



Licensing Sub-Committee Report

Item No:

2

Title of Report:

JFI Enterprise Ltd
59 Stockwell Green London SW9 9HU

Applicant:

JFI Enterprise Ltd

Application Type:

Premises Licence (new application)

Application Date:

28th September 2018

Ward:

Larkhall

Premises Type:

Cafe

Policy Context:

Lambeth Statement of Licensing Policy 2014 - 2019

Report Author:

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Application Summary:

This is an application for a Premises Licence (new application) to allow authorisation for the following licensable activities:

- **Sale of Alcohol (on the premises)**

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
Community Safety	Y	04/11/18	Y
Social Services	Y		N
Licensing Service	Y	31/10/18	Y
Planning	Y		N
Trading Standards	Y		N
<u>External</u>			
Fire Authority	Y		N
Police Licensing Unit	Y	04/10/18	Y
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> <ul style="list-style-type: none"> • Prevention of Public Nuisance • The Prevention of Crime and Disorder • Public Safety • Protection of Children from Harm

Hours policy (chapter 4 and appendix 1, pages 11 to 12 and 29 to 35 of the policy)

- The premises is classified within Lambeth's Licensing Policy (the Policy) as Restaurant and Café in a residential area.
- The applicant proposes to operate the premises as a cafe. Therefore, the policy recommends that the terminal hour for such a premises in this area is Monday to Sunday 23:00

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

1.2 The application is for authorisation for:

The sale of alcohol (on the premises)

Monday - Sunday 11:00 - 23:00

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

Monday	09:00 - 23:30
Tuesday	09:00 - 23:30
Wednesday	09:00 - 23:30
Thursday	09:00 - 23:30
Friday	09:00 - 23:30
Saturday	09:00 - 23:30
Sunday	09:00 - 23:30

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 13 representations were received against the application from local residents, the freeholder, the Police Licensing Unit, Public Protection and the Licensing Service. The representations are based on all four of the licensing objectives. The representations are based on the history of non-compliance and breaches of conditions attached to a previously held licence for the premises which was revoked.
- 2.2 They are concerned that the premises may continue to be operated with no regard to the premises licence or any conditions attached to it if the application is granted and they have asked for the application to be refused.
- 2.3 Redacted copies of the representations were provided to the applicant's agent and are attached as **Annex C**

3. Current Licence:

- 3.1 There is no current premises licence in place.

4. Background History:

- 4.1 The premises previously held a licence granted to Mrs Maria Idalina Carvalho Lemos and Mr Jose Nelio Marques Baroca. The licence was held until 26th October 2017.
- 4.2 The Designated premises licence holder was Mr Jose Nelio Marques Baroca
- 4.3 The premises has not applied for any temporary event notices in the past 12
- 4.4 months.
- The premises licence was reviewed on 15th August 2017. The review was brought by the Metropolitan Police and was supported by the Licensing Authority, Lambeth Trading Standards, a ward councillor, the Larkhall Ward Safer Neighbourhood Panel, the Stockwell Village Association and six residents. The Premises licence was revoked by the Licensing Sub-Committee and this decision was upheld by the Magistrates Court.
- The Licensing Sub-Committee decisions in respect of this review is attached to the report as **Annex D**

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 Licences;
- 9 – Determining Applications;
- 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:

- 5. The Licensing Objectives
- 6. The Prevention of Crime and Disorder
- 7. Public Safety
- 8. Prevention of Public Nuisance
- 9. Protection of Children from Harm
- 16. Applications

Appendix 4 – Premises Types

Appendix 6 – Applications

Annexdix 7 – Crime and Disorder

Annexdix 8 – Public Safety

Appendix 9 – Public Nuisance

Annexdix 10 – Protection of Children from Harm

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;

6.2 1 – Grant the application as it currently stands.

2 – Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives.

3- To refuse to specify the individual named in the applications as the DPS

4 – Reject the application.

Appendices:

Annex A – New Premises Licence Application Form

Annex B – Plan of the premises

Annex C – Representations

Annex D – 15th August 2017 LSC Review Hearing Decision

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 2018) (“the Guidance”)

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