

Licensing Sub-Committee

Supplementary Agenda

Wednesday 9 November 2022 at 6.30 pm

This meeting will be held remotely

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MEMBERSHIP

Administration:	Opposition:
Councillor Mercy Umeh (Chair) Councillor Paul Alexander (Vice-Chair)	Councillor Dominic Stanton

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Date Issued: 07 November 2022

Licensing Sub-Committee Supplementary Agenda

9 November 2022

<u>Item</u>		<u>Pages</u>
5.	RIHAN VALLEY, 98A NORTH END ROAD, W14 9EX (6:30 PM) - ADDITIONAL INFORMATION FROM THE OBJECTOR	3 - 10
6.	SIX80, 678 - 680 FULHAM ROAD, SW6 5SA (8 PM OR AFTER CONSIDERATION OF THE FIRST ITEM) - ADDITIONAL INFORMATION FROM THE APPLICANT	11 - 17

HEARING 2022/01090/LAPR for a new Premises licence at 98A North End Road (NER), to offer Late Night Refreshment (hot food) until 2am

Submitting a Supplemental Agenda item (summary points from Residents' Group, Barclay Road Neighbourhood Watch)

I would like to summarise our six concerns for the 9 Nov 2022 18:30 Zoom Sub-Committee hearing, and attach a six-page PDF :

1. Residents continue to support rejection of the Application.

We continue to be concerned that the owner/operator, after applying for a Premises licence in early July, was served warning letters for failed test purchases of Late Night Refreshment ie hot food being served after 23:00 without a licence, on 12 July 2022 and again on 14 September 2022. Trading beyond 23:00 without a Late Night Refreshment (hot food) licence is illegal.

Residents note that the Environmental Noise and Nuisance Officer continues to uphold his objection to the application (page 22). We support his Objection.

For these two reasons above, and further reasons given below, including evidence from the Police noted by them, we continue to believe that the licence should not be granted, leaving the legal closing hour at 23:00.

2. Cannot promote two Licensing Objectives

If granted, in part or in full, or with further conditions added by the Sub-Committee at the 9 Nov hearing, the proposed hot food licensed activity is likely to create more public nuisance and anti-social behaviour caused by customers collecting hot food and delivery drivers collecting deliveries from the licensed premises. Later hours will have an adverse impact on local residents as well as on the ability of the potential new Premises licence holder to promote the licensing objective of prevention of public nuisance and the licensing objective prevention of crime and disorder.

This concern is supported by the Police evidence, which they clearly set out in describing the problems in North End Road after 23:00, in their 5th Aug 1:07pm email to the applicant (page 18, paragraph 3 of the Agenda Pack) :

"North End Road [NER] currently experiences high volumes of anti-social behaviour, in particular with groups loitering outside premises. The provision of late night refreshment until the later hour is likely to encourage this especially as you are located next door to a 24hour store. Please can you provide more information on how you plan to operate until the hour of 2am. Will it be by take-away delivery service only? "

3. No plans for a late-night economy in North End Road

a) We would like to point out that on 27 July 2022, at a hearing for a hot food shop on NER in his Ward, Councillor Coleman, of newly established Lillie Ward (starts just at Lillie Road/NER cross road), stated that

--there are no plans by the Council to develop a late-night economy on North End Road,

--that the Prevention of Noise and Nuisance objective is very difficult to promote as noise and nuisance is caused to residents by customers as well as by delivery drivers contracted by the Premises to deliver the Premise's hot food to addresses all over Fulham, and into Hammersmith.

There are ongoing, growing noise nuisance/emissions nuisance, public safety concerns and anti-social behaviour (ASB) problems, at all times of the day and evening, with the problems increasing as the opening hours become later, and residents in all the flats above the NER shops are trying to sleep. Delivery drivers use every possible road for the shortest possible journey, exacerbating the problem of noise and nuisance from point of pickup to point of delivery through 100 percent residential roads, to a customer's doorstep—all well known to the Sub-Committee.

The application for 349 NER to extend hours to 01:00 (initially requested for 04:00) was not granted. I attach the 6-page PDF DECISION Of course, that was a different application, but for a similar business on the same NER; of course, each application should be considered on its own merits, but often, especially with regard to hours, comparisons are made at Licensing hearings and set out in detail, as they are in the Agenda Pack chart on pages 21-22 (Appendix 3A)

b) a) The '24-hr shop' next door at 'Best AM 2PM' 96 NER W14 9EX is allowed to sell alcohol 09:00-23:00 shop (Licence 2021/00839/LAPR).

This is on Appendix 3A of the Agenda Pack. According to Google Maps it is open 24-hours.

c) When I walk around the area, it is noticeable that all the neat little cafes and restaurants close latest at 23:00, some even at 21:30, but all with clear signage stating their closing hours on their doors.

Appendix 3A supports these visual audits of mine; exceptions are:

(i) Eat Aroi Cafe at 100 NER which actually closes earlier at 22:30, although they have a licence to serve alcohol until 00:00

(ii) Best Mangal, 104 NER which is now not operating/is closed at all times,

but this address continues to have a licence to serve alcohol till 00:00 and late Night Refreshment (hot food) from 23:00 to 00:00.

d) Conclusion: North End Road around this area of number 98, is not a late-night economy area.

4.REQUEST: Were the Committee minded to grant a licence, Residents request earlier closing hours to 23:30 or latest 00:00:

a) We conclude that a 2am opening would be exceptional for the area; it might start a series of applications to extend hours in this area of NER.

b) This specific area of NER starts to shut down around 22:30 (except for the 24-hr shop) and by 23:00 the cafes/restaurants are closed and by midnight there are a few tubes available, last one to Upminster 00:22, Richmond 00:46 and last one to Ealing Broadway 00:58, available from West Kensington station, which is a few minutes walk.

c) The Council's own Licensing Policy clearly states on pages 21-22 and on page 7 of tonight's Agenda Pack suggested closing times for i) Mix-use areas such as NER as well as 2) residential areas, such as the vast number of residents above the shops of NER, and in all the surrounding side road which are 100 percent residential.

Late Night Refreshment/takeaway food to end at 00:30 on Fri and Saturday and Sun at 23:00 for Mixed Use areas and for Residential areas, 'not considered appropriate', so, no hours after 23:00.

ii) Perhaps NER is actually a combination of the two with most buildings around this area having two to three further floors above the ground floor shops, so the residential density becomes close to or in some cases even more than 75/80 percent residential overall.

5. Seating inside not be used after 23:00

The applicant has agreed to only provide takeaway and delivery after 23:00.

The issue of the seating inside the restaurant might need to be addressed by the Sub-Committee to assist the Applicant.

a) CONDITION REQUEST:

—Does the seating at the booths and tables need to be cordoned off in some way every night at 23:00 to help the Applicant to signal to customers that they are not allowed to sit down to eat (nor to wait)?

Why? The Police have explained to us that brawls and fights can and do ensue when people want to sit down in these types of Premises, when the licence does not allow for seating to be used indoors late at night.

-How will the potential Premises licence holder protect himself from such possible risk of verbal and possibly physical altercations? There is seating for about 16 people, from what I recall.

-Could he perhaps serve from the front shop window, to avoid altogether people coming into his shop? Should he not take cash payments after a certain time (he is well set up for contactless payment, I noticed).

Perhaps he could address these concerns at the hearing.

b) We have given examples to the Sub-Committee, in previous hearings specifically relating to NER and surrounds, of Domino Pizza at the bottom of North End Road, on Fulham Road, not allowing people inside their shop after 23:00 because of fights that break out and drunken or drugged people coming inside to order food and then not paying etc. It is not worth the danger, so the manager has told us. Dominos Pizza at 15 North End Road closes at 23:00.

6. Ringing Police when there are problems of crime, disorder and sudden ASB, altercations, brawls etc that are difficult for the Premises to handle

We met with the local police last night and this came up again; the fact that Premises rarely ring the Police because they don't want a 'mark' on their record.

This leads to the Local Police as well as Licensing Police not knowing about problems at a Premises. This leads to no data being recorded about crime, disorder, ASB, altercations etc, because the Premises did not ring 999 to report such and therefore did not receive a CAD reference number.

As the police continue to tell residents, 'no data, no intelligence; no intelligence, no problems'; call 999.

CONDITION REQUEST:

—Residents therefore request the following Condition, wording of which has been approved as enforceable by the Licensing Authority. This Condition was recently agreed to be added to a new Licence, at the suggestion of Residents who worked with the applicant and his agent, at the new wine shop (in the old 'red wine shop'), now called JustDrinks at 2 Charleville Road at corner of NER (249 feet from 98A NER):

"Every incident of crime and disorder on, or in the vicinity of the Premises shall be reported immediately to the police by the Designated Premises Supervisor or a nominated member of staff. A record of incidents of crime or disorder reported shall be kept at the Premises and made available on request to an authorized officer of the council or the Police."

We thank the Sub-Committee for considering our concerns, our questions, our requests and our support for a vibrant North End Road and adjoining flats plus residential roads that try their best to lull themselves slowly to sleep after 23:00.

Charlotte Dexter for Barclay Road Conservation Area Neighbourhood Watch and Barclay Road Residents

The London Borough of Hammersmith and Fulham

Decision of the Licensing Sub-Committee
27 July 2022

Selekt Chicken located at 349 North End Road London SW6 1NN (“the Premises”)

The Committee has considered an application for the grant of a premises licence for the provision of late night refreshment both indoors and outdoors under the Licensing Act 2003 (“the Application”).

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State’s Guidance (“Guidance”) and the Authority’s Statement of Licensing Policy (“SLP”).

In summary, the Committee has decided, after taking into account all of the individual circumstances of this case that it is appropriate for the promotion of the licensing objectives of prevention of crime and disorder and prevention of public nuisance to reject the Application.

Procedural Matters

1. On 17 May 2022 Mr Farhad Khan Niaz (the Applicant) submitted the Application for a new premises licence for the provision of late night refreshment as referred below:

The provision of late night refreshment – Both Indoors and Outdoors

Monday to Sunday 23:00 – 03:00

Hours open to public:

Monday to Sunday 10:00 – 03:00

2. The Metropolitan Police did not object to the Application however during the consultation period in order to promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety, they proposed that 6 conditions should be added to the Licence if the committee were minded to approved the application, as well as for the licensable hours and opening hours to be reduced, as referred at page 4 of the Committee report. The Applicant agreed to the Police proposed conditions as well as to amend the licensable hours and opening hours as follows:

The provision of late night refreshment - Both Indoors and Outdoors

Sunday to Wednesday 23:00 – 00:00

Thursday to Saturday 23:00 – 01:00

Hours open to public:

Sunday to Wednesday 10:00 – 00:00

Thursday to Saturday 10:00 – 01:00

3. The Committee considered the Application with amended hours and the additional conditions as suggested above.
4. One representation objecting to the Application was received from the Licensing Authority on the grounds of the prevention of crime and disorder and the prevention of public nuisance. However the Licensing Authority withdrew their objection following the agreement by the Applicant to reduce the licensable and opening hours as well as insertion of additional conditions as proposed by the Police.
5. One representation objecting to the Application was received from the Noise and Nuisance Department on the grounds of the prevention of public nuisance. However, the Noise and Nuisance Department withdrew their objection following the agreement by the Applicant to reduce the licensable and opening hours as well as insertion of additional conditions as proposed by the Police.
6. One representation objecting to the Application was received from Cllr Ben Coleman. He was concerned about the Premises' operating hours as well as noise and nuisance caused to local residents by delivery drivers. Cllr Coleman attended the hearing.
7. One representation objecting to the Application was received from Cllr Trey Campbell-Simon. He was also concerned about the noise associated with the delivery drivers and the operating hours. Cllr Campbell-Simon did not attend the hearing.

8. One representation objecting to the Application was received from Fulham Broadway Ward Panel on the grounds of prevention of public nuisance and prevention of crime and disorder. Sarah Chambers the Chair of Fulham Broadway Ward Panel attended the hearing.
9. One representation objecting to the Application was received from Fulham Ward Panel on the grounds of prevention of public nuisance and prevention of crime and disorder. Annabell Cottrell the Co-Chair of Fulham Ward Panel attended the hearing.
10. One representation objecting to the Application was received from Barclay Road Neighbourhood Watch on the grounds of prevention of public nuisance and prevention of crime and disorder. Charlotte Dexter attended the hearing on behalf of Barclay Road Neighbourhood Watch.
11. Eleven representations objecting to the Application were received by local residents on the grounds of prevention of public nuisance and prevention of crime and disorder. Mark Richardson, local resident attended the hearing. Three of local residents who objected to the Application agreed to be represented at the hearing by Ms Dexter.
12. The Applicant attended the hearing.
13. A supplementary agenda was published on 26 July 2022 with additional comments from local residents which was circulated to all interested parties

Reasons

14. In making its decision the Committee has taken into account all relevant sections of its SLP and the Guidance as well as local knowledge.
15. The Committee was mindful that Section 4 of the Licensing Act 2003 imposes a duty on the Licensing Authority, when carrying out its functions to determine the application with a view to promoting the licensing objectives.
16. The local residents objected to the Application on the grounds of prevention of public nuisance and prevention of crime and disorder. Although the Applicant agreed to reduce the hours for the provision of late night refreshment as proposed by the Metropolitan Police, the objectors were still concerned that the new amended hours from Sunday to Wednesday 23:00 – 00:00 and Thursday to Saturday 23:00 – 01:00 would create noise and nuisance to the local residents as well as anti-social behaviour associated with the premises operating late at night.
17. The Committee took into account the fact the Metropolitan Police suggested two conditions to be added to the licence if granted in order to promote the licensing objective of prevention of crime and disorder as follows:-
 1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities and;
 - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and

name of the person checking, shall be kept and made available to Police or authorised Council officers on request

- one camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering.

- shall cover any internal or external area of the premises where licensable activities take place.

- recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.

- footage shall be provided free of charge to Police or authorised council officer within 24 hours of a request.

- a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous

2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV

18. Although the Committee noted that these two conditions agreed by the Applicant would promote the licensing objective of prevention of crime and disorder they were not sufficient to deal with local residents' concerns regarding the disturbance caused as a result of the operating hours.

19. Although the Committee noted that Policy 3 of the Council's statement of licensing policy suggests closing time for provision of late night refreshment to 00:00 it was the Committee's considered opinion that if granted the licensed activity was likely to create more public nuisance and anti-social behaviour caused by customers and delivery drivers collecting deliveries from the licensed premises. It was the Committee's considered opinion that this would have an adverse impact on local residents and the promotion of licensing objective of prevention of public nuisance and prevention of crime and disorder.

20. The Committee took into account the objectors concerns regarding the noise and nuisance caused by delivery vehicles late at night as well as the noise created by delivery drivers who will congregate at the Premises waiting to collect food. The Committee heard that the area is already suffering from noise and nuisance caused by large numbers of delivery and dispatch motorbikes and that granting of this licence will have a negative impact and will add to the noise.

21. The Committee took into account the fact that Police proposed 4 conditions to be added to the Licence which would deal with the concerns of the objectors regarding the noise generated by delivery vehicles and drivers late at night as referred below. It also noted that the Licensing Authority and Noise and Nuisance Department withdrew their representations based on the Applicant's agreement to add these conditions to the Licence if granted. These conditions were:

1. Signs shall be prominently displayed in the outside area reminding patrons that there are residents living nearby and instructing them to respect neighbours and to conduct their behaviour accordingly.
2. Notices shall be prominently displayed at all exits used by delivery drivers requesting them to respect the needs of local residents and leave the area quietly
3. After 23:00, drivers shall wait inside the premises between deliveries/for deliveries

4. Delivery drivers/riders will be given clear, written instructions to use their vehicles in a responsible manner so as to not cause nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicle is parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers/riders to use quieter vehicles that are less likely to cause a nuisance such as bicycle
22. The Committee heard that the Applicant will use third party delivery drivers for distribution of take away orders . It was the Committee's considered opinion that condition 4 proposed by the Police as referred at paragraph 21 above was not appropriate or enforceable as it would not be possible for the Applicant to encourage third party companies to use bicycles or quieter vehicles or to give clear instructions to any third party delivery drivers to use their vehicle in a responsible manner.
23. The Committee took into account the objector's concerns that due to the size of the Premise it was impossible for the delivery drivers to wait inside the shop after 23:00 as suggested by the condition 3 proposed by the Police referred at paragraph 21 above. The Committee heard from the Applicant that after 23:00 they would use one side of the seated area only for delivery drivers who will wait to collect the orders, and the other side of the seated area will be reserved for walk in customers. The Applicant clarified that due to the nature of the business the delivery drivers were expected to stay inside the Premises only for one or two minutes.
24. However in accordance with policy 14 of the statement of licensing policy, it was the Committee's considered opinion that this condition would not be sufficient to deal with possible public nuisance and anti-social behaviour caused by delivery drivers collecting deliveries from the Premises and would not promote the licensing objective of prevention of public nuisance.
25. In relation to conditions 1 and 2 proposed by the Police as referred at paragraph 21 above, according to which the Applicant will display signs at the Premises asking patrons as well as delivery drivers to leave the area quietly and respect the neighbours, it was the Committee's considered opinion that it will be difficult for the Applicant to ensure that the customers and drivers will follow the rules. It was the Committee's considered opinion that this condition would not be sufficient to deal with the objectors concerns or promote the licensing objective of prevention of public nuisance.
26. Although it was noted that there has been no complaints against the Premises or any issue or concerns with the noise generated from the delivery drivers before 23:00 , it was the Committee's considered opinion that granting this licence will add to the noise and the operation of the Premises late at night will disturb the local residents. It was the Committee's considered opinion that this would have a negative impact on the promotion of prevention of public nuisance and prevention of crime and disorder.
27. The Committee took into account the objector's concerns that the Premises has been selling hot food after 23:00 without a licence. The Committee heard from the Licensing Officer Ms Karen Layug that a complaint was received at the Licensing Authority regarding this issue. The Committee heard that two test purchases were carried out at the Premises after 23:00 in June 2022 and July 2022 and in both occasions the Premise was closed after 23:00. The Committee decided not to put weight to this objection when reaching its decision.

28. Taking all the above into account, it was the Committee's considered opinion to reject the Application for the reasons set out in this letter.
29. If any of the parties are unhappy with the decision, they are entitled to appeal to the magistrates' court within 21 days from the date of notification of this decision. This determination does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

Licensing Sub-Committee
27 July 2022



Our ref 303L/PW03/116479/8
Your ref

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For the attention of the Licensing Section

Direct tel	+44 (0)333 006 0692	Date	28 October 2022
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Dear Councillors

Licensing Act 2003

New Premises Licence - Six80 678-680 Fulham Road London SW6 5SA ('The Premises')

We act for the Applicant, The Cock Inn Mugginton Ltd, for a new premises licence at The Premises. We have been instructed to respond to the representations made in relation to this application.

Firstly, the Applicant takes the comments of the residents and other parties very seriously. In fact, agreement has been reached with the Environmental Protection team and Police in relation to the hours applied for and additional conditions to be included on the licence. We have detailed below the amendments to hours and conditions that have been agreed for ease of reference. We understand that Environmental Protection have withdrawn their representation and that the police did not make any representation on this basis of these changes.

Previous Operation

Previously, the premises traded as a bar called Octoberfest. It would appear from council records that the premises has benefitted from a premises licence since 2005, when the new licensing regime came into operation. We understand that this premises licence was surrendered- hence the need to apply for a new premises licence.

The hours on the previous licence permitted the premises to sell alcohol and provide regulated entertainment from 11am to 11pm during the week and to midnight Friday and Saturday. The premises was entitled to remain open until midnight during the week and 1am on Friday and Saturday.

About the Applicants

For what comes next

TLT LLP is a limited liability partnership registered in England & Wales (number OC 308658) whose registered office is at One Redcliff Street Bristol BS1 6TP

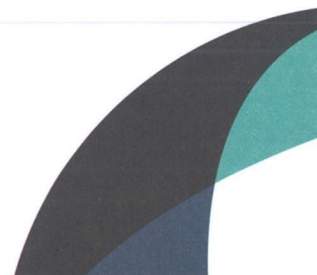
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The Applicant runs a small group of very successful pubs, offering high quality food and drinks. They have been trading since November 2015 and currently trade The Cow in Dalbury Lees, The Horseshoes Long Lane and The Bluebell Kirk Langley. More recently they owned and operated The Cock Inn Mugginton and The Meynell Ingram Arms which they sold in July of this year. They have had no issues in the operation of these premises and take the licensing objectives seriously in operating any premises.

Whilst this is a first venture into London for the Applicant it should be noted that the licensing objectives are the same across the country and the Applicant has experience of dealing with residents and responsible authorities at their other premises. They pride themselves on building and maintaining excellent relationships with all parties, from customers, to neighbours, to the Responsible Authorities. It is hoped that this will be the case for this premises.

The Application

The intention is to operate a high-end wine bar, with a substantial food offer, including a breakfast offer for locals and visitors to the area. Regulated entertainment has been applied for, however, it is intended that the entertainment offered will be light acoustic style music on a Thursday, Friday and Saturday and possibly a live DJ Friday / Saturday, should there be interest. This would be in keeping with the overall aesthetic and style of operation.

It is intended to invest £600,000 into the premises. It is also expected that once open and operating, the premises will bring in the region of 40 new jobs into the area.

Council Licensing Policy

The Applicant notes the Council's Licensing Policy 3 which sets out licensing hours for various premises.

This premises sits on Fulham Road, which can best be described as mixed use, with bars, cafes, restaurants and retail surrounding it. It should be noted, of course, that there are residential properties, including on the Fulham Road above some of the commercial units, but mainly on the surrounding streets- as is the case for a majority of premises in this area of London.

However, in terms of the hours policy, we submit that the area is best described as 'mixed use'.

The Hours Policy for bars in a mixed-use area suggest a closing time as follows:

- Monday to Thursday midnight
- Friday and Saturday 01:00 hrs
- Sunday 23:00 hrs

Whilst the policy makes it clear that this is only a guideline, it is worth noting that the amended hours as agreed with the responsible authorities (set out below) are below those set out in the Hours Policy for Monday through to Saturday, with only 30 minutes over on a Sunday (closing at 23:30, rather than 23:00). We submit that this is a reasonable and proportionate compromise that has been agreed with the Responsible Authorities.

Amendments to the application

This application has been amended to trim the hours originally applied for, as mentioned above, and to add conditions as set out below.

Licensable activities sought and hours

The performance of Live Music - Indoors Only: Sundays to Wednesdays between 11:00 to 23:00; Thursdays, Fridays and Saturdays between 11:00 to 00:00

The playing of Recorded Music - Both Indoors and Outdoors Sundays to Wednesdays between 08:00 to 23:00; Thursdays, Fridays and Saturdays between 08:00 to 00:00

The Performance of Dance - Indoors Only Sundays to Wednesdays between 19:00 to 23:00; Thursdays, Fridays and Saturdays between 19:00 to 00:00

The provision of Late Night Refreshment - Indoors Only Thursdays, Fridays and Saturdays between 23:00 to 00:00

The Sale of Alcohol - Both On and Off the Premises Sundays to Wednesdays between 11:00 to 23:00; Thursdays, Fridays and Saturdays between 11:00 to 00:00

Opening Hours of the Premises Sundays to Wednesdays between 08:00 to 23:30; Thursdays, Fridays and Saturdays between 08:00 to 00:30

Further, the following additional conditions have been agreed to be added to the licence:

1. High-Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
 - shall be checked daily to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request.
 - at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
 - shall cover any internal or external area of the premises where licensable activities take place.
 - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
 - footage shall be provided to Police or authorised council officer within 24 hours of a request.
 - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
2. A refusals record shall be kept at the premises to record details of all refusals to sell alcohol. This record shall contain the date and time of the incident, a description of the customer, the name of the member of staff who refused the sale, and the reason the sale was refused. The record shall be made to police and authorised officer of the Licensing Authority on request.
3. All staff working at the premises shall be given compulsory training on the following issues: Welfare and Vulnerability engagement (WAVE), Ask for Angela, Drink Spiking and Safeguarding. Written records of this training, and a policy to cover each of these topics, shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.



4. A challenge 25 proof of age scheme for the sale of alcohol shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. On days where the premises are open after 23:00 there shall be 1 SIA on duty from 20:00 until close. The requirement for additional for SIA shall be continually risk assessed by the premises. A copy of the risk assessment shall be kept for a minimum of 31 days and made available to Police or the Local Authority upon request
6. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.
7. Any alcohol sold for consumption off the premises shall be sold in a sealed container. Patrons are permitted to take from the premises resealed bottles of wine.
8. On days when Fulham Football Club are playing at home the premise shall not allow any drinking, or provision of food, in any area outside the front of the premises for three hours before the advertised kick off time until one hour after the match has been completed. All tables and chairs will be removed from this external area during this same time period.
9. A daily incident log shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police or the Fire Service which shall record the following:
 - (a) all crimes reported to the venue
 - (b) all ejection of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
10. The premises shall operate a dispersal policy and all staff shall be trained in its implementation
11. The external area at the front of the premises shall not be used after 22:00 any day of the week with the exception of smokers for smoking only.
12. All external doors and windows shall be kept closed at all times during the provision of regulated entertainment, save during access and egress.
13. A responsible member of staff shall carry out proactive noise assessments outside the premises at the boundary of the nearest residential property periodically during the provision of regulated entertainment and take any necessary remedial action.
14. A written record of proactive external noise assessments and, where applicable, remedial actions taken shall be kept for a minimum of 31 days from the date of the last

entry in the record and this record shall be available for inspection on demand by authorised Council officers at all times the premises are open.

15. All stereo / television or other audio equipment including wall-mounted and / or free-standing / portable speakers shall be mounted on anti-vibration mountings / pads, as appropriate, to prevent vibration transmission of sound energy to adjoining properties.

Resident concerns

The Applicants have given serious consideration to the concerns raised by the residents making representations.

We note the concerns raised in relation to drink spiking and would refer the residents to the following condition number 3, above, agreed with the police. The Applicant feels that this adequately deals with the concerns around drink spiking raised.

In relation to music outside, we note the comments about the use of the external area to the front of the premises. It is intended that the frontage of the bar will be open in the spring / summer and speakers will provide piped music to those seated outside -obviously within required noise limits. Whilst any music is likely to be no more than background levels (which is not licensable), it was felt that applying for recorded music inside and outside was appropriate so as not to be 'hiding' any intention in this regard.

We would also point the residents to the conditions 11 to 15 above agreed with the environmental protection officer.

These conditions, taken together, restrict the likelihood of noise nuisance particularly during the later hours where noise is more likely to be a public nuisance. These conditions should therefore prevent the need for a noise limiter or other proposed measures set out in the residential objections. Should these conditions be breached then the residents would have a direct remedy of reviewing the premises licence.

The Applicant is also **willing to offer the following additional condition** in this regard:

- A dispersal policy shall be drawn up and implemented at the premises ('The Policy'). The Policy will set out the steps that management will take to ensure that customers leave the premises quickly and quietly and do not loiter outside. The Policy shall be retained and made available to police and authorised officers of the Licensing Authority on request.

In relation to the proposed conditions that have been agreed with the police, we submit that any additions to these would be disproportionate. Whilst all major crimes and incidents of serious disorder would, of course, be notified to the police at the time, police forces cannot respond to minor incidents, especially at busier times. Condition 9, above, has been agreed with the police and the requirement to keep records and to allow inspection by officers is a tested means of ensuring that premises are managing incidents properly and proportionately.

Para 2.1 of the Guidance under S182 Licensing Act 2003 states that 'Licensing Authorities should look to the police as the main source of advice on crime and disorder.' It is respectfully submitted that in agreeing conditions with the police in relation to matters of crime and disorder, modifying these as suggested by residents would be a step too far in the circumstances.

In relation to the proposal for a '5&5' condition in relation to use of the smoking area (we presume after 22:00 hours as the time agreed with the authorities that only smokers will be



allowed outside), We respectfully submit that this is disproportionately restrictive and very difficult to enforce, without a dedicated member of staff on duty outside. That in and of itself would be prohibitively expensive and we would question whether it is proportionate. For these reasons, we respectfully submit that the current restriction on smokers only outside after 22:00 is reasonable and proportionate.

Likewise, it is felt that resident proposals requiring all sales of alcohol to be ancillary to food, a restriction on vertical drinking and waiter/ waitress service, all of which have been suggested, fundamentally change the nature of the offer without any evidence to suggest that these draconian conditions are necessary or proportionate in the circumstances.

In relation to litter patrols, as the premises will not be selling hot food to take away and consume immediately outside the premises, a condition requiring the Applicant to undertake regular litter patrols outside is again disproportionate. The Applicant is, however, happy to **commit to the following as a condition:**

- Prior to opening to the public each day, the area to the immediate front of the premises will be swept clean of litter.

Deliveries

Deliveries, in the context of licensed premises includes deliveries to the premises, as well as potential deliveries to customers. Whilst the Applicant appreciates that environmental concerns are very much at the forefront of most people's thinking, the issue of what vehicles are permitted into a certain area is a much wider council matter and not a matter for regulating on an premises by premises basis under the licensing regime- where many premises on the same street would not hold licences. We would question the value of effectively placing a higher burden of operation on one premises than for all others in the area. Any more general regulation affecting the wider area in relation to the type of vehicles permitted to deliver to the premises or from the premises, would of course be complied with.


In relation to home deliveries, businesses have all needed to learn to adapt and to ensure that should something similar to the pandemic of 2020 to 2022 occur again, they are able to flex and continue to trade. The proposal of conditions on what vehicles could collect and deliver, would mean that in practical terms, a third-party delivery company would not be able to be engaged to undertake any deliveries as they cannot guarantee that all their delivery personnel have such vehicles.

For these reasons we would respectfully ask the Committee not to place any additional burdens on the operation of the premises in this regard.

Conclusion

The Applicant has demonstrated their desire to work with all parties, which has resulted in a reduction of hours from those proposed originally (and were permitted under the previous premises licence at the premises) and the agreement to a significant number of conditions being added to the premises licence. Further, and after careful consideration of the resident concerns, the Applicant has proposed the following two additional conditions:

- A dispersal policy shall be drawn up and implemented at the premises ('The Policy'). The Policy will set out the steps that management will take to ensure that customers leave the premises quickly and quietly and do not loiter outside. The Policy shall be retained and made available to police and authorised officers of the Licensing Authority on request.

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- Prior to opening to the public each day, the area to the immediate front of the premises will be swept clean of litter.

It is felt that taken in the round, the amended application and new conditions promotes the licensing objectives whilst giving protections to all parties in a proportionate and appropriate manner. We ask that the application is therefore granted as amended with the addition of the proposed two new conditions.

Yours sincerely



Piers Warne
Legal Director
for TLT LLP