

LICENSING SUB-COMMITTEE - 7 JANUARY 2022

Item No: 4b

Report title: The Saxton, 50 Clapham High Street, London SW4 7UL

Applicant: East London Pub Co

Application type: Premises licence (variation)

Application date: 22nd April 2021

Wards: Clapham Town

Premises type: Public House

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

Report author: Mrs Pamela Riley, Licensing Officer, 0207 926 6164 priley@lambeth.gov.uk

APPLICATION SUMMARY

This is an application to vary the premises licence to remove all existing conditions under Annex 2 and replace them with new conditions, to amend the current licensing plan, and to extend the permitted opening hours.

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:

- Prevention of Public Nuisance;
- Protection of Children from Harm;
- Public Safety; and,
- Prevention of Crime and Disorder.

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

The premises are situated within the cumulative impact area zone as identified within the Council's Statement of Licensing Policy ('the Policy'). This area is subject to a special policy which amongst other things creates a rebuttable presumption that any new application for a premises licence or material variation to existing premises licences (such as an increase in hours, capacity or change of conditions) in the area to which this policy applies, will be refused, if representations are received. This may be

rebutted by the applicant showing that a particular application will not impact adversely on the licensing objectives.

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 the Policy as a Public House and currently serve local craft beers, premium wines and spirits alongside offering a food menu. During 20/00304/PRMVAR the proposed extended opening hours, the premises will provide for non-licensable activities such as breakfast, tea and coffee.

The premises are located within a Major Town Centre; the Policy recommends licensable hours for a premises of this kind as no specific start time recommended. The recommended terminal hour for this type of premises is Friday and Saturday 01:00 hours (AM) Sunday to Thursday 00:00 hours (midnight).

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 a Premises Licence under section 34 of the Licensing Act 2003. To include the outside area for licensable activities

1.2 The current licence authorises the following licensable activity and opening hours:

Supply of Alcohol

Monday - Thursday	11:00 - 00:00
Friday & Saturday	11:00 – 01:00
Sunday	12:00 – 00:00

Recorded Music

Monday - Thursday	11:00 - 00:30
Friday & Saturday	11:00 – 01:30
Sunday	12:00 – 00:30

1.3 The applicant is seeking authorisation for the following:

- a) The removal of all existing Annex 2 conditions and to replace them with new conditions.
- b) To alter the layout of the premises in accordance with the submitted floor plan.
- c) To extend the opening hours from 11:00 hours to 8:00 hours daily for non-licensable activities such as breakfast, coffee and tea etc.

A copy of the application form and proposed floor plan is attached to this report as **Annex A**.

1.4 The applicant has proposed a set of conditions to be considered, these are attached as **Annex B**.

2. REPRESENTATIONS

2.1 One (1) representation was received against the application, from the Metropolitan Police. Their representations highlight concerns in respect of an increase in the capacity for alcohol consumption on a daily basis which would allegedly cause noise nuisance as there is no means to contain the noise. The Police also highlight that the applicant failed to mention any effective security, noise management and dispersal plan.

A copy of the representations was provided to the applicant and is attached to this report at **Annex C**.

2.2 Emails were exchanged between the applicant's representative and the Police with the view to agree proposed conditions. A copy of the email correspondence is attached at **Annex E**.

2.3 The Police have proposed conditions to be attached to the premises licence, these have yet to be agreed by the applicant (**confirm?**). A copy of the proposed conditions by the Police is attached as **Annex F**.

2.2 The representations are based on all four of the licensing objectives.

2.3 The last date for making representations was on 18th August 2021.

3. CURRENT LICENCE

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

4. BACKGROUND HISTORY

- 4.1 The current licence was granted on 24th November 2005, to Kudos Group Limited and it was transferred to East London Pub Co in December 2017. The Designated Premises Supervisor (DPS) was recently changed to Michael Jones on 16 June 2021.
- 4.2 The applicant and the police opened communication to discuss amendments to the application such as the police requesting security to be used on the premises with body worn cameras. The police also proposed a new set of proposed conditions.
- 4.3 The premises are located on the corner of Clapham High Street and Edgeley Road. The premises have no dedicated car parking and patrons may park on surrounding residential streets with parking restrictions.
- 4.4 The premises are within walking distance of Clapham Common Station and 24 hours a day public buses towards several 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:

- 5) The Licensing Objectives

Policy 1 - Process for applications

Policy 3 - Partnership working

Policy 4 - Enforcement approach

Policy 7 – Cumulative Impact

Policy 8 – Hours of sale and locations

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; or,
- c. Reject the application.

For this purpose, the conditions of the licence are modified if any of them are 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	-	-
Noise service (internal)	Y	20/05/21	N
Social Services (internal)	Y	-	-
Licensing Service (internal)	Y	27/4/21	N
Planning (internal)	Y	26/04/21	N
Trading Standards (internal)	Y	-	-
Fire Authority (external)	Y	04/05/21	N
Police Licensing Unit (external)	Y	19/05/21	N
Health Authority (external)	Y	-	-

APPENDICES AND REFERENCE DOCUMENTS

<p>Appendices</p>	<p>Annex A – Application form Annex B – Applicants proposed conditions Annex C – MPS Representations Annex D – Current Premises Licence Annex E – Mediation email between applicant and MPS Annex F - MPS Proposed Conditions</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”).