

LICENSING SUB-COMMITTEE 20 MAY 2022

Item No: 4a

Report title: 348 Kennington Lane London SE11 5HY

Applicant: Upmarket Catering Limited

Application type: Premises Licence

Application date: 7 February 2022

Wards: Princes

Premises Type: Restaurant / Takeaway

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.

POLICY IMPLICATIONS

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

The Licensing Objective engaged by this application is:

- The prevention of public nuisance

Types of Premises and Recommended 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 'Restaurant with takeaway provision'. The premises are located in a local centre/ shopping parade, but they are in close proximity to residential properties.

There is no recommended start time within the Policy for these types of premises and the recommended end time within the policy for these types of premises are Sunday to Thursday 23:00 hours and Friday to Saturday 00:00 hours.

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 new premises licence under section 17 of the Licensing Act 2003.

1.2 The applicant is seeking authorisation for the following activities during the following times:

Late Night Refreshment (Indoors and Outdoors)

Monday to Wednesday 23:00 - 02:00

Thursday to Saturday 23:00 - 03:00

Sunday 23:00 - 01:00

1.3 The opening hours for the premises are proposed as:

Monday to Wednesday 11:00 - 02:00

Thursday to Saturday 11:00 - 03:00

Sunday 11:00 - 01:00

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

2. REPRESENTATION

2.1 A representation has been received against the application from the Licensing Authority.

2.2 The representation is based on the licensing objective of the prevention of public nuisance. A copy of the representation was provided to the applicant and is attached as **Annex B**.

2.3 The representation highlights concern in respect of the hours sought and that the conditions proposed by the Licensing Authority for adoption are yet to be agreed by the applicant. A list of the conditions is attached as **Annex C**.

2.4 The last date for making representations was on 7th March 2022.

3. CURRENT LICENCE

3.1 There is currently no licence in place for the premises.

4. BACKGROUND HISTORY

4.1 The premises are on a double red-lined road with no dedicated car parking for patrons visiting the premises.

4.2 The premises are within easy access to Vauxhall underground and railway stations including 24 hours 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;
 - 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 15 - Violence Against Women and Girls

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

Appendix 3: Prevention of Public Nuisance

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 of 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 necessary for the promotion of the licensing objectives;
- c. Exclude a licensable activity from the scope of the licence;
- d. 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	25/02/2022	Y
Planning (internal)	Y	02/03/2022	N
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	-	N
Police Licensing Unit (external)	Y	07/03/2022	N
Health Authority (external)	Y	-	N

APPENDICES AND REFERENCE DOCUMENTS

Appendices	<p>Annex A – Application form, applicant’s conditions and plan</p> <p>Annex B – Representation</p> <p>Annex C – List of 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”).