

Licensing Sub-Committee

Supplementary Agenda A

Wednesday 11 December 2024 at 6.30 pm

This meeting will be held remotely

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MEMBERSHIP

Administration:	Opposition:
Councillor Patrick Walsh (Vice-Chair) Councillor Wesley Harcourt	Councillor Dominic Stanton

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Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: youtube.com/hammersmithandfulham

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Licensing Sub-Committee Supplementary Agenda A

11 December 2024

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Agenda Item 3a

From: [REDACTED]
Sent: 05 December 2024 14:36
To: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>
Subject: Re: Agenda - L'ami Jac, 96 Shepherd's Bush Road London W6 7PD

Hi Lorna,

Now that I have read the Committee Report, this additional information may assist the Licensing panel:

- The committee report states that there are no previous enforcement issues/cases associated with number 96 Shepherds Bush Road. For a number of years and until recently, this property operated as a hairdressers 'Ocean Hair' before closing down earlier this year. This explains why there had not been any previous noise or nuisance complaints associated with number 96.
- The current business operated by M. Stiquel at number 94, immediate next door to 96, originally operated as a wine shop (off license) selling to wine customers to be consumed off the premises, before expanding to sell wine to customers to be consumed on the premise as well.
- The physical size of the premises for numbers 94, is very small, this means customers also sit and stand outside, and their chatting and laughter can clearly be heard by residents in the flats above and along this parade. Similarly, the premises at number 96 is very small and tables and chairs are now set up outside for customers.
- Shepherds Bush Road on most nights is very quiet after about 8pm, the traffic is light and as most vehicles are electric (including buses), there is hardly any noise, so noise from people talking loudly and laughing can clearly be heard by residents in the flats along this parade. I suspect it also impacts on the residents in the sheltered accommodation Baradell House which, is directly across Shepherds Bush Road facing this parade of shops.
- As the current business at number 94 became more popular, and it is an asset to the neighbourhood, there have been a number of noise nuisance incidents reported for this premise, as more people consume alcohol on the premises. As we know from experience, people who have consumed alcohol tend to speak more loudly and this increases over the course of the evening. The tables that are set up outside are not always vacated or removed by 22.00, as set out in the current licensing terms. These customers are chatting, sometimes laughing loudly so can be heard by residents in the flats above and along the parade. I also am aware that drinking does continue inside the premise beyond this time causing a noise nuisance to residents.
- The request for the extension of the operating hours to 00.00 every night, is highly likely to cause further disruption and be the source of increasing noise nuisance to residents and complaints to the council. I therefore recommend that the applicant and the committee reconsider this application for operating hours so both numbers 94 and 96 are closed promptly and all customers have departed by 23.00 Sunday to Thursday and by 00.00 on Friday and Saturday. I would also urge the committee to remind M.Stiquel of his responsibilities to cease the sale of alcohol to those customer who have already consumed too much, as well as to ensure his customers are not causing a noise nuisance,

and that under the terms of his license, he ensures all his customers have departed the area by the agreed times as set out in his license.

- The application also requests 'for the exhibition of films' until 00.00. However, in the committee report this is explained as 'Landscape, clips on you tube, rugby on BBC or ITV', The principle of watching a big screen to view a sporting event during the daytime or early evening i.e. up to 20.00 is reasonable, as is You tube clips (depending on the nature of the material to be shown). Any later than this is likely to disturb families and anyone trying to sleep in the flats above and along the parade as these premise do not have appropriate sound insulation. I would therefore urge M. Stiquel and the committee to reconsider his application so this is limited to sports events and You tube clips up to 20.00. The use of landscape pictures, assuming these are without sound is not a problem.
- M. Stiquel is friendly and polite, as noted his business is thriving and is an asset to the community. However, his amiable nature may make it difficult for him to properly manage those noisy customers who have had a lot of alcohol to drink, so do not adhere to his request to be quieter or indeed to leave the area after closing time. This business needs to operate in a way that it recognises and respects the residents in the properties above and in this area, and so does not become the focus of further distress and complaints which could ultimate result in the closure of this business. We all want to see it succeed and remains a positive contributor to our neighbourhood. I would therefore urges both M Stiquel and the committee to reflect on the residents concerns, the advice of officers as set out in the committee report as well as the needs for this business, and instead consider more appropriate hours of business, e.g. Sunday to Thursday, closed and all customers departed by 23.00, and Friday and Saturday, closed and all customers departed by 00.00. I would also request that the council monitors the number of complaints received by residents for these premise to enable it review the license terms in the future.

Regards,





LICENSING CONSULTATION INTERNAL MEMO

To : **Lorna Mckenna**

From : **Adrian Overton**

Date : **4th December 2024**

Premises : **L'Ami Jac, 96 Shepherd's Bush Road, W6 7PD**

CAPS Ref : **2024/01633/LAPR**

Application : **New premises licence**

I am the Licensing Team Manager for the London Borough of Hammersmith and Fulham. I am also able to act as the responsible authority for the Licensing Authority of the London Borough of Hammersmith and Fulham.

I have considered the above application and wish to make a representation on the basis of past adverse enforcement history at a neighbouring premises (94 Shepherd's Bush Road), which is also owned and operated by the applicant.

The Application

On the 18th October 2024 the company known as L'ami Jac applied for a new premises licence in respect of the premises known as L'ami Jac, 96 Shepherd's Bush Road, London, W6 7PD. The hours and activities set out in the application were as follows:

The Exhibition of Films - Indoors Only

Mondays to Sundays 11:00 to 00:00

The Provision of Late-Night Refreshment - Indoors Only

Mondays to Sundays 23:00 to 00:00

The Sale of Alcohol - Both On and Off the Premises

Mondays to Sundays 11:00 to 00:00

Proposed Opening Hours

Mondays to Sundays 07:00 to 00:00

Supporting Information - Enforcement Summary

The following observations / interactions have taken place with Council officers since December 2023 at a neighbouring premises (94 Shepherd's Bush Road):

7th December 2023 - Complaint received in relation to late opening hours and noise, The owner and DPS (Mr Stiquel) was subsequently made aware of the complaints and denied selling alcohol after 22.00.

2 February 2024 – Monitoring of the premises by licensing officers at 23:36. The premises found to be locked up with its lights off.

9 February 2024 – A full licensing inspection was carried out at the premises which identified 29 breaches. A copy of the inspection sheet was left at the premises which also serves as a warning letter.

20 February 2024 - Written advice was given to Mr Stiquel regarding the inspection on the 9th February and breaches of conditions. A suggestion was made to vary his licence to remove a some conditions which seem to have been originally suggested by the applicant in error when the licence was granted. Advice was given on the procedure for varying the licence. Links to a number of posters (in relation to challenge 25 and child sexual exploitation) were also provided. Mr Stiquel was given until 5th March to remedy the breaches. No response was received.

24th April 2024 - The Licensing team visited the premises and noted that a number of posters required by conditions 14, 27 and 64 of the licence were not exhibited. There was also no evidence that any of the previous breaches had been remedied. Mr Stiquel explained that he would look to submit a variation.

2nd May 2024 - Written advice given further to the visit on the 24th April. It explained that the premises licence in place could be revoked if ongoing breaches were identified. Guidance offered on a draft full variation application.

7th May 2024 – Variation application submitted.

18th June 2024 – The Council's Noise team attended after 23.00 and witnessed several customers leaving. It was noted that some appeared to be intoxicated, but they were not excessively raucous or rowdy. No loud music was observed at the time of visit and no breaches of the licence were identified.

9th July 2024 – A Noise officer visited the premises at 23:30, following an unsubstantiated complaint. It was noted that Mr Stiquel appeared to be dismissive and was not taking the complaint seriously. A breach of condition 10 was identified on this occasion as there was no record of complaints available at the time of the visit.

16th August 2024 – The licensing team carried out a premises licence inspection following a full variation being made on the 7th May. The premises was found to be open with without a personal licence holder which was a breach of condition 17.

2nd September 2024 - Mr Stiquel was given advice about the breach on the 16th August via a phone call and an email. He was also invited to a multi agency meeting on the 17th September to discuss the continuous breaches at the premises.

17th September 2024 - Joint virtual meeting with officers from the Police Licensing Team, Noise and Nuisance, and Licensing. Mr Stiquel was told that if further breaches of conditions were witnessed, a review of his licence and / or a prosecution would be considered. He was emailed a summary of the meeting on 2nd October 2024.

11th October 2024 – Licensing officers carried out full licensing inspection. 3 breachers of conditions 14, 16 and 38 were observed. A warning letter for these offences was sent on the 12th November.

11th October 2024 at 22:28 – The Council’s Noise team witnessed two customers inside the premises and also observed Mr Stiquel, outside the premises at a table with two more customers. The front door was fully open at this time. This was a breach of conditions 29 and 30. A warning letter was sent on 12th November.

4th December 2024 – Licensing observation at 21:56. No members of the public were found on the premises. Tables and chairs were inside, and the external lights were off.

5th December 2024 – Licensing inspection. No breaches of conditions. Notices displayed correctly and CCTV working.

Conclusion

We have offered extensive advice to Mr Stiquel since December 2023 in relation to his business directly next door to this premises - 94 Shepherd’s Bush Road.

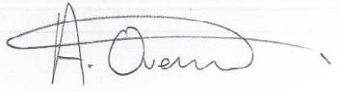
It appears that initially the licence was granted with a number of unnecessary and inappropriate conditions. To try and address this issue we offered advice and guidance so that the licence could be varied to reduce the number of conditions, and to make the licence more manageable and relevant to the type of business he was operating. However, since the variation was submitted in May 2024, we have still found breaches of conditions on a number of occasions.

We have concerns that if Mr Stiquel was the licence holder and designated premises supervisor at 96 Shepherd’s Bush Road, there may well be further breaches of licensing conditions and a general disregard for any advice given by officers.

Most recently, on the 5th December 2024, we have noted that there was a successful licensing inspection, where no breaches of conditions were identified. We are also conscious that Mr Stiquel has agreed to a number of conditions suggested by the Police Licensing Team.

Given the recent licensing inspection, and the Council’s commitment to support businesses in a challenging economic climate, we would not object to the licence

being granted. However, to try and minimise the chances of any future non-compliance, we would respectfully ask that the committee consider requesting that a different designated premises supervisor is responsible for the premises at 96 Shepherd's Bush Road.

A handwritten signature in black ink, appearing to read 'A. Overton', with a long horizontal flourish extending to the right.

Adrian Overton
Licensing Team Manager
London Borough of Hammersmith and Fulham