

Annex C



Our Reference: 22/04226/LICAPP

Miss Bina Patel
Lambeth Licensing Authority
3rd Floor, Civic Centre
6 Brixton Hill
London
SW2 1EG

26th April 2022

Dear Ms Patel

I write on behalf of the London Borough of Lambeth Public Protection Department with regard to the application for Premises Licence ((Variation Application) detailed below:

**The Music Box Enterprises Ltd, Theatre - 69-71 Westow Hill,
London SE19 1TX- Reference : 22/00065/PRMVAR-Prem2490 .**

The Public Protection Team request that you accept this as a formal representation against the above-mentioned variation application on the grounds of the following licensing objectives:

- **The prevention of public nuisance.**

Lambeth Public Protection believe that the removal of the current **condition 23 (detailed below)** from this premises license as requested in this variation application is in contravention of the above licensing objective.

To remove **condition 23** which states- “ All windows and external doors shall be kept closed after 21:00hrs, or at any time when regulates entertainment takes place, except for immediate access and egress to persons.”

This condition was placed on the previous premises due to the high level of noise complaints from the local residents, specific to music and ASB, whilst the applicant may offer an argument that the use of the premises will be different the current license still allows for regulated entertainment as below:

- **Licensable activities authorised by the licence Live Music (indoors only)**
- **Recorded Music (indoors only)**
- **Performances of Dance (indoors only)**
- **Entertainment Similar to Music/Dance (indoors only)**
- **Late Night Refreshment (indoors and outdoors)**
- **Sale by Retail of Alcohol (indoors and outdoors)**

The times the licence authorises the carrying out of licensable activities:

Live Music

Friday & Saturday 11:00 - 01:00
Sunday - Thursday 11:00 - 00:00

Sunday prior to a Bank Holiday 11:00 to 01:00.

Recorded Music

Friday & Saturday 11:00 - 01:00
Sunday - Thursday 11:00 - 00:00

Sunday prior to a Bank Holiday 11:00 to 01:00.

Performances of Dance

Friday to Saturday 11:00 - 01:00
Sunday - Thursday 11:00 - 00:00

Sunday prior to a Bank Holiday 11:00 to 01:00.

Entertainment Similar to Music/Dance

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

Sunday prior to a Bank Holiday 11:00 to 01:00

Premises Licence A - 2: Entertainment Similar to Music/Dance

Friday & Saturday 11:00 - 01:00
Sunday - Thursday 11:00 - 00:00
Sunday prior to a Bank Holiday 11:00 to 01:00.

This is obviously a serious concern in relation to the premises being able to operate within these times without further communication or warning should they decide to.

We also believe that this request is not in line with the premises application variation guidance specifically in relation to removals of conditions which could include the removal or amendment of out of date, irrelevant or unenforceable conditions, none of which apply to this condition.

In addition you will notice that all the regulated entertainment conditions are only permitted indoors only, again this was due to the multiple noise complaints received from residents about loud music from the premises and ASB from Patrons.

The addition of the outside area for licensable activities including regulated entertainment is of serious concern to Public Protection and we are confident that this addition will be detrimental to residents and result in noise and ASB complaints.

And (2) additional variation to integrate the courtyard leading out of the lower ground floor at the rear of the property into the current licence for the property as extension of the restaurant

for licensable activities including regulated entertainment during licensing hours is of serious concern to Public Protection, and we are confident that this addition will be detrimental to residents and result in noise and ASB complaints.

With regard to **variation (2)**, the applicant must sufficiently demonstrate how the Licence objectives will be achieved in relation to : The prevention of the public nuisance with regard to ASB from patrons within the court yard that may impact on the peaceful and normal enjoyment of the residential premises adjoining the courtyard and the area in general.

Public Protection are confident that should this application for variations be granted the complaints and negative impact this premises will have on the local community will escalate.

For the above reasons Public Protection are representing against this Variations Application.

Yours Sincerely,



Matthew Dare Onakoya (EHO) MSc; BSc(Hons); Dip. Acoustics & Noise Control
Regulatory Noise Officer
Streatham Hill & Thornton Wards
Mobile: [REDACTED]
Email: [REDACTED]

Cc: Mrs Pam Riley

From: [Roya Eftekhari](#)
To: [Pam Riley](#)
Cc: [Matthew Onakoya](#)
Subject: Re: LICENSE APPLICATION VARIATION -OBJECTION -THEATRO 69-71 WESTOW HILL SE19 1TX - 22/00065/PRMVAR
Date: 25 May 2022 16:22:26

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Hi Pamela,

Thank you for your email.

Although we appreciate the concern, we are Obviously disappointed with the objection received from The Public Protection Team.

We've been operating from 69-71 Westow Hill SE19 1TX, since the end of September 2021 and have gone through some very tough times, as has the whole of the hospitality sector. Despite this we have managed to continue to remain open and think we have demonstrated within this time period that we are sensible operators. It's a shame that we are still being penalised for how the previous operator conducted their business. I would ask that The Public Protection Team to have a look at our website [REDACTED] and also to look at our instagram telltalecp. And also, they are of course welcome to come and have a look at the restaurant to see what our business model is.

Ultimately, we are operating during a pandemic and have patrons that would prefer to sit outside as per the government guidelines. We have a courtyard that we are unable to get a license for, despite it falling within the rateable value of the business. There are plenty of bars, pubs and restaurants that are within yards of 69-71 Westow Hill who open their windows, doors and have late night licenses for their outdoor area. What we are requesting is not unusual.

We are no longer a live music and would therefore be happy to have our live music activity revoked from our current license, we hope this will put The Public Protection Team's mind at rest.

Should you have any further questions please do not hesitate to ask.

Best wishes,

Roya

From: Pam Riley <PRiley@lambeth.gov.uk>
Sent: 13 May 2022 14:00
To: [REDACTED]
Cc: [REDACTED]@lambeth.gov.uk
Subject: LICENSE APPLICATION VARIATION -OBJECTION -THEATRO 69-71 WESTOW HILL SE19 1TX - 22/00065/PRMVAR

Dear The Music Box Enterprises Ltd ,

The closing date for representations has now passed. I have to inform you that your application

has received an objection from the Public Protection Noise Department. Please find attached a copy of the representation for your information. Please do let me know if you have a response to the representation served and I will open up mediation between all parties.

If the issue cannot be resolved, the application will need to go before a Licensing Sub-Committee hearing to be determined. Once a hearing date has been scheduled, I will inform you of the time and date it will go before the committee at which point you will be given the opportunity to speak to your application.

Kind Regards

Mrs Pamela Riley

Licensing Officer

Public Protection & Regulatory Services (Licensing)

London Borough of Lambeth

Tel: [REDACTED]

Email: priley@lambeth.gov.uk

Licensing Email: Licensing@lambeth.gov.uk

Website: <http://www.lambeth.gov.uk/licensing/>

Items by post should be sent to:

London Borough of Lambeth, Community Safety, PO Box 734, Winchester SO23 5DG

Items for courier or hand delivery should be delivered to:

London Borough of Lambeth, Community Safety, Civic Centre, [6 Brixton Hill, London, SW2 1EG](#)

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