

## LICENSING SUB-COMMITTEE 30<sup>TH</sup> NOVEMBER 2021

**Item No:** 4a

**Report title:** Brixx Bar & Grill 10 Electric Avenue London SW9 8JX

**Applicant:** Mr Dominic Degannes

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

**Application date:** 19 August 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;
- The prevention of public nuisance;
- Public safety 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 bar / restaurant seeking to sell alcohol for consumption on and off the premises. The premises are located within a

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

There is no recommended start time within the policy for this type of premises, but the recommended end time for this type of premises 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 (consumption on and off the premises)**

Sunday to Thursday 12:00 – 23:00

Friday and Saturday 12:00 – 00:00

### **Late Night Refreshment**

Friday and Saturday 23:00 – 00:00

- 1.3 The opening hours for the premises are proposed as:
  - Sunday to Thursday 12:00 – 23:00
  - Friday and Saturday 12:00 – 00:00
- 1.4 A copy of the application and the premises plan are attached as **Annex A**.

## 2. REPRESENTATION

- 2.1 One representation has been received against the application from a local resident.
- 2.2 The representation is based on the licensing objectives of prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. A copy of the representation was provided to the applicant and is attached as **Annex B**.
- 2.3 The representation highlights concerns in respect of insufficient information in the application. They also raise concerns that the premises will have a negative impact on residents in the area if the application is granted.
- 2.4 The applicant has agreed several conditions with the Licensing Authority including the withdrawal of recorded music, which are appropriate to promote the licensing objectives. These conditions have been communicated with the objector and no response has been received to this effect. A list of the conditions is attached as **Annex C**.
- 2.5 The last date for making representations was on 16<sup>th</sup> September 2021.

## 3. CURRENT LICENCE

- 3.1 There is no current premises licence in place for this address.

## 4. BACKGROUND HISTORY

- 4.1 There is an outdoor market on Electric Avenue with a variety of shops and stalls.
- 4.2 The premises are within a restricted parking area and have no dedicated car parking for its customers. The premises are within easy access to Brixton underground and rail stations, and 24 hour public buses towards south and central London destinations.

- 4.3 There is no record of a Temporary Event Notice being submitted for the premises during this calendar year.
- 4.4 The Planning Authority didn't make a formal representation in respect of the application. However, they did provide the following comments, which have been sent to the applicant: *"Planning permission (18/04949/FUL) was granted for "Change of use of basement and ground floor from Retail (Use Class A1) to Restaurant (Use Class A3) together with the alterations to the front doors plus the installation of a new timber shopfront and a flue to the rear elevation". The relevant planning condition attached to the current use state – Condition 6 - The use hereby permitted shall not operate beyond 2300 hours unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally (Policy 7.15 of the London Plan 2015 and Policy Q2 of the Lambeth Local Plan (2015))".*

## 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:

### 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 17 – Dispersal and entry (note, erroneously marked as Policy 16)

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	10/09/2021	N
Planning (internal)	Y	17/08/2021	Y
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	12/08/2021	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 and plan <b>Annex B</b> – Representation <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>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>