



London Borough of Hammersmith & Fulham

Licensing Sub-Committee

Minutes

Friday 10 May 2013

PRESENT

Committee members: Councillors Matt Thorley (Chairman), Victoria Brocklebank-Fowler (Vice-Chairman) and Michael Cartwright

Licensing Authority: Adrian Overton

Officers: Alex Russell, Legal Advisor and Daniel McArthur, Committee Coordinator

Interested Parties:

Item 5: Chosen Bun, 647 Fulham Road, SW6 5PU

Nuno Fonseca (local resident, Fulham Road)

Oliver Simmons (local resident, Fulham Road)

Note: names of objectors to Item (3) have been withheld pursuant to schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Applicants:

Item 3: Secrets, 62 Glenthorne Road, W6 0LR

Mr Stephen Less (Principal Executive, Secrets)

David Clifton (Clifton Davies Consultancy)

Jane Marshall (Secrets, Manager)

Gina Gallagher (Secrets, Technical Manager)

Coar Dennis (Secrets, Performer Coordinator)

Michael Drameh (Secrets, Company Director)

Item 5: Chosen Bun, 647 Fulham Road, SW6 5PU

Andrew Shovel (Applicant, Cofounder- Chosen Bun)

Peter Sharman (Cofounder- Chosen Bun)

Jonathan Smith (Solicitor for Applicants)

Satnam Grewal (Investor/Partner- Chosen Bun)

1. APOLOGIES FOR ABSENCE

There were none

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. SECRETS, 62 GLENTHORNE ROAD, W6 0LR (APPLICATION NUMBER 2013/00485/SEV)

The Sub-Committee received and considered an application for a renewal of the licence at Secrets, 62 Glenthorne Road, London, W6 0LR.

Main Points of Evidence

Licensing Officer

Adrian Overton, Licensing Officer, introduced the application. He said that the application was for the renewal of the Premises Licence under the Local Government (Miscellaneous Provisions) Act 1982. The application was originally for extended opening hours, but that this had been withdrawn.

Councillor Thorley noted that there had been some confusion about the current opening hours of the premises, and the hours for which it was applying. The existing license permitted the premises to be open from 10am- 4am Monday to Saturday and 12pm- 12am on Sundays. However, the premises did not operate in all of the hours for which it was licensed- opening from 8.30pm-4am from Monday to Saturday.

Councillor Cartwright asked about the history of the license. Mr Overton noted that the premises had operated under a Public Entertainment License and when, in 2010, the Council adopted Schedule 3 (as amended) of the Local Government (Miscellaneous Provisions) Act 1982, the same hours had been continued.

Councillor Brocklebank-Fowler confirmed that the hours for which the premises were applying had stayed the same, and that this application was simply for a renewal, as sex establishment licenses have to be renewed annually.

Councillor Thorley asked Mr Overton whether he had any dealings with the premises. Mr Overton replied that he did not consider the premises to be problematic, and that they were in fact less problematic than many pubs. There had been no problems with the premises when he had last inspected them.

Councillor Cartwright noted that a renewal of the current premises license would allow it to open at 10.00am. He expressed concerns regarding the proximity of the premises to several schools, and noted that the premises could be open during school hours. He asked Mr Overton whether it was possible to alter the premises licence at the present hearing. Mr Overton replied that it could. Councillor Cartwright said that he would like to revisit the hours during which licensable activities could be carried out, and restrict them to outside school hours.

Councillor Thorley asked whether the premises had applied for any Temporary Event Notices. Mr Overton said that it had, but that he did not have information on the times which they had applied for.

Other Parties

A resident in Glenthorne Road near the premises, said that the premises caused a lot of noise, which was quite unpleasant. Due to this they were opposed to the premises opening on a Sunday. They said that they were woken up 2-3 times a night, typically between 12am and 1am, by large numbers of very noisy people arriving at the premises, or leaving them in order to smoke or talk on mobile telephones.

Councillor Cartwright asked the resident how far from the premises they lived. The resident lived next door to the premises.

In response to a question for Councillor Thorley, the resident said that noise was typically made by groups of about 4-5 people. Councillor Thorley asked whether these people were loitering. The resident said that they were usually queuing to enter the premises, but that they still made a great deal of noise. The resident said that this was only an issue at weekends.

The resident said that groups of 3-4 people tended to leave the premises to smoke and made a lot of noise. Councillor Cartwright asked whether this was a problem earlier in the evening, and the resident said that it was not. He then asked how people typically arrived at the premises, and whether this presented a problem. The resident said that people tended to arrive by car or taxi. The resident said that drivers used to talk and smoke outside the premises, and that this had made a lot of noise. However, this had happened far less since she had written a letter of complaint to the premises. There was sometimes broken glass and vomit on the pavement.

A second resident described their experience of living in the vicinity of the premises. The resident said that cars, taxis and limousines used by patrons of the premises often held up traffic, especially buses, and that this could be very noisy. People standing outside their cars, talking and smoking and raising their voices also caused a great deal of noise. The resident said that while it was understandable that the door staff at the premises were unable to control the behaviour of people around the corner from the premises, it was nonetheless a significant source of noise.

A third resident said that the problem had got worse, and that large groups of people could often be heard running up and down outside the premises. The resident said that they often heard people walking down Glenthorne Road to hotels. The resident questioned the appropriateness of the premises in an increasingly residential neighbourhood.

The second resident noted that they had been unaware of the hours for which the premises was currently licensed. It was only when they saw a notice in a glass casing at the front of the premises giving notice of its intention to renew the license that they became aware of hours for which the premises was licensed. The resident said that he was surprised and appalled that the premises could open during school opening hours. The resident said that the premises was located near Godolphin and Latymer School, the West London Free School, the West London

Free School Primary and Bradmore Park School. The resident said that pupils from these schools often walk past the premises and wait at the bus-stop outside it. The resident said that if the premises were to operate during the day time these students would come into contact with the clientele of the premises.

The third resident said that fights had taken place outside the premises on the 16th of March and the 12th of April, in both cases the police had been called.

Premises

David Clifton, for the premises, noted that the application was purely a renewal of the existing license. He noted that the previous Licensing Committee hearing, which had sat to consider the previous extension of the license, had discussed issues relating to sensitive premises nearby. He said that no objections had been received from any schools in the area, and the premises had in fact liaised with school administrators.

The premises' Technical Manager said that the premises had sought approval from local schools regarding the information displayed in the showcase outside the premises.

Mr Clifton said that the panel had already discussed the premises in some depth. He said that the premises had been trading quietly, successfully and with no problems for the last 15 years.

Mr Clifton then explained the premises' practice of applying for Temporary Event Notices. He said that a peculiarity of the legislation required the premises to apply for TENs under the 2003 Licensing Act, but that this had no impact on licensable activities carried out under the 1982 Act. He said in that other boroughs in which Secrets operates there is an automatic extension of the scope of TENs to cover other licensable activities. However, he said that this was not relevant to the application at hand, as the premises was simply seeking to renew their license.

Mr Clifton asked the committee to note that the premises had received no complaints from the council or police. They had received no prior notice of complaints from residents and the representations that were received by the council had come as a great surprise to the premises. He believed that there had been a degree of misapprehension by residents in that the renewal notice displayed by the premises had the hours between which the premises could carry out licensable activities displayed on it. This, he said, had given rise to the impression that the premises was seeking to extend its opening hours when this was not in fact the case. The premises was not intending to change its opening hours from those which it currently operated. The reason for this was due to the prevailing economic conditions- business was at a lower level than 12 months previously. He then said that while it was possible that more people were living near the premises, in Gooch House, but that parking in central London was a problem anyway.

Mr Clifton then said that there seemed to be an assumption that the premises was the cause of all problems in the area, simply because it traded late. He said that the premises trading hours would not change, but that it would like to retain the

hours on its current license to allow flexibility. He noted that, unusually, some of the representations that the council had received opposing the renewal of the license had made positive comments about the premises. These included comments that the premises caused few problems and made an effort to control its clients. He said that the police were very complimentary of the premises, and that they often asked to use the premises' CCTV system to examine footage of unrelated incidents occurring outside the premises. He said that the police often complimented the premises on the efficiency of its systems.

Mr Clifton said that the premises was definitely not at fault in the case of complaints made by residents in their representations about seeing 'empty alcohol bottles' outside the premises. He said that the premises did not serve alcohol in bottles, and did not allow customers to take drinks outside the premises. He said that the situation was the same as a person finding empty alcohol bottles outside their front door: just because the bottles were outside their house, it did not follow that they had left them there. He noted that door staff were always visibly present at the entrance to the premises. He said that his clients reported often finding vomit on the pavements outside the premises when the premises was getting ready to open, and that the door staff would clean it up nonetheless. He said that this showed how responsive the premises was.

Mr Clifton noted that the premises had not had serious problems for many years. He said that some noise and disturbance was always to be expected. He said that if noise and disturbance had been at the levels suggested in the representations made by residents, complaints would have been made. However, he said that that the premises had not received any such complaints. He emphasised that the premises always had an open door policy towards residents, and that it was very responsive to their concerns. There was no real evidence that patrons of Secrets were responsible for noise and disturbance. In fact the premises' door staff would even quieten those making noise near the premises who were not customers.

Mr Clifton said that fights outside the premises were uncommon, contrary to some of the claims made in representations received. He said that the only incident in the last 12 months had occurred on the 16th March, when several individuals in the venue were behaving boisterously and had been asked to leave the premises. The individuals had left the premises. When they were some way down the road a fight had broken out, but it had ended too quickly for the door staff to respond. Some time later one of the individuals involved returned to the premises, saying that he had left his phone there. Some of other individuals involved began shouting at him. A passing police car stopped and dealt with the incident without involving the premises. Mr Clifton described the incident on the 12th of April as a complete mystery, and said that the premises had no record of any incident taking place on that evening, including on their CCTV system.

He said that his clients prided themselves on being receptive to constructive criticism. He said that the premises had responded to the complaints they had received from local residents. The manager of the premises said that the premises had cleaned the street outside the premises, cleaned cobwebs from the front of the premises and cleaned the premises' glass frontage in response to requests from local residents.

Mr Clifton said that questions had to be asked about the extent to which the premises could be held responsible for noise and disturbance in the neighbourhood. He noted that there was a late closing pub not far from the premises and that this could also contribute to levels of noise and disturbance, and similarly that people walking down Glenthorne Road towards hotels were not necessarily linked to the premises.

Mr Clifton said that there was a presumption that the Sub-Committee should renew the premises licence. There had been no crime and disorder or police concern with the premises in the previous year. There was only incident involving the police (on the 16th March) of which the premises were aware. He said that the premises had a good dialogue with local residents, and the only issues they had raised were related to cleaning the premises. He said that the Chief Executive of Secrets, was very happy to open up lines of communication with residents and talk to them about any concerns they might have.

Mr Clifton pointed out that the premises had no issues, and no complaints for many years regarding compliance. He said that the Police and Environmental Health had no concerns with the premises, or otherwise they would have made representations. He said that the premises had a dedicated smoking area at the rear, and that there had been no complaints about noise from Gooch House, regarding the front of the premises. There had been no real change in the area in the last year, and the previous committee had dealt with all issues regarding sensitive premises. There had been no complaints received from schools, and the premises had a dialogue with them.

Mr Clifton said that the Council's Licensing Policy contains a presumption that renewal applications would be granted, though he understood that the committee wanted to raise everything that might be relevant. He said that the premises had been running with no problems for the last 15 years, and he hoped this would continue.

Councillor Cartwright noted that he had not previously sat on the licensing sub-committee in respect of an application for Secrets. However, as a ward councillor, and in his former role as a Cabinet Member, he had been aware of the premises for a long time. He was not sure that the record of the premises was as good as Mr Clifton had claimed it was. He said that there had been arguments between the premises and residents regarding the colour the outside of the premises was to be painted. He said that the premises had argued and prevaricated a great deal before giving in to the demands of residents.

In response to a comment from Mr Clifton, Councillor Cartwright said that this had been a long time ago. Councillor Cartwright then noted an incident in which he had missed a bus because one of the premises door staff had parked in the bus stop outside the premises. He suggested that, while this was an isolated incident, it added to the impression that the premises was not as neighbourly as its representatives had claimed it was.

Councillor Cartwright said that the opening hours for which the premises was licensed had not been an issue because they had not been fully used. He said that, despite the premises stated intention not to open during the daytime, they

could still do so under the terms of their current license. He suggested that the premises could give up some of the hours on their current license during which they did not, and had no intention of, operating in. He said that, 15 years ago, when the premises opened, the head teacher at Godolphin and Latymer had raised very strong objections to the premises being open during school hours. He suggested that agreeing to a restriction of the hours on the premises license, such that the premises did not operate during school hours (not opening until 6pm, for example), would be a neighbourly gesture. He invited the premises to comment on this suggestion.

Mr Clifton said that he was not going to dwell on the legal status of concerns about 'what might happen'- regarding the premises choosing to change its opening hours. He said that no-one from Godolphin and Latymer school had complained since the premises had opened. He said that the school's fears had been unfounded. He then said that Secrets caused far fewer problems than the previous occupants of the premises. Councillor Cartwright agreed, noting that a very large number of fights had occurred at the pub which had previously occupied the premises.

He then said that the format in which the premises had displayed its licensed hours had caused a great deal of confusion. Mr Clifton said that the license just set out the hours in which the premises was able to trade. Its current opening hours simply reflected the economic situation. The opening hours had been the same for 15 years, so there was no likelihood of them changing.

After taking instruction, Mr Clifton said that the premises would agree to a change in the premises' licence restricting the opening time to 6pm on all days of the week. He said that, while the premises was not currently intending to open on Sundays, it did not want to give up the possibility of doing so in future.

Councillor Thorley asked how the premises mitigated noise from customers talking and smoking when they entered the premises around midnight. Mr Clifton said that door staff were at the entrance to the premises throughout the opening hours. He said that they adopted the role of 'meeters and greeters' rather than a more traditional 'bouncer' role. Passing residents often stopped to talk to them. Mr Clifton said that door staff recognised that the location of the premises required it to be very quiet. He said that the premises was very different from pubs, clubs or bars in that it was very rare for large groups of customer to arrive at any one time. He said that door staff did a patrol of the perimeter of the premises every half hour. They would attempt to quieten even those who were not customers of the premises. Issues regarding local residents parking was not a problem that they could easily solve, however.

Mr Clifton described an incident which had been recorded on the premises CCTV system, in which a man had been seen assaulting his female companion, outside the premises. Mr. Clifton stressed these were not patrons of the premises and had merely been walking past the premises when they were recorded acting in this way. He said this was an illustration of some of the problems in the area which were completely unrelated to the premises.

Councillor Thorley asked why customers might be delayed from entering the premises. The manager said that the premises had quite a small cloakroom/ foyer area, and that due to the premises' search policy it could take few minutes for customers to pass through, especially if they were paying by card or had coats to leave in the cloakroom. She said that the door staff tried to encourage any queue that formed to go to the right of the premises- away from housing.

Councillor Thorley asked if there was a 'pinch point' at around midnight on weekends. The manager replied that this was mostly caused by stag parties, which often consisted of 8-9 people.

Councillor Thorley then asked why customers smoked in front of the premises, given that the premises has a smoking area to the rear. The manager said that this was because female customers were unable to access the smoking area- it could only be reached by passing through the male toilets. As a result most of the people who smoked on the street were women, though there were never very many of them.

Councillor Cartwright noted that there was an off licence near the premises. Ms Marshall said that this was probably the source of the glass bottles found outside the premises.

Summing Up

Adrian Overton confirmed that the application for the renewal of the license had been properly advertised in accordance with the statutory requirements.

One resident said that there had previously been noise and disturbance due to the doormen talking and people smoking outside the premises. However, this had abated since a complaint had been made.

The second resident said that it was not clear whether the noise and disturbance he suffered from in Cambridge Grove was attributable to the premises or not. The resident said that there were no other premises in the vicinity that people might be expected to leave in a euphoric state at 3am. While the resident had not heard about the nearby late night pub mentioned by Mr Clifton, they did know that the off licence near the premises only had a licence to sell alcohol up to 11pm. The resident said that if he had better understood the licensing and renewal processes regarding the premises they would have made a representation sooner.

David Clifton asked the sub-committee to note that that the first resident had said the situation regarding noise outside the premises had improved. He said that someone in the flats next door to the premises had complained about noise caused by door staff outside the premises. As a result, the door staff had been moved to a position inside the premises. He said that the premises was isolated in that it was the only late-trading premises in that road, but that this did not make it solely responsible for noise and disturbance in the area, as lots of people would go out to venues elsewhere in Hammersmith or further afield and return late. He said that allegations that the premises were a major cause of noise and disturbance were not proved and not disproved. He said that the management of Secrets were very keen to open up lines communication with local residents.

The Sub-Committee retired to consider its decision at 11.10am, returning at 11.26am.

RESOLVED THAT

The Sub-Committee unanimously agreed to grant the application for renewal of the premises license as varied by the Applicant at the hearing. The hours in which the premises could carry out sexual entertainment were 6pm- 4am, from Monday to Saturday and from 6pm to 12am on Sundays. All other conditions attached to the licence remained.

Full reasons for decision are contained in the decision letter which accompanies these minutes.

4. **MINUTES**

RESOLVED THAT:

The minutes of the meeting held on 7th March 2013 be confirmed and signed as an accurate record of the proceedings.

5. **CHOSEN BUN, 647 FULHAM ROAD, SW6 5PU (APPLICATION NUMBER 2013/00328/LAPR)**

The Sub-Committee received and considered an application for a new premises licence at Chosen Bun 647 Fulham Road, SW6 5PU.

Main Points of Evidence

Licensing Officer

Adrian Overton, Licensing Officer, said that representations were made by the Police and Environmental Health. The applicant had agreed to the conditions proposed and both representations had been withdrawn. This included a change in the opening hours, which had been requested by the Police. Mr Overton clarified that the premises was not located in the Fulham Broadway Cumulative Impact Zone.

In response to a question from Councillor Brocklebank-Fowler, Mr Overton said that the premises had originally applied for a license to serve alcohol from 11am to 1.30am, and license for late night refreshment from 11pm to 1.30am on Fridays and Saturdays. The police had proposed restricting the hours for serving alcohol to 11am- 12.30am and for late night refreshment from 11pm to 12.30am on Fridays and Saturdays. The applicant had agreed to this. The proposed opening hours from Sunday to Thursday were from 11am-12am, and had not changed.

Councillor Thorley asked whether the license to serve alcohol was for consumption on or off the premises. Mr Overton said that the license only permitted alcohol to be sold for offsite delivery and as an accompaniment to food.

Other Parties

Oliver Simmons, a local resident who had made a representation, said that he lived next door to the premises in the top flat of 649 Fulham Road, with his three young children. He said that another family with children lived in 649 Fulham Road, and another at 651 Fulham Road. He said that there were 8 or 9 children residing within 10 yards of the premises. He said that he was unable to see how the application could be allowed to go ahead when the welfare of young children was at stake. He said that this would add to the already considerable noise and disruption from the nearby Fulham Broadway.

Councillor Thorley asked him whether he was concerned even after the premises had restricted its opening hours in light of the representation made by the police. Mr Simmons said that he was still concerned about the effects of the premises on his family's quality of life. The restriction on hours that the Police had proposed did not deal with his concerns.

Councillor Cartwright asked Mr Simmons how he had been affected by noise from the previous occupants of the premises. He said that the premises had not had a license in the time in which he had lived nearby. Mr Overton confirmed that the premises had no licence at present, but could operate as a hot food takeaway until 11pm.

Premises

Jonathan Smith, solicitor for the applicant, said that the sale of alcohol was limited by several conditions on the proposed licence. Alcohol could only be sold for consumption off the premises, it could only be sold for delivery, and it could only be delivered with the purchase of a 'gourmet burger'. He said that the premises was to be the only 'gourmet burger' takeaway in the country, and it was pioneering several innovations, including special packaging to stop the burger from falling apart while being delivered. In response to a comment from Councillor Cartwright, Mr Smith said that while there were many gourmet burger restaurants in operation, Chosen Bun was to be the only one to provide a home delivery service. He said that the applicants had taken out a 10 year lease on the property, and invested £50,000. He said that the range of alcohol the premises was serving would be limited to wine and lager only, and that these had to be specifically ordered for home delivery only.

Councillor Cartwright asked whether alcohol can be purchased in the store. Mr Smith said that alcohol would not be kept on public display, and could not be seen by customers except on the menu. He noted that the previous license granted at the premises had allowed it to open until 12.30am during the week and 1am at weekends. That license had lapsed due to the company going into administration. The premises had held planning permission to operate as a hot food takeaway since 1978.

Councillor Thorley asked whether scooters would be used to deliver food. Mr Smith replied that the premises was intending to use 110cc motorcycles, which sounded more like conventional motorcycles and hence were not as noisy as the 50cc scooters normally used for delivery purposes.

Mr Smith said that there would be a CCTV system inside the premises. This could be viewed remotely and played back remotely to the police. He said that the police had originally asked that a licence holder always be on the premises, but had changed this to a licence holder always being contactable. Mr Smith said that Andrew Shovel and Peter Sharman, co-founders of Chosen Bun had given up their previous jobs in order to concentrate on running the premises, and they would thus be able to devote their time to the premises.

Mr Smith said that no alcohol would be on display in the premises. He said that, when alcohol was being delivered, a 'Challenge 25' policy would be implemented, and alcohol would not be served without a valid identification such as a passport, UK drivers license or identification card bearing the 'PASS' logo. An electronic register would be kept of all alcohol sales and, especially, all refusals. All delivery drivers would be aged over 18. He said that the business model of the premises was based on Domino's Pizza.

Mr Shovel said that he would give Mr Simmons his personal phone number so that he contact him with any concerns that he had.

Mr Smith said that the premises predicted that only 20% of its sales would take place after 11pm, and that most of these would be deliveries. This would substantially reduce the amount of noise made by customers late at night. He said that Environmental Health had initially believed that the premises was within the Fulham Broadway Cumulative Impact Zone, and that even under this misapprehension they had been happy with the hours for which the premises was currently applying. He said that there were signs asking residents to be quiet, and the premises had a glass front, so that customers loitering outside could easily be seen. Mr Shovel and Mr Sharman would managing the premises full time, so they would be able to ensure compliance with the licence conditions.

Mr Smith said that the premises' extraction fans had been replaced, and logs would be maintained in order to comply with conditions set by Environmental Health. The premises had no license to play recorded music or show television and the door was fitted with a self closing device, further minimising the disturbance caused by the premises. He expected that the number of customers who would come to the premises to buy food late at night to be relatively small.

Councillor Brocklebank-Fowler asked where the premises' delivery scooters would be parked. Mr Smith said that the scooters would be parked on Cassidy Road. After 11pm the scooters would be pushed onto Fulham Road before being started, in order to minimise noise. Councillor Brocklebank-Fowler said that it was very important that delivery scooters used late at night were very quiet. Mr Smith pointed out that the premises was very near the police station in Fulham Road, so that the police would quickly become aware of any noise disturbance caused by delivery scooters. Councillor Brocklebank-Fowler also noted that excessive noise from delivery scooters would cause disturbance in areas where deliveries were

being made. Mr Shovel said that the premises was spending £400 more than necessary on delivery scooters to ensure that they were quieter.

In response to a question about the frequency of delivery scooter use, Mr Smith said that, while it was difficult to know what demand for Chosen Bun's products would look like, it was expected that the premises would be at its busiest between 7pm and 9pm. Mr Shovel said that the number of delivery scooters in use would vary depending on demand, and that, at peak hours, between 7 and 9 scooters would likely be in use. Mr Sharman said that the premises was only likely to have 2 or 3 delivery scooters in use after 11pm.

Mr Smith said that the applicants had taken out a 10 year lease on the premises and had invested a significant amount of money, and they were hoping to expand the business in future.

Mr Shovel said that, unlike a nightclub or bar, the premises was intended to be a local business, with a delivery radius of only 2 miles. He said that as a result, the premises would not survive if it caused problems for local residents. He reiterated his desire to ensure that local residents had his telephone number, so that they could contact him with any concerns. Mr Smith said that the applicants had tried to meet with local residents prior to their application. Mr Sharman said that Mr Shovel and he intended to be at the premises as much as possible, in order to ensure that their policies were enforced.

Nuno Fonseca, a local resident who had made a representation, complimented the applicants, saying that he thought their project was strong and well thought out. However, he said that he was concerned about the premises late closing time. He said that his younger son slept in a bedroom near the front of the premises, and was concerned about the negative effects of a 1.30am closing time, given that he felt that his children should be in bed by 10pm. He said that problems would be caused if the premises were successful. He said that currently, people would come out of 3-4 bars along the Fulham Road, and go to Fulham Chicken, and congregate on the street outside making a great deal of noise. He worried that the same thing would happen if the premises were allowed to open late. He said that on nights when Chelsea FC were paying football, lots of people would queue up outside the premises. He noted that the pavement outside the premises was very narrow, and suggested that there might be safety risk related to passing police cars.

Mr Simmons said that it was already difficult to park on Cassidy Road, and thus parking 10 delivery scooters would not be practical.

Councillor Thorley asked Mr Fonseca if he was more satisfied with the reduced opening hours of the premises. Mr Fonseca said that he was more satisfied, but noted the other concerns he had already mentioned. He said that he was concerned that the premises would make noise even after it had closed, due to cleaning taking place. He said that a nearby off licence made a great deal of noise when it closed its shutter after closing time.

Councillor Thorley asked whether a significant amount of noise was made by people going to the off license after bars had closed. Mr Fonseca said that the

problem with the off license was that it took deliveries late at night, and it was this, not the customers, that made noise.

Mr Smith said that concerns surrounding match days were not relevant to the hearing, as the matches would not take place during licensable hours. He said that the premises was not aimed at attracting customers who had left bars at closing time- they did not expect customers to congregate outside the premises late at night. He said that the premises were required to be kept clean by Environmental Health, but that it would be very easy to control the noise made by cleaning within the premises. He said that if all 10 delivery scooters were parked they would take up no more than 1 parking space. In any case, it was expected that the delivery scooters would be being used most of the time. Mr Shovel pointed out that if the scooters were not being used it would be beneficial to put them in the alleyway behind the shop, thus reducing the pressure on parking spaces on Cassidy Road.

Summing up

Mr Overton said that he had nothing further to add.

Mr Simmons asked whether the premises had access or right of way to the alleyway behind the premises so that the scooters could be parked there. Mr Shovel said that the premises did have right of way.

Mr Fonseca said that putting the delivery scooters in the alleyway behind the premises would cause a disturbance for residents at the rear of the premises. He suggested parking the scooters on the other side of the street.

Mr Shovel said that the premises had historically operated as an A5 hot takeaway delivery service. The proposed business was not aimed at drunken revellers, and as they intended to make the majority of sales via delivery, they did not envisage a high throughput of customers late at night. He said that his business partners operated 110 Dominos Pizza takeaways, and as such they had a good idea about the number and kind of clientele that the premises could expect to attract. He said that the offering of the premises was very different from the kind of 'chicken shop' premises typically patronised by drunken revellers.

Mr Smith said that there was no clear evidence either way but that, on the balance of probabilities, it seemed likely that the premises would not attract many customers late at night. He noted that the premises expected their peak volume of sales to come between 7pm and 9pm- a time period within which the premises did not require a license. Only 2-3 scooters were expected to be in operation during licensable hours. The scooter engines would only be started on the busy main road. He suggested that the previous occupants of the premises would have had a much higher throughput during licensable hours.

The Subcommittee retired to consider its decision at 1:11pm, returning at 1:23pm

RESOLVED THAT

The Committee unanimously agreed to grant the application, with all conditions on the proposed licence to apply.

Full reasons for decision are contained in the decision letter which accompanies these minutes.

Meeting started: 10.00am
Meeting ended: 1.25pm

Chairman

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