

## LICENSING SUB-COMMITTEE 19 OCTOBER 2021

**Item No:** 4b

**Report title:** Le Bab 408 Coldharbour Lane London SW9 8LF

**Applicant:** Avant Restaurants Ltd

**Application type:** Premises Licence (Grant)

**Application date:** 24 May 2021

**Wards:** Coldharbour

**Premises Type:** Restaurant/Bar

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

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### APPLICATION SUMMARY

This is an application for a Premises Licence to allow authorisation for the provision of late night refreshment and sale of alcohol on Monday to Sunday.

### 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 classified within Lambeth's Licensing Policy (2019 - 2024) as a restaurant with the provision to sell alcohol for consumption off the premises. The premises are located within a Major

Town Centre, but it is in close proximity to residential properties on Coldharbour Lane. The premises are therefore designated for the purpose of this application as in a residential area.

The recommended start time within the policy if the premises are operated as a bar in a residential area is 11:00 hours on Monday to Sunday and no specific start time is recommended if operated as a restaurant

The recommended end time within the policy if the premises are operated as a restaurant or bar in a residential area is 23:00 hours on Monday to Sunday.

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 and times:

### **Sale of Alcohol (On and Off Sales)**

- Sunday - 10:00 – 00:00
- Monday - Saturday 10:00 – 01:00

#### Non-Standard Timing

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the morning British Summertime commences.

### **Late Night Refreshment (Indoors)**

- Sunday - 23:00 – 00:00
- Monday - Wednesday 23:00 – 01:00
- Thursday – Saturday 23:00 – 03:30

#### Non-Standard Timing

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the morning British Summertime commences.

1.3 The opening hours for the premises are proposed as:

- Sunday - 10:00 – 00:30
- Monday - Wednesday 10:00 – 01:30
- Thursday – Saturday 23:00 – 04:00

#### Non-Standard Timing

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the morning British Summertime commences.

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

## 2. REPRESENTATIONS

2.1 Three representations have been received against the application. These were from the Licensing Authority and two local Councillors.

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. The Licensing Authority has recommended the hours sought be reduced and have proposed conditions to promote the licensing objectives. A list of conditions is attached as **Annex C**.

2.4 The last date for making representations was on 21 June 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 near the junction of Atlantic Road and Coldharbour Road. There are a variety of shops and licensed premises in the area.
- 4.2 The premises are on a double yellow line route and has no dedicated car parking for its customers. The premises are within easy access to Brixton underground and rail stations and 24 hours public buses towards south and central London destinations.

#### **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 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	-	N
Noise service (internal)	Y	-	N
Social Services (internal)	Y	-	N
Licensing Service (internal)	Y	21/06/2021	Y
Planning (internal)	Y	18/06/2021	N
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	-	N
Police Licensing Unit (external)	Y	-	N
Health Authority (external)	Y	-	N

## APPENDICES AND REFERENCE DOCUMENTS

<b>Appendices</b>	<b>Annex A</b> – Application form, conditions and plan <b>Annex B</b> – Representations <b>Annex C</b> – List of 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>The Licensing Act 2003 (“the Act”).</li> <li>Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”).</li> <li>Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”).</li> </ol>