



Licensing Sub-Committee Report

Item No:	4a.
Title of Report:	Portuguese Passion 105 Norwood High Street London SE27 9JF
Applicant:	Rueben Filipe Da Silva
Application Type:	Premises Licence (new application)
Application Date:	3 November 2017
Ward:	Gipsy Hill
Premises Type:	Café/Coffee shop
Policy Context:	Lambeth Statement of Licensing Policy 2014 - 2019
Report Author:	Mr Ola Owojori
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Application Summary:	<p>This is an application for a Premises Licence (new application) to allow authorisation for the following licensable activities:</p> <p style="text-align: center;">Supply of Alcohol</p>

Consultation Information:			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<u>Internal</u>			
Health & Safety Section	Y	-	N
Noise Service	Y	27.11.17	N
Social Services	Y	-	N
Licensing Service	Y	01.12.17	Y
Planning	Y	15.11.17	N
Trading Standards	Y	08.11.17	N
<u>External</u>			
Fire Authority	Y	10.11.17	N
Police Licensing Unit	Y	-	N
Health Authority	Y	-	N

Policy implications:
<p><u>Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)</u></p> <p>The Licensing Objectives engaged by this application are;</p> <p>Prevention of Crime and Disorder Public Safety Prevention of Public Nuisance and Protection of Children from Harm</p> <p><u>Hours policy (chapter 4 and appendix 1, pages 11 to 12 and 29 to 35 of the policy)</u></p> <ul style="list-style-type: none"> • The premises is classified within Lambeth's Licensing Policy (the Policy) as a "Restaurant/Café". • The applicant proposes to operate the premises as a "Portuguese Café and Coffee shop in a residential area". The Policy recommends a terminal hour for premises of this kind in this area of :- <p>Monday - Sunday 23:00</p> <p>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.</p>

1. Application:

1.1 This is an application for a Premises Licence (new application) under section 17 of the Licensing Act 2003

1.2 The application is seeking authorisation for the following licensable activities:

Supply of Alcohol (On the Premises)

Monday - Sunday	10:00 - 23:00
Christmas Eve & New Year's Eve	10:00 – 01:00

It is proposed to open the premises to the public during the following times:

Monday - Sunday	06:00 - 23:00
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A copy of the application is attached to this report as **Annex A**

A copy of the plans are attached to this report as **Annex B**

2. Representations:

2.1 Three representations were received against the application from residents which engage with the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm. They are concerned that the application if granted will exacerbate incidents caused by licensed premises in the area.

2.2 The representative of the applicant wrote to the residents addressing the concerns raised in their representations. The residents confirmed that their concerns were not addressed and they have maintained their representations.

2.3 Redacted copies of the representations and the correspondence between the applicant and the residents are attached to this report as **Annex C**.

2.4 The hours sought on Friday and Saturday have been reduced by the applicant in accordance with the hours recommended by the Policy for premises in a residential area. Live music has also been withdrawn from the application as an exempt activity following the reduction of hours on Friday and Saturday.

2.5 The applicant have agreed the conditions proposed by the Licensing Service and they are attached to this report as **Annex D**

The last date for making representation was 1 December 2017.

I can confirm that all statutory requirements have been complied with.

3. Current Licence:

3.1 There is no premises licence in place for this venue.

4. Background History:

- 4.1 The premises is in close proximity to residential properties in a parade of shops facing directly onto a restricted double red route. There is no dedicated car parking space for visitors to this premises and visitors may be reliant on parking in residential streets.
- 4.2 The premises are well served by served by public buses and it's approximately 300 metres from West Norwood train station.
- 4.3 There are five other licensed premises in close proximity to the premises. A list of these premises together with their operating hours is attached to this report as **Annex E**.
- 4.4 The premises had applied for 12 Temporary Event Notices (TEN) during this calendar year and no complaint was received in respect of the TENs.
- 4.5 A complaint was received on 8 June 2017 in respect of loud music and noise nuisance from a private event that was held at the premises on the weekend of 27/28 May. It was alleged that the noise nuisance started around 12:00 hours and continued until 01:00 hours. The alleged noise nuisance was not investigated by Community Safety as the complaint threshold was not reached.

5. Observations:

- 5.1 The parts of the Statutory Guidance (March 2015) which are particularly relevant to this application and the representations received are Chapters:
- 2 – The Licensing Objectives;
 - 3 – Licensable Activities;
 - 8 – Applications for Premises Licences;
 - 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:
- 5. The Licensing Objectives
 - 6. The Prevention of Crime and Disorder
 - 7. Public Safety
 - 8. Prevention of Public Nuisance; and
 - 9. Protection of Children from Harm
 - 16. Applications
 - Appendix 4 – Premises Types
 - Appendix 6 – Applications
 - Appendix 7 – Crime and Disorder
 - Appendix 8 – Public Safety

Appendix 9 – Public Nuisance
Appendix 10- Protection of Children
Appendix 11 – Live Music Act

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.
- 6.2 The options available to Members of the Licensing Sub Committee are;
- 1 – Grant the application as it currently stands.
 - 2 – Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives.
 - 3 – Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - 4 - To refuse to specify the individual named in the applications as the DPS
 - 5 – Reject the application.

Appendices:

- Annex A** – Redacted Application
Annex B – Plan of the premises
Annex C – Redacted Representations including correspondence from the applicant to residents
Annex D – Agreed Conditions
Annex E – Nearby Licensed Premises.

Reference Documents:

Local Government Act 1972 – Access to information documents used in the preparation of this report	1 The Licensing Act 2003 (“the Act”) 2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) (“the Guidance”) 3 Lambeth Statement of Licensing Policy 2014 - 2019 (“the Policy”)
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