



Licensing Sub-Committee Report

Item No:

1

Title of Report:

Brixton Night Market
Brixton Station Road
London SW9

Applicant:

London Borough of Lambeth

Application Type:

Premises Licence (New Application)

Application Date:

5th June 2017

Ward:

Coldharbour

Premises Type:

Street bar and food units

Policy Context:

Lambeth Statement of licensing policy

Report Author:

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Contact Details:

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Application Summary:

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

Recorded Music

Thursday - Saturday 19:30 - 02:00

Late Night Refreshment

Thursday - Saturday 23:00 - 05:00

Supply of Alcohol

Thursday - Saturday 20:00 - 03:00

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	03.07.17	Y
Noise Service	Y	30.06.17	Y
Social Services	Y	-	
Licensing Service	Y	03.07.17	Y
Planning	Y	-	
Trading Standards	Y	-	
<u>External</u>			
Fire Authority	Y	-	
Police Licensing Unit	Y	01.07.17	Y
Health Authority	Y	03.07.17	Y

Policy implications:
<p>Enter details under headings or delete if not required:</p> <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; The prevention of public nuisance The prevention of crime and disorder The protection of children from safety Public safety</p> <p><u>Special Policy Area (chapter 15 and appendix 2, pages 24 and 31 of the policy)</u></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 being located in a Major Town Centre. • The applicant proposes to operate the premises as outdoor units for bars and food stalls to eat on site and to takeaway with entertainment. The Policy recommends a terminal hour for premises of this kind in this area of 01:00 on Thursday and 02:00 on Friday and Saturday <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:

Recorded Music -	Thursday - Saturday	19:30 - 02:00
Late Night Refreshment -	Thursday - Saturday	23:00 - 05:00
Supply of Alcohol -	Thursday - Saturday	20:00 - 03:00

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

Thursday	19:30 - 05:00
Friday	19:30 - 05:00
Saturday	19:30 - 05:00

A copy of the application is attached to this report as **Annex A**

A copy of the plan is attached to this report as **Annex B**

2. Representations:

2.1 Representations were received against the application from the Police, Community Safety (Environmental Health), Public Health, Licensing Authority and Food, Health and Safety Team.

2.2 The representation from the Police engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. They originally recommended the application be refused, but subsequently suggested conditions to be attached to the licence if the Committee is minded to grant.

2.3 The representations from Community Safety and Public Health engages the licensing objectives of the prevention of public nuisance, prevention of crime and disorder and public safety. The Public Health Authority recommended that the application be granted until 23:00 hours whilst Community Safety recommended the application be granted in accordance with Policy hours and they have suggested conditions to be attached to the licence if the Committee is minded to grant.

2.4 The representation from Food, Health and Safety team engages the licensing objectives of the prevention of public nuisance and public safety. They have raised concerns about the application which the applicant is yet to address.

2.5 The representation from the Licensing Authority engages the licensing objectives of the prevention of public nuisance, public safety and the protection of children from harm. They have recommended the application be granted in accordance with Policy hours and have suggested conditions to be attached to the licence if the Committee is minded to grant

Copies of the representations were provided to the applicant and are attached as **Annex C**

The proposed conditions are attached as **Annex D**

The last date for making representation was 3rd July 2017.

3. Current Licence:

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

4. Background History:

- 4.1 The name of the applicant was amended from Community Safety Services, London Borough of Lambeth to London Borough of Lambeth by the applicant. The Responsible Authorities that made representations in respect of the application have no objection to the amendment.
- 4.2 The premises is a street market surrounded by commercial and licensed premises approximately 350 yards from Brixton Station which is well served by public transport.
- 4.3 Patrons exiting the premises are likely to disperse towards Brixton underground station or buses on Brixton Road and its vicinity.
- 4.4 Notice of the hearing were sent to the applicant and the responsible authorities by email on 12th July 2017.
- 4.5 A list of licensed premises and their permitted hours within the vicinity of the premises is attached as **Annex E**

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:
 - 2 – The Licensing Objectives;
 - 3 – Licensable Activities;
 - 8 – Applications for Premises Licences;
 - 9 – Determining Applications;
 - 10 – Conditions Attached to Premises Licences and Club Premises Certificates;
 - 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:
 4. Location of Premises and Hours of Operation
 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
 10. Conduct of Licence Holders and DPS
 16. Applications
 19. Complaints, Representations and Reviews

20. Scheme of Delegation
 Appendix1 – Preferred Hours
 Appendix 3 - Major, District and Local Town Centres and South Bank Strategic Cultural Area
 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 from Harm
 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 necessary 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 – Application form
 Annex B – Premises Plan
 Annex C – Representations
 Annex D – List of agreed conditions
 Annex E – List of licensed premises in the area

Reference Documents:

<p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<p>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 (“The Policy”)</p>
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