



Licensing Sub-Committee Report

Item No:

7a

Title of Report:

Number 82 Bar and Club
82 - 84 Norwood High Street, London SE27 9NW
(Tens10047)

Applicant:

Community Safety (Environmental Health)

Application Type:

Temporary Event Notice – Counter Notice

Application Date:

12 December 2017

Ward:

Knights Hill

Premises Type:

Restaurant

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 for a counter notice against a 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	06/11/2017	Y
<u>External</u>			
Police Licensing Unit	Y	-	N/A

Policy implications:
<p><u>Licensing Objectives (chapters 6, 9, pages 12 16 and 23 of the policy)</u></p> <p>The Licensing Objectives engaged by this application are:-</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance <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 Elliot Blake has given 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> <ul style="list-style-type: none"> • The sale by retail of alcohol • Late night refreshment; and • Provision of regulated entertainment <p>From:- 29/12/2017 - 31/12/2017</p> <p>It is proposed to provide these activities and entertainment during the following times:-</p> <p>From 01:00 to 04:00</p> <p>A copy of the application is attached to this report as Annex A</p>

2. Representations:

- 2.1 An objection to the TEN was received from Community Safety (Environmental Health) on 13 December 2017. The objection engages with the licensing objectives of:-

Prevention of Public Nuisance

Their representation stated that the premises is at the heart of a predominantly residential area, which at 04:00 would be expected to be quiet and that the finish time of 04:00 is not compatible with the residential location.

A copy of the representation was provided by the objector and is attached to this report as **Annex B**.

The last date for giving an objection was the 15 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 C**

4. Background History:

- 4.1 The premise is located within a parade of shops on Norwood High street and is currently licensed for the provision of alcohol, late night refreshment, films, live music and dance.
- 4.2 This Premises has had a Licence since 24 November 2005. The premises was initially known as the Southern Pride Public House and it operated as a club and bar with extended operating hours. This licence was surrendered on 30 October 2009.

On 21 December 2009 an application was made by Inglewood Properties Ltd. After a hearing before the licensing committee it was granted a licence with additional conditions on 19 January 2010 after receiving a number of representations from residents. The licence that was agreed at that committee forms the basis of the current licence.

On 7 June 2011 there was an application to vary the hours, to increase them notably on Friday and Saturday to 5am. The Sub- Committee refused the application after representations by residents.

On 25 February 2016 an application to transfer the licence to the current Licence Holders Southern Properties (Norwood) Ltd was made. This Licence was granted on 18 March 2016.

This is one of three Tens applications made over the 2017 Christmas period. The other two applications are for late TENs received objection from Community Safety and counter notices have been issued.

In December 2016 an application to review the premises licence was made by Community Safety in respect of public nuisances associated with the premises. A copy of the Licensing Sub Committee decision and the consent order are attached to the report as **Annex D**

- 4.3 6 TENs applications were received this calendar year, three of which were late TENs, which have had counter notices issued following objections from Both Community Safety and The Metropolitan Police.

5. Observations:

- 5.1 The parts of the Statutory Guidance (April 2017) 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 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 – Objection notice – Community Safety (Environmental Health)

Annex C – Copy of premises licence

Annex D – Decision notice and Consent Order

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 (April 2017) (“the Guidance”)

3 Lambeth Statement of Licensing Policy 2014 – 2019 (“the
Policy”)