention of public nuisance.
- The prevention of crime and disorder
- Protection of Children from Harm

Summary

Public Protection currently have a Community Partnership with the police and other stakeholders and work together to promote public safety and reduce crime and antisocial behaviour. This is reflected in Lambeth Council's policies and action plans which are relevant to different areas and situations.

This application is made by a business that has just been granted a licence in the last 2 to 3 months. The new licence states that the business shall operate as a delivery service only after 00:00hrs and customers shall not be permitted inside the premises after this time. The applicant has requested a variation to the new licence to remove the clause and allow customers in the premises after midnight and also to extend the licensed hours to 04.00hrs Monday to Sunday

The prevention of public nuisance/The prevention of crime and disorder

Though Charcoal Kebab is a new business, the address has had similar businesses in the past that have had negative impact on the residents and neighbours around the businesses.

History

Public Protection records show the following complaints recorded against businesses past and present at 266 Wandsworth Road.

18/05719/NCDOM

Report of unlicensed tables and chairs put out on pavement by previous business

20.04.2018

18/05880/NCDOM

Noise Nuisance on week nights and week ends reported against a previous business at the same address lasting till 2-3 am in the morning by customers of the restaurant Sel y Pimento (formerly named Lobito Grill)

06.06.2018

18/07979/LLA90

unlicensed table and chairs

invited to PACE interview and warning issued to previous business

25.09.2019

19/08799/PDAIR

Report of every day strong smell of burning fat pumping from an extraction unit at the rear of the property, below the walkway and windows of the flats above for a previous business

10.06.2021

21/07389/NCMISC

Resident complaint about Charcoal Kebab using noisy extractor and keeping him awake at night.

Extending the opening hours for this business and allowing customers in the premises after 12 midnight may lead to additional noise nuisance and anti-social behaviour from boisterous customers

Protection of Children from Harm

Late night refreshment of food like kebab can be an attraction to children and underaged, the applicant has not detailed how he will promote this objective of protecting some children or minors who may want to visit or hang around the shop after hours.

Conclusion

The application to extend operating hours for these business with customers allowed on the premises till 4.00 am will no doubt impact negatively on the quality of life of residents around the business and may require additional resources by Lambeth Council and the Metropolitan Police at the expense of the public to monitor and respond to. It is for these reasons Public Protection object to the current variation application to extend the operating hours of the current licence.

In order to continue to fulfil and promote the licensing objectives as a responsible authority, the Public Protection Team recommends that the application for variation to this Licence is refused.

Sincerely,



Oladayo Bello

Public Protection Officer

From: [Cllr Christiana Valcarcel](#)

To:

[REDACTED]

Subject:

[Ola Owojori](#)

RE: 21/00184/PRMVAR - Charcoal Kebab, 266 Wandsworth Road, London, SW8 2JR (Larkhall)
Representations by: 26.07.2021 (Variation)

Date:

03 July 2021 17:42:21

FOR THE ATTENTION OF OLA OWOJORI

Dear Ola

I hope this email finds you well. I am formally submitting an objection to the above application to extend the opening hours for the above premises until 4am. I have received several complaints from one of my constituents who lives in close proximity to the premises. He has repeatedly complained to me about loud noise from the extractor fan during the operational hours of the premises. I am hereby making a representation on behalf of the resident on the grounds of prevention of public nuisance, as an extension of the above licensable hours until 4am will have an adverse impact on the health and wellbeing of residents in the area who will have to suffer noise nuisance from the extractor fan. Also, the visit by delivery drivers and customers to the premises during the late hours will also create additional noise nuisance.

I hope my concerns will be taken into serious consideration.

Kind Regards

Cllr Tina Valcarcel (TINA)
Deputy Cabinet Member - Disability
Labour Councillor
Larkhall Ward

M:

[REDACTED]

E: cvalcarcel@lambeth.gov.uk

Office of the Leader and Labour Group
Lambeth Town Hall
Brixton Hill
London SW2 1RW

From: [Sarah G Williams](#) on behalf of [Licensing](#)
To: [Ola Owojori](#)
Subject: FW: Variation to licence charcoal kebab ltd 266 wandsworth rd
Date: 06 July 2021 18:32:16

FYA

From: [REDACTED]
Sent: 05 July 2021 11:53
To: Licensing <XDESLICENSE@lambeth.gov.uk>
Subject: Variation to licence charcoal kebab ltd 266 wandsworth rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am making a formal objection to the new application to allow the above proprietor to extend his current operating hours to 4 00 am takeaway and delivery service i live in a flat above the premises which wandsworth council own there is already an ongoing problem with his noisy extractor fan which is being dealt with by your health and safety officers and with also your public protection officer as stated before there is also a double unit costcutter shop with a 24 7 licence also below me and with the added noise that motorcycles delivery would be extremely detrimental to my sleep and mental health i trust you will take all these circumstances into account when making your decision kind regards [REDACTED] fowler house wandsworth rd sw8 4et Mobile 0 [REDACTED]