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## 1. THE APPLICATION

On the 09 July 2020, Shell UK Oil Products Limited (“the applicant”) submitted an application to vary the premises licence in respect of premises to be known as Shell Fulham Cross, 222 - 224 Fulham Palace Road, London W6 9NT.

### 1.1 Current Hours of Operation

The premises currently benefit from a premises licence. The current premises licence permits the following:

#### **Sale of alcohol – Off the premises only**

Monday to Sunday 07:00 - 01:00

#### **Provision of Late Night Refreshments**

Monday to Sunday 23:00 - 05:00

A copy of the current premises licence and plans can be seen on pages 25-33 of this report.

### 1.2 Application Requested

The applicant has applied to vary the premises licence to amend the timings for the supply of alcohol for consumption off the premises, remove conditions 15 and 16, and amend condition 8 attached to the current licence, add an additional condition as well as change to the internal layout of the premise and therefore update the plan attached to the Premises Licence. Relevant existing and proposed conditions outlined below:

Condition 15 states:

*Strong beer and cider above 5.5% ABV will not be sold*

Condition 16 states:

*No single cans or bottles of beer and cider will be sold*

Existing Condition 8 states:

*Staff shall be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training shall be undertaken. Training records shall be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.*

Proposed Condition 8 to read:

*Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.*

Condition proposed to be added:

*An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.*

### **1.3 Proposed Activities and Hours of Operation**

#### **Sale of alcohol – Off the premises only**

Monday to Sunday 00:00 - 00:00

#### **Hours premises open to the public**

Monday to Sunday 00:00 - 00:00

A copy of the application and new plan can be seen on pages 10-22 of this report.

On 12 August 2020, following correspondence from PC Cardwell, the applicant agreed to amend the application to include the following conditions to the licence if granted:

*1. The sale alcohol between the hours of 01: 00 and 07: 00 shall be by way of delivery only. There shall be no sales of alcohol between these hours direct to a customer at the premises.*

*2. The licence holder shall ensure that any 3rd party delivery service contracted to take orders and deliver alcoholic drinks have put in place a suitable mechanism for ensuring that persons under the age of 18 are not able to order alcohol from the premises and that any delivery staff undertake ID checks to ensure that under 18s do not take delivery of alcohol as part of any order from the premises.*

*3. Details of the mechanisms used by the 3rd party shall be put in writing and a copy kept at the premises and made available for inspection on request by licensing or police officers*

*4. Condition 15 amended to “There shall be no supply of beers, lagers or ciders with an ABV in excess of 5.5%, except for premium products agreed with the Police.”*

A copy of this amendment and relevant correspondence can be seen on pages 23-24 of this report.

### **1.4 Applicants Operating Schedule**

The applicant has proposed no additional steps to those already shown on the premises licence to promote the four licensing objectives if the application is granted.

## **2. BACKGROUND**

The premises currently benefit from a premises licence. The Applicant seeks to vary this active licence. A copy of the current licence and plans can be seen on pages 25-33.

On 16 July 2020 a Designated Premises Supervisor (DPS) variation was submitted to remove Mr Sivakumaran Ratnasingam as the DPS and to replace with Mr Piratheepan Mailvaganam. This application was validated on 16 July 2020 and subsequently granted on 30 July 2020.

The main access to the premise's unit is located on Fulham Palace Road. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 34-35 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Fulham Palace Road area. Hammersmith tube station is a 12-minute walk away and Barons Court tube station is a 14-minute walk away.

### **3. CONSULTATION**

A public notice was displayed at the premises for 28 days. The application was advertised in a local circular and all statutory consultees were notified as required by the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

#### **3.1. Relevant Representations**

The licensing section received five representations objecting to the full variation application from local residents. A copy of these representations can be seen on pages 36-47 of this report.

The licensing section received a representation objecting to the full variation application from London Metropolitan Police. Following agreement to add the proposed conditions, the Police withdrew their representation on 12 August 2020. A copy of this correspondence can be seen on pages 23-24 of this report.

On 12 August 2020, interested parties were notified of the amendments made to the application. A copy of this correspondence and responses can be seen on pages 48-50 of this report.

### **4. OTHER INFORMATION**

#### **4.1 Enforcement History**

There have not been any warnings, simple cautions or prosecutions given in respect of the premises in the past twelve months.

#### **4.2 Temporary Event Notices ("TENs")**

No TENs have been submitted in respect of this premises in the past twelve months.

## **5. POLICY CONSIDERATIONS**

**5.1** Section 5.1 page 12 of the Statement of Licensing Policy (“SLP”) states that where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance; and
- Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

**5.2** Section 5.2 page 12 of the SLP states that the Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application, the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an ‘hours’ restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example, if the closing time on the application is stated as 12 midnight, the latest time that a licence would be granted to serve alcohol would be 11:30pm, as the Licensing Authority will normally allow a minimum of 30 minutes to consume alcohol that has been purchased before the terminal hour.

**5.3** Section 5.4 page 13 of the SPL states that the Licensing Authority advises applicants that it would be beneficial if a lawful planning use can be demonstrated for the activities proposed in all applications for premises licences.

**5.4** Section 8.1 page 15 of the SLP states that the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises.

**5.5** Section 8.8 page 16 of the SLP states that off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as easy premises from where to acquire alcohol. Such premises can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

**5.6** Section 8.9 page 16 of the SLP states that the Licensing Authority expects operators of off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.

**5.7** Section 8.10 page 16 of the SLP states that it is important that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
- Any relevant representations.

**5.8** Section 9.6 page 18 of the SLP states that the Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to. the following:

- The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
- The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
- The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises; and
- The provision of air conditioning and ventilation.

## **6. DETERMINATION**

**6.1** In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Grant the application in full.
- (b) Modify the conditions of the licence.
- (c) Reject the whole or part of the application.

It is the Council's duty under the Licensing Act 2003 ("The Act") to determine applications with a view to promoting the four licensing objectives; Prevention of

Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

In reaching a decision the Council shall consider the details of any relevant representations received; the applicant's Operating Schedule; the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Act.

If the Committee is minded to grant the variation, conditions may be attached to the licence to alleviate the concerns raised through representations.