

LICENSING SUB-COMMITTEE 20 AUGUST 2021

Item No: 4c.

Report title: Theatro, 69-71 Westow Hill, SE19 1TX

Applicant: The Music Box Enterprises Ltd

Application type: Premises licence (grant)

Application date: 26 May 2021

Ward: Gipsy Hill

Premises type: Restaurant and Bar

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

Report author: Tom Dunn, Licensing Officer, 020 7926 1866, tdunn@lambeth.gov.uk

APPLICATION SUMMARY

This is an application for a Premises Licence (new application) authorising the following licensable activities; Live Music, Recorded Music, Performances of Dance, anything similar to Music and Dance, Late Night Refreshment and the Sale 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;
- Public safety;
- The prevention of public nuisance; and,
- The 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 to be operated as a Restaurant and Bar serving Asian Fusion Tapas. The operator also intends to utilise delivery of food and drink via online delivery companies such as Deliveroo and Uber Eats.

The premises are classified within Lambeth's Licensing Policy, Appendix 6, page 48 as a bar due to alcohol being available without a food purchase.

The premises are located on Westow Hill which according to the current Licensing Policy, Appendix 7 is a District Centre.

The key areas of concern for these areas is that whilst there might be very little residential property in the immediate area, a short walk will lead into highly residential streets and the potential for public nuisance in the form of noise, litter from late night eateries and the targeting of individuals by criminals is high.

For premises of this kind in a District Centre, the Licensing Policy recommends a start time of 11:00 hours and a terminal hour of 00:00 (midnight) Sunday – Thursday and 01:00 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 for a Premises Licence under section 17 of the Licensing Act 2003.
- 1.2 The applicant is seeking authorisation for live music, recorded music, performances of dance, anything similar to music or dance and the sale of alcohol for consumption on and off the premises, during the following times:
 - a. Monday to Sunday 11:00 – 01:00
 - b. On any Sunday over a Bank Holiday weekend, until 03:00
 - c. From the start of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
- 1.3 The applicant is seeking authorisation for the provision of late night refreshment during the following times:
 - a. Monday to Sunday 23:00 – 01:00
 - b. On any Sunday over a Bank Holiday weekend, until 03:00
 - c. From the start of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
- 1.4 The opening hours for the premises are proposed as:
 - a. Monday to Sunday 11:00 – 01:30
 - b. On any Sunday over a Bank Holiday weekend, until 03:00
 - c. From the start of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
- 1.5 A copy of the application form, plan and conditions offered by the applicant as part of their operating schedule, are attached as **Annex A**.

2. REPRESENTATIONS

- 2.1 There were nineteen (19) representations received in respect of this application. These were from:
 - a. Two (2) Responsible Authorities (the Licensing Authority and Police).
 - b. Twelve (12) members of the public against the application.
 - c. Five (5) members of the public in support of the application.
- 2.2 The representations are based on all four of the licensing objectives, the prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm.
- 2.3 The Responsible Authorities representations highlight that the application seeks hours beyond the Licensing Policy and raises concerns of anti-social behaviour in the Gipsy Hill area. Concerns raised by members of the public include noise nuisance, anti-social behaviour and other issues surrounding unsocial operating hours.
- 2.4 Copies of the representations were provided to the applicant and are attached at the following annexes:
 - a. **Annex B(i)**; representations against the application.
 - b. **Annex B(ii)**; representation in support of the application.

- 2.5 The last date for making representations was 23 June 2021.
- 2.6 A copy of the conditions proposed by the applicant and responsible authorities can be seen at **Annex C**.

3. CURRENT LICENCE

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

4. BACKGROUND HISTORY

- 4.1 The premises were previously licensed under reference numbers Prem2066 and Prem2208, both of which have lapsed due to the licence holder dissolving. Copies of these licences can be seen at **Annex D**.
- 4.2 The Licensing Authority received two complaints in 2017 and 2018 in respect of this premises, under licence number Prem2066. At the time the licensee was Your Restaurants Ltd and the Designated Premises Supervisor was Geoffrey Ridgeon. These complaints were in relation to breaches of the licence, noise nuisance and anti-social behaviour. The Licensing Authority are not aware of any connection between the previous and new operators.
- 4.3 The premises are located on Westow Hill and near bus stops. Crystal Palace station is the closest overground and railway, approximately a 5–10-minute walk. The premises do not have their own dedicated car park.
- 4.4 The premises have not applied for any Temporary Event Notices in 2021.

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; 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 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 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 appropriate 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;
- 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	-	
Social Services (internal)	Y	-	
Licensing Service (internal)	Y	22/06/2021	Y
Planning (internal)	Y	-	
Trading Standards (internal)	Y	-	
Fire Authority (external)	Y	15/06/2021	N
Police Licensing Unit (external)	Y	23/06/2021	Y
Health Authority (external)	Y	-	

APPENDICES AND REFERENCE DOCUMENTS

Appendices	<p>Annex A - Application form, plan and conditions</p> <p>Annex B(i) - Representations against</p> <p>Annex B(ii) – Representations in support</p> <p>Annex C - List of proposed conditions</p> <p>Annex D – Prem2066 and Prem2208 licences</p>
<p>Reference documents</p> <p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<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”).