

## LICENSING SUB-COMMITTEE 13 JANUARY 2022

**Item No:** 3a

**Report title:** El Rancho De LALO, 1 Buckner Road London SW2 5BY

**Applicant:** El Rancho De LALO Limited

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

**Application date:** 14 October 2021

**Wards:** Brixton Hill

**Premises Type:** Restaurant

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

**Report author:** Mr Ola Owojori, Licensing Officer, Public Protection, Regulatory Services and Assurance, 0207 926 1649, owojori@lambeth.gov.uk

### APPLICATION SUMMARY

This is an application for a Premises Licence to allow authorisation for the 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 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 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 Acre Lane and Porden Road. 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 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:

### **Sale of Alcohol (consumption on and off the premises)**

Monday to Sunday 10:00 – 23:00

1.3 The opening hours for the premises are proposed as:

Monday to Sunday 08:00 – 23.30

1.4 A copy of the application, premises plan and conditions consistent with the operating schedule are attached as **Annex A**.

## **2. REPRESENTATION**

2.1 Eight representations have been received against the application from local residents.

2.2 The representations are based on the licensing objectives of prevention of public nuisance and protection of children from harm. 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 and the negative impact of the premises in the area if granted. One of the representations also alleged that licensable activities were provide on one occasion without authorisation which created noise nuisance in the area.

2.4 The applicant wrote to the objectors addressing the concerns raised in their representations and agreed additional conditions proposed by Porden Road Residents Group, who has withdrawn their representation. Copies of the correspondence between the applicant and the objectors are attached to the report as **Annex C**

2.5 The list of conditions consistent with the applicant's operating schedule and those agreed with a residents' group is attached to the report as **Annex D**.

2.6 The last date for making representations was on 11 November 2021.

## **3. CURRENT LICENCE**

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

## **4. BACKGROUND HISTORY**

4.1 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.

4.2 There is no record of a Temporary Event Notice being submitted for the premises during this calendar year.

- 4.3 With regards to the alleged breach of Licensing Regulations, the applicant confirmed that an event to celebrate the owner's birthday with friends and family took place on 6<sup>th</sup> November 2021. They claimed no members of the public were in attendance and they adhered to Licensing Regulations. The driving licence of an individual claimed to be the owner, which confirmed their date of birth as 6 November was provided and they also apologise for the inconvenience caused to residents.
- 4.4 The Licensing Authority advised the applicant to be mindful of the impact of their actions on residents in the area and no further action was deemed necessary.

## **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 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	-	N
Planning (internal)	Y	15/10/2021	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>	<p><b>Annex A</b> – Application, plan and conditions</p> <p><b>Annex B</b> – Representations</p> <p><b>Annex C</b> – Applicant’s correspondence to objectors</p> <p><b>Annex D</b> - List of Conditions</p>
<p><b>Reference documents</b></p> <p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<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>