

LICENSING SUB-COMMITTEE 13 JUNE 2022

Item No: 4b

Report title: Teatro, 69-71 Westow Hill London SE19 1TX

Applicant: The Music Box Enterprises Ltd

Application type: Premises licence (variation)

Application date: 26 March 2022

Wards: Gipsy Hill

Premises type: Restaurant and Bar

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

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APPLICATION SUMMARY

This is an application to vary the premises licence to extend the provision of regulated entertainment into the courtyard at the rear of the property and for the removal of condition 23 from the current premises licence.

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.

Hours of sale and Location (Policy 8, pages 27 to 28 & Appendix 5, pages 46 to 47)

The premises operates as a restaurant and bar providing regulated entertainment with alcohol which is sold for consumption on and off the premises. The premises is located on the corner of Westow Hill and Jasper Road which according to the current Licensing Policy, Appendix 7 is an area generally deemed to be residential in nature.

A premises of this kind in a residential area, the Licensing Policy's recommended commencement hour for licensable activities is 11:00 and the terminal hour of 23:00 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 to vary a premises licence under section 34 of the Licensing Act 2003.

1.2 The applicant is seeking to vary the premises licence as follows:

- a) Increase the licensed area, so as to integrate the courtyard leading out of the lower ground floor at the rear of the property on the current premises licence;
- b) Extend the commencement hour for Recorded Music Monday to Sunday from 11:00 to 10:00, inside the premises;
- c) To permit Recorded Music within the courtyard area from 11:00 to 21:00 Monday to Sunday; and
- d) To remove condition 23 of the current premises licence which states: *“All windows and external doors shall be kept closed after 21:00 hours, or at any time when the regulated entertainment takes place, except for immediate access and egress to persons”*.

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

Live Music, Recorded Music, Performance of Dance, Entertainment of Similar to Music and Dance and Sale by Retail of Alcohol.

Sunday to Thursday 11:00 – 00:00

Friday & Saturday 11:00 – 01:00

Late Night Refreshment

Sunday to Thursday 23:00 - 00:00

Friday & Saturday 23:00 – 01:00

Non-Standard Timings:

Sunday prior to bank holidays 11:00 – 01:00

A copy of the application form is attached to this report as **Annex A**.

A copy of the current premises licence is attached to this report as **Annex B**.

2. REPRESENTATIONS

2.1 One representation was received against the application from Public Protection on the ground of the prevention of public nuisance. The representation highlights concern with the request to remove condition 23 from the licence, stating that the removal of the condition may impact the peaceful and normal enjoyment of the residential premises adjoining the courtyard and the area in general.

2.2 The last date for accepting representations was on 29th April 2022.

2.3 A copy of the representation was provided to the applicant. In response to the concerns raised by public protection, the licensee has offered to withdraw Live Music from the premises licence.

2.4 A copy of the representation and response from the applicant are attached to this report at **Annex C**.

3. CURRENT LICENCE

3.1 The current premises licence was granted on 20th August 2021 and the Designated Premises Supervisor (DPS) is Roya Harris.

4. BACKGROUND HISTORY

- 4.1 The premises operates as a restaurant and bar serving Asian Fusion Tapas and hires out of work musical actors who serve and sing along with a live band and entertain guests. The premises is set over two floors - ground floor and lower ground floor. The lower ground floor has a small adjoining courtyard which is a sit-down area for food and drink. The premises also offer deliveries of food and beverages via online delivery companies such as Deliveroo, Uber Eats etc.
- 4.2 There has been no TEN's applications received in the past 12 months for this premises

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:

Chapter 5 - The Licensing Objectives

- Policy 1 - Process for applications
- Policy 3 - Partnership working
- Policy 4 - Enforcement approach
- Policy 5 – Outside spaces
- 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 8: What to expect from a Licensing Sub-Committee Hearing

6. CONCLUSION

- 6.1 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.

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	26/04/22	Y
Social Services (internal)	Y	-	
Licensing Service (internal)	Y	-	
Planning (internal)	Y	-	
Trading Standards (internal)	Y	-	
Fire Authority (external)	Y	-	
Police Licensing Unit (external)	Y	-	
Health Authority (external)	Y	-	

APPENDICES AND REFERENCE DOCUMENTS

Appendices	<p>Annex A – Application form</p> <p>Annex B – Current Premises Licence</p> <p>Annex C – Representation and applicants response</p> <p>Annex D – Applicant 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”).