

## LICENSING SUB-COMMITTEE 10 MAY 2022

**Item No:** 5b

**Report title:** 20 Brixton Road London SW9 6BU

**Applicant:** Public Protection Team

**Application type:** Temporary Event Notice (TEN)

**Application date:** 12 April 2022

**Wards:** Oval

**Premises type:** A church with an event space for hire

**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 by the Council's Public Protection Service for a counter-notice to be issued against a Temporary Event Notice.

### POLICY IMPLICATIONS

**Licensing Objectives (chapter 5, pages 9 to 15 of the policy and appendices 1 to 4, pages 41 to 45)**

The Licensing Objective engaged by this application is:

- a. Prevention of Public Nuisance;

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

The premises is not situated in the Clapham Cumulative Impact Zone.

## 1. APPLICATION

- 1.1 Mr John Ferreira on 12th April 2022 gave the Licensing Authority a Temporary Event Notice (TEN) under section 100 of the Licensing Act 2003.
- 1.2 The Notice will authorise the sale by retail of alcohol for consumption on the premises and the provision of regulated entertainment and late-night refreshment.
- 1.3 It is proposed to provide these activities to no more than 200 persons at the premises on 4<sup>th</sup> June 2022 from 18:00 - 01:00 hours and 5<sup>th</sup> June 2022 from 13:30 until 20:00 hours
- 1.4 A copy of the notice is attached to this report as **Annex A**.

## 2. REPRESENTATION

- 2.1 On 14<sup>th</sup> April 2022, an objection notice was received from the Council's Public Protection service (exercising the Authority's environmental health functions), which engages with the licensing objective of the prevention of public nuisance.
- 2.2 The Responsible Authority is of the view that the event will lead to a significant increase in noise nuisance from amplified loud music and they are also concerned with the history of noise complaints recorded against the premises. Public Protection has suggested the applicant withdraws the provision of regulated entertainment from the TEN, to address their concerns.
- 2.3 The last date for giving an objection notice was on 21<sup>st</sup> April 2022.
- 2.4 A copy of the objection has been provided to the applicant and is attached to this report at **Annex B**.

## 3. CURRENT LICENCE

- 3.1 There is no premises licence in place for the address. The premises previously held a club premises certificate, but it no longer satisfies the general conditions to be a qualifying club following a notification to the Licensing Authority on 24<sup>th</sup> April 2018.

## 4. BACKGROUND HISTORY

- 4.1 The premises have applied for seven TENs for the year 2022 as follows:
  - 23rd April 2022 – no objection raised
  - 8th May 2022 – no objection raised
  - 30th April 2022 – objection raised by Public Protection, subsequently withdrawn by the applicant
  - 7th May 2022 – objection raised by Public Protection; counter notice issued
  - 4th June 2022 – objection raised by Public Protection – awaiting determination by LSC
- 4.2 There are two further TENs submitted on 23rd April 2022 for events to be held on 17th September 2022 and 19th November 2022, which Public Protection have submitted objections against.
- 4.3 There is no record of any licensing enforcement action having been taken in respect of previously held events.

## **5. OBSERVATIONS**

5.1 The parts of the Statutory Guidance (April 2018) relevant to this application and the representations received are Chapters:

- 7) Temporary Event Notices;
- 9) Determining Applications; and,
- 15) Regulated Entertainment.

5.2 The parts of the Statement of Licensing Policy that relevant to this application and the representations are Sections:

- 5) The Licensing Objective  
5.27) Prevention of Public Nuisance

Policy 6 - Temporary Events

Appendix 3 – Prevention of Public Nuisance

Appendix 5 – Recommended hours by location

Appendix 6 – Types of premises

Appendix 7 – Major, District and local Town Centres

## **6. CONCLUSION**

Members have two options when determining the Notice:

- a. To issue a Counter-Notice;
- b. To refuse to issue Counter Notice.

## CONSULTATION INFORMATION

<b>Department(s) or Organisation(s)</b>	<b>Consulted (Y/N)</b>	<b>Date Response Received</b>	<b>Comments summarized in report (Y/N)</b>
Public Protection	Applicant	14/04/2022	Y

## APPENDICES AND REFERENCE DOCUMENTS

<b>Appendices</b>	<b>Annex A – TEN Application</b> <b>Annex B – Objection Notice</b>
<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>