



Licensing Sub-Committee Report

Item No:

5a

Title of Report:

Casa Brixton
24 Pope's Road London SW9 8JH

Applicant:

The Metropolitan Police (Licensing)

Application Type:

Temporary Event Notice (TENs9967)

Application Date:

28th November 2017

Ward:

Coldharbour

Premises Type:

Grocery/Bar

Policy Context:

Lambeth Statement of Licensing Policy 2014 - 2019

Report Author:

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Contact Details:

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Application Summary:

This is an application by the Police for a Counter Notice to be issued against the Temporary Event Notice

Consultation Information:			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<u>Internal</u>			
Noise Service	Y	-	N/A
<u>External</u>			
Police Licensing Unit	Applicant	29/11/2017	Y

Policy implications:
<p><u>Licensing Objectives (chapters 6 to 9, pages 12, 16 and 23 of the policy)</u></p> <p>The Licensing Objectives engaged by this application are:-</p> <p>Prevention of Crime and Disorder Prevention of Public Nuisance</p> <p>The policy on page 23, paragraph 14.2 strongly recommends that those giving TENs for premises already holding a premises licence in order to extend the hours of operation, should consider applying any conditions on their licence to the TEN. This, it states, is particularly relevant for conditions relating to noise control as any noise sensitive area is likely to become more noise sensitive with later hours.</p>

1. Application:
<p>1.1 Mr Brayan Castillo Ortiz on the 28th of November 2017 gave the licensing authority a Temporary Event Notice (TEN) under section 100 of the Licensing Act 2003</p> <p>1.2 The Notice will authorise the following licensable activities:-</p> <p style="text-align: center;">The provision of regulated entertainment The provision of late night refreshment; and The sale by retail of alcohol</p> <p>From:- 1st January 2018 – 1st January 2018 (New Year’s Day) for 120 people.</p> <p>It is proposed to open the premises to the public during the following times: From:- 00:00 (Midnight) to 06:00</p> <p>A copy of the application is attached to this report as Annex A</p> <p>A copy of the plan of the premises is attached to this report as Annex B</p>

2. Representations:

2.1 An objection to the TEN was received from Metropolitan Police on the 29th of November 2017. The objection engages with the licensing objectives of:-

- Prevention of Crime and Disorder
- Prevention of Public Nuisance

2.2 The objection states that the TEN contains very limited details and that in recent weeks there had been numerous complaints received about the conduct of the premises and its customers. They do not feel confident that the proposed event will promote the licensing objectives listed above.

The Police have provided Mr Brayan Castillo Ortiz with a copy of their objection via email and this is attached to this report as **Annex C**.

2.3 The last date for making representation was the **1st December 2017**.

3. Current Licence:

3.1 There is a premises licence in place for this venue. A copy of the premises licence is attached as **Annex D**.

4. Background History:

4.1 The premises is located within Brixton Market at the Pope's Road/Station Approach end of the market. It is also a butcher/grocery store during the daytime and provides late night refreshment at night and a bar.

It hasn't got any dedicated car parking space and its visitors are reliant on public transport.

The Licensing Authority has written to the premises in the past with regards to large gatherings outside the venue after their operating hours. A copy of the letter sent is attached as **Annex E**.

There are several licensed premises in close proximity to the pre premises and a list of such premises has been attached to this report as **Annex F**.

Brixton is well served by public transport, both under and over-ground trains and a network of buses.

4.2 The premises has applied for 11 TENs this calendar year, including the one under consideration by members.

5. Observations:

5.1 The parts of the Statutory Guidance (April 2017) which are particularly relevant to this application and the representations received are Chapters:

- 7 – Temporary Event Notices;
- 9 – Determining Applications;
- 15 – Regulated Entertainment.

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

- 8. Prevention of Public Nuisance
- 14. Temporary Events
- Appendix 9 – Public Nuisance

6. Conclusion:

6.1 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:

- it considers it appropriate for the promotion of the licensing objectives to do so;
- the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN;
- the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

6.2 Members have three options when determining this application:

- To issue a Counter-Notice,
- To impose conditions on the TEN where those are already imposed on the premises licence
- To refuse to issue a Counter Notice

Appendices:

- Annex A – TEN application
- Annex B – Layout of Premises
- Annex C – Objection Notice – Metropolitan Police
- Annex D - Copy of Premises Licence
- Annex E – Copy of letter sent to premises
- Annex F – Copy of licensed premises in close proximity

Reference Documents:	
Local Government Act 1972 – Access to information documents used in the preparation of this report	<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 2017) (“the Guidance”)3 Lambeth Statement of Licensing Policy 2014 -2019(“the Policy”)