

Application to Vary the Premises Licence – Casa Fofa, Basement and Ground Floor, 158 Sandringham Road, London, E8 2HS – REFUSAL

The decision of 9th September 2021

The Licensing Sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application for a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3, LP6 and LP11 within the Council's Statement of Licensing Policy.

Reasons for the decision

The sub-committee heard from the Licensing Authority that they were objecting to the use of the outdoor area which should be restricted in accordance with Policy LP6. The extension of hours will cause noise nuisance and have a negative impact on local residents.

The sub-committee took into consideration three objections received from local residents confirming their objections to the late night hours and the impact of noise on families if the premises operated to later hours every day. The sub-committee agreed these could give rise to nuisance in the area, and anti-social behaviour affecting those residential properties situated close to the premises. The premises backs onto several local residents.

The sub-committee also took into consideration the applicant's representations. However, these did not go far enough to mitigate the negative impact late at night. The applicant has not been able to demonstrate adequate exceptional circumstances, to justify the proposed hours, and the application being approved.

The sub-committee felt that by not granting this application it would help prevent public nuisance in the area. The sub-committee took into account the recent breaches of conditions at the premises in August 2021, evidenced by numerous photographs. The sub-committee felt that the licence holder had not provided comprehensive control measures given the previous complaints about the premises.

The sub-committee noted that the structure which the licence holder had built did not appear to have made an adequate difference to the impact of noise. The council's

policy states that premises in close proximity to local residents should not use the external areas after 22:00 to prevent noise nuisance.

The sub-committee determines each application on its merits. The sub-committee believed that the licensing objectives could not be promoted by granting this application, and as such believed it was appropriate to refuse the application in its entirety.

Public Informative

The Licence holder is advised to submit a revised floor plan of the licenced area to reflect the current and actual layout of the premises in accordance with the conditions of the premises licence