

Licensing Sub-Committee

Agenda

Thursday 3 December 2020

6.30 pm

Online - Virtual Meeting

MEMBERSHIP

Administration:	Opposition:
Councillor Natalia Perez (Chair) Councillor Matt Uberoi	Councillor Matt Thorley

CONTACT OFFICER: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
☎: 07776 672945
E-mail: Charles.Francis@lbhf.gov.uk

Members of the press and public are welcome to attend at the YouTube link below:

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

THIS MEETING WILL BE HELD REMOTELY

It will be streamed via YouTube on: <https://youtu.be/udyXtSn50j8>

Licensing Sub-Committee Agenda

3 December 2020

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	ROLL-CALL AND DECLARATIONS OF INTEREST	
	<p>At the start of the meeting the Chair will carry out a roll-call of committee members to confirm attendance. Members will also have an opportunity to declare any interests.</p> <p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	INSOMNIA, 1 SHEPHERD'S BUSH GREEN LONDON W12 8PH.	3 - 28

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1. THE APPLICATION

On 02 October 2020, Mr Rasa Monazzahian (“the applicant”) submitted an application for a Premises Licence to be granted in respect of the premises known as Insomnia, 1 Shepherd's Bush Green London W12 8PH.

1.1 Application Requested

The applicant has applied for a new premises licence for the supply of alcohol for consumption both on and off the premises as well as the provision of Late Night Refreshment as outlined below:

Supply of alcohol both on and off the premises:

Monday to Sunday 12:00 to 00:00

Late Night Refreshment:

Monday to Sunday 23:00 to 00:00

Proposed opening hours:

Monday to Sunday 12:00 to 00:30

A copy of the application and plan can be seen on pages 10-18 of this report.

1.2 Applicants Operating Schedule

The applicant has proposed a number of additional steps to promote the four licensing objectives if the application is granted. A copy of the proposed conditions can be seen on pages 14-16 of this report.

On 21 October 2020, following correspondence from PC Stewart, the applicant agreed to amend the hours of operation and to include the following conditions to the licence if granted:

Supply of alcohol both on and off the premises:

Mondays to Sundays from 12:00 to 23:30

Late Night Refreshment:

Monday to Sundays from 23:00 to 00:00

Proposed opening hours:

Monday to Sunday 12:00 to 00:00.

Amendment to condition:

Condition on application form proposed by the applicant

All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of twenty-eight (28) days and will be date and time stamped.

Amendment proposed by the Police

All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of thirty-one (31) days and will be date and time stamped.

Additional conditions:

- *The sale and consumption of alcohol on the premises shall be to customers seated at tables. Vertical drinking shall not be permitted.*
- *The premises shall operate a dispersal policy and all relevant staff shall be trained in its implementation.*
- *There shall be no admittance or re-admittance (excluding smokers) to the premises after 23:00*
- *If given at least 7 days prior notice by a Police Licensing Officer, one or more of the following QPR match day conditions will be adhered to during the relevant match period:*
 - *a minimum of 2 door supervisors shall be on the premises from 3 hours before the advertised kick off time until two hours after the match has been completed*
 - *the premise shall not allow any drinking, or provision of food, in any area outside the premises for three hours before the advertised kick off time until two hours after the match has been completed.*
 - *reusable plastic glasses shall be used for three hours before the advertised kick off time until two hours after the match has been completed.*

A copy of this amendment and relevant correspondence can be seen on pages 19-21 of this report.

2. BACKGROUND

The premises occupies the ground and lower ground floor. The applicant is proposing to operate the premises as a restaurant serving traditional Lebanese cuisine.

The main access to the premise's unit is located on Shepherd's Bush Green. 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 22-23 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Shepherd's Bush Green area. Shepherd's Bush tube station is a 10-minute walk away and Goldhawk tube station is a 5-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 one representation from Mr Adrian Overton, LBHF

Licensing Policy & Enforcement Manager. Mr Overton recommends that the premises licence application be refused. A copy of this representation can be seen on pages 24-26 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 during 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 6.1 page 13 of the SLP state that in determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.

5.5 Section 6.2 page 13 of the SLP state that in accordance with paragraph 13.30 of the Secretary of State's current Guidance, where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area, the Licensing Authority may consider it inappropriate for any further licensed premises to be established in the area, or extension to licensed hours of existing premises to be approved. In such circumstances, an application for a licence for activities which would undermine the promotion of any of the four Licensing Objectives would be refused.

5.6 Section 6.4 page 13-14 of the SLP states that in 2011 the Licensing Authority also identified Shepherd's Bush as an area which was suffering adversely from the concentration of a number of licensed premises in a specified area. After an extensive evidence gathering process a further special policy was adopted by the Licensing Authority in June 2011. The Policy is set out in Annex 4. This policy is also only applicable where relevant representations are made in the area specified. This special policy was also reviewed in 2015 and data from the police, ambulance service and noise complaints assessed. The conclusions were similar to the results of the review of the Fulham Broadway special policy, with a reduction in alcohol related crime, anti-social behavior and noise complaints after midnight. A report on crime, disorder and noise is attached as Annex 5. In view of the current positive impact of this special policy it will remain in place and will be reviewed regularly.

The special licensing policy for Shepherd's Bush area can be seen on pages 27-28 of this report.

5.7 Section 6.8 page 14 of the SLP states that in coming to any decision regarding cumulative impact the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
- Police enforcement of the normal law concerning disorder and anti-social behaviour.
- Prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- Prosecution of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco

- Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
- Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious antisocial behavior is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.

5.8 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.

5.9 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.

5.10 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.

5.11 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.

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 proposed hours, activities or conditions.
- (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 application conditions may be attached to the licence to alleviate the concerns raised through representation.

Application for a premises licence to be granted under the Licensing Act 2003

Case number 2020/00892/LAPR

Payment transaction reference
256-14278

Amount paid £315

Date submitted 02/10/2020

Are you the applicant or their Agent agent?

PREMISES DETAILS

Premises address

If the premises could not be found please enter the address here, or if the premises has no address give a detailed description (including the Ordnance Survey references)

1 Shepherds Bush Green
London
W12 8PH

Trading name (if any) Insomnia

Telephone number at the premises (if any)

Are the premises in the course of construction?

No

Non-domestic rateable value 43750
if the premises

Will the premises be exclusively or primarily used for the supply of alcohol for consumption on the premises?

No

APPLICANT DETAILS

I am applying as an individual or individuals

Title Mr

Name Rasa Monazzahian

Address 22 Roehampton Vale
London
SW15 3RY

Date of birth 24/08/1986

Nationality British

Where applicable, your 9 digit sharecode

Daytime/ business telephone number 07999399990

Evening/ home telephone number

Mobile phone number

Email address rmonazahian@icloud.com

I confirm that:

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Alternative details for correspondence

Contact name (if different from premises user)

Business name

Correspondence address

Daytime/ business telephone number

Evening/ home telephone number

Mobile phone number

Email address

OPERATING SCHEDULE

When do you want the premises licence to start?

31/10/2020

If you want the licence to be valid for only a limited period, when do you want it to end?

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please give a general description of the premises.

- 'Insomnia' occupies the ground and lower ground floor of 1 Shepherds Bush Green, a former night club.
- It will operate as a restaurant serving traditional Lebanese cuisine, where the sale of alcohol will be ancillary to and dependent upon the supply of food which shall be available at all times.
- Off sales is required to enable an outside catering service.

What licensable activities do you intend to carry on from the premises?

late night refreshment, supply of alcohol

HOURS OPEN TO THE PUBLIC

Standard days

Mondays

Start 12:00

Finish 00:30

Tuesdays

Start 12:00

Finish 00:30

Wednesdays

Start 12:00

Finish 00:30

Thursdays

Start 12:00

Finish 00:30

Fridays

Start 12:00

Finish 00:30

Saturdays

Start 12:00

Finish 00:30

Sundays

Start 12:00

Finish 00:30

Please state any seasonal variations

Non standard timings. Where you intend to use the premises at different times to those listed above, please list

LATE NIGHT REFRESHMENT

Please give further details here

the supply of hot food and hot drinks to the public after 2300hrs daily.

Will the provision of late night refreshment take place indoors, outdoors or both?

Indoors

Standard days

Mondays

Start 23:00

Finish 00:00

Tuesdays

Start 23:00

Finish 00:00

Wednesdays

Start 23:00

Finish 00:00

Thursdays

Start 23:00

Finish 00:00

Fridays

Start 23:00

Finish 00:00

Saturdays

Start 23:00

Finish 00:00

Sundays

Start 23:00

Finish 00:00

Please state any seasonal variations

Non standard timings. Where you intend to use the premises for late night refreshment at different times to those listed above, please list.

SUPPLY OF ALCOHOL

Please give further details here

The sale of alcohol by retail which will be ancillary to and dependent upon the supply of food

Will the supply of alcohol be for consumption on the premises, off the premises or both?

Both

Standard days

Mondays

Start 12:00

Finish 00:00

Tuesdays

Start 12:00

Finish 00:00

Wednesdays

Start 12:00

Finish 00:00

Thursdays

Start 12:00

Finish 00:00

Fridays

Start 12:00

Finish 00:00

Saturdays

Start 12:00

Finish 00:00

Sundays

Start 12:00

Finish 00:00

Please state any seasonal variations

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list.

Details of the individual whom you wish to specify on the licence as the designated premises supervisor

Full name Mr Rasa Monazzahian

Date of birth 24/08/1986

Home address of 22 Roehampton Vale

prospective designated London

premises supervisor SW15 3RY

Personal licence number (if known) pending

Issuing authority (if known)

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

none

Describe the steps you intend to take to promote the licensing objectives

a) General- all four licensing objectives (b,c,d and e)

The premises licence holder, DPS, management and staff are fully aware of the Cumulative Impact Concerns of this part of Shepherds Bush and will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- A commitment that all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made available to Officers of the Police and the Council.
- The premises licence holder shall make available a contact telephone number for the use of notifying of a complaint. This number is to be made available to local residents, businesses, the police and the licensing department.
- The sale of alcohol for consumption on and off the premises shall be dependent upon and ancillary to the supply of food.

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. Conditions include:

- The premises licence holder shall install and maintain a comprehensive closed-circuit television (CCTV) system that will record all entry and exit points to the premises; the recordings will enable frontal identification of every person entering the premise in all lighting conditions.
- The premises licence holder will ensure that the closed-circuit television (CCTV) system shall continually record whilst the premises are open for licensable activities and at all times whilst customers are present on the premises.
- All recordings from the closed-circuit television (CCTV) system shall be stored for a minimum period of twenty-eight (28) days and will be date and time stamped.
- The premises licence holder shall ensure that closed-circuit television (CCTV) system recordings will be made available upon request of a police or other authorised officer throughout the retention period specified in the premises licence.
- The premises licence holder will ensure that staff employed at the premises are conversant with the operation of the closed-circuit television (CCTV) system whilst the premises are open to the public. Staff should be able to operate the system fully and be able to show footage as captured to both the police and other authorised officers on request
- The premises licence holder will ensure that an incident log shall be kept at the premises for a period no less than six (6) months, and made available on request to an authorised officer of the licensing authority or the police, which will note the following: (a) all crimes reported to the venue, or by the venue to the Police (b) names and/or descriptions of all ejected patrons (c) any complaints received (d) any incidents of disorder, seizures of drugs, offensive weapons, fraudulent ID or other items (e) any faults in the CCTV system (f) any refusal of the sale of

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to.

The policy will include:

- Ensuring that the entrance, outside area and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff
- A suitably trained and competent person must ensure regular safety checks of the premises including means of escape, decorative and functional fixtures, floor surfaces and equipment including electrical appliances to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
- There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials

d) The prevention of public nuisance

The premises licence holder, DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- No light on or from the property shall be provided where that light causes a nuisance to nearby residents or businesses
- Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- Satisfactory arrangements will be put in place to supervise an orderly dispersal of visitors when leaving the property to ensure the minimum of noise and disturbance to local residents.
- The premises licence holder will ensure that glass bottles will not be placed in external refuse receptacles between the hours of 22:00hrs to 08:00hrs the following morning.
- The premises licence holder will ensure that patrons smoking outside the premises do so in an orderly manner and that they are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- The premises licence holder will ensure that no drinks are taken into the smoking area at all times the premises are open to the public.
- Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, waste bins to enable the disposal of waste food, food containers, wrappings etc.
- Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. Should children be in attendance, there will be no inappropriate promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 25 for age-restricted products and include:

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being served.
- Appropriate ID will be a passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.
- The Challenge 25 policy shall be exercised within the premises and at the point of delivery for off-site catering

DECLARATIONS

I have enclosed a plan of the premises

Yes

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor

Yes

I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships).

I understand I must now advertise my application

Yes

It is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum And Nationality Act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I have the consent of any individuals or third parties listed in this form to provide their personal details and I am authorised to submit this application on behalf of all applicants.

I have read the privacy policy and agree for my details to be used by the council to contact me about this application and any changes to this service that may affect me.

I agree to the above

Yes I agree to the above declaration

Full name

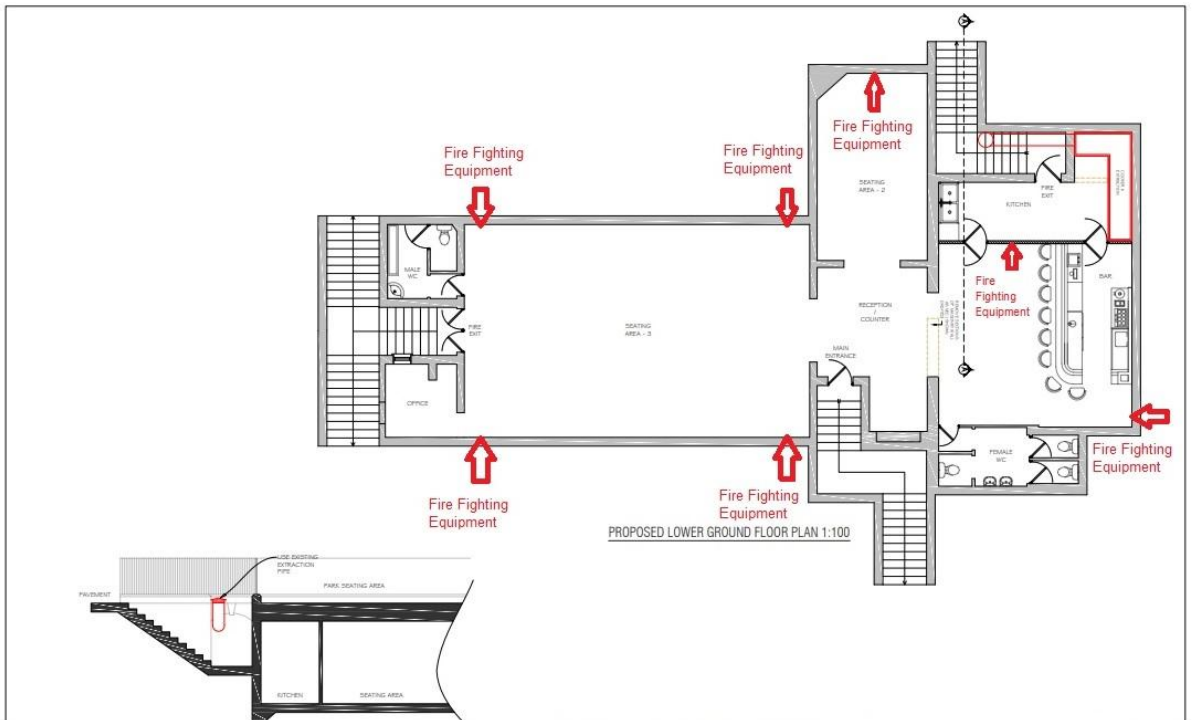
Michael Nickson

Capacity

Authorised Agent

Date

02/10/2020



From: Rasa Monazahian
Sent: 26 October 2020 11:52
To: Dimitriou Maria: H&F <Maria.Dimitriou@lbhf.gov.uk>
Subject: Re: Application for a new Premises Licence for 1 Shepherd's Bush Green London W12 8PH

Dear Maria

Yes we do accept all the mentioned amendments.

Kind Regards
Rasa Monazahian

On Oct 26, 2020, at 11:38, Dimitriou Maria: H&F <Maria.Dimitriou@lbhf.gov.uk> wrote:

Dear Mr Monazahian,

Following on from Pc Stewart's email below, could you please confirm whether you are happy to amend you application to add the following:

*Supply of alcohol both on and off the premises: **Mondays to Sundays from 12:00 to 23:30**
Late Night Refreshment: **Monday to Sundays from 11pm to 12pm***

*Proposed opening hours: **Monday to Sunday 12:00 to 00:00.***

Amendments to conditions:

Currently the CCTV condition states 28 days. It would be preferable if the CCTV saved footage for a minimum of 31 days.

Additional conditions:

- *The sale and consumption of alcohol on the premises shall be to customers seated at tables. Vertical drinking shall not be permitted.*
- *The premises shall operate a dispersal policy and all relevant staff shall be trained in its implementation.*
- *There shall be no admittance or re-admittance (excluding smokers) to the premises after 23:00*
- *If given at least 7 days prior notice by a Police Licensing Officer, one or more of the following QPR match day conditions will be adhered to during the relevant match period:*
 - *a minimum of 2 door supervisors shall be on the premises from 3 hours before the advertised kick off time until two hours after the match has been completed*
 - *the premise shall not allow any drinking, or provision of food, in any area outside the premises for three hours before the advertised kick off time until two hours after the match has been completed.*
 - *reusable plastic glasses shall be used for three hours before the advertised kick off time until two hours after the match has been completed.*

Please let me know if you have any questions.

Kind regards,

Maria Dimitriou

Licensing Compliance Officer
Licensing Team
The Environment Department
Hammersmith & Fulham Council
Direct Line: 020 8753 1452
Work Mobile: 07766 998 705
Maria.Dimitriou@lbhf.gov.uk
www.lbhf.gov.uk

From: Tom.Stewart@met.police.uk <Tom.Stewart@met.police.uk>

Sent: 21 October 2020 13:49

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Cc: Cardwell Kris J - AW-CU <Kristen.Cardwell@met.police.uk>; Rawlinson James: H&F <James.Rawlinson@lbhf.gov.uk>; Overton Adrian: H&F <Adrian.Overton@lbhf.gov.uk>

Subject: FW: Application for a new Premises Licence for 1 Shepherd's Bush Green London W12 8PH

Dear Licensing,

Please see below correspondence between the Police and the applicant. We have agreed to amendments to the hours of operation and some extra conditions. I have copied in the applicant for their information.

Kind Regards

Pc Tom Stewart 4230AW
Licensing Officer - Hammersmith and Fulham - Central West BCU
Metropolitan Police Service
07917395768
Tom.stewart@met.police.uk
AWMailbox.Licensing@met.police.uk
Shepherd's Bush Police Station

From: Rasa Monazahian

Sent: 21 October 2020 12:46

To: Stewart Tom - AW-CU <Tom.Stewart@met.police.uk>

Subject: Re: Application for a new Premises Licence for 1 Shepherd's Bush Green London W12 8PH

Dear Mr Stewart

This is to confirm we agree with all the conditions mentioned in your previous email.

Kind Regards,
Rasa Monazahian

On Oct 20, 2020, at 09:53, Tom.Stewart@met.police.uk wrote:

Dear Mr Monazzahian,

Further to our conversations last week, please see below my suggested amendments to your application:

Supply of alcohol both on and off the premises: Mondays to Sundays from 12noon to 12 midnight - change to **Mondays to Sundays from 12:00 to 23:30**

Proposed opening hours: Monday to Sunday from 12noon to 00:30 change to **Monday to Sunday 12:00 to 00:00.**

Late Night Refreshment: Monday to Sundays from 11pm to 12pm – **No changes**

Amendments to conditions:

Currently the CCTV condition states 28 days. It would be preferable if the CCTV saved footage for a minimum of 31 days.

Additional conditions:

- The sale and consumption of alcohol on the premises shall be to customers seated at tables. Vertical drinking shall not be permitted.
- The premises shall operate a dispersal policy and all relevant staff shall be trained in its implementation.
- There shall be no admittance or re-admittance (excluding smokers) to the premises after 23:00

- If given at least 7 days prior notice by a Police Licensing Officer, one or more of the following QPR match day conditions will be adhered to during the relevant match period:
 - a minimum of 2 door supervisors shall be on the premises from 3 hours before the advertised kick off time until two hours after the match has been completed
 - the premises shall not allow any drinking, or provision of food, in any area outside the premises for three hours before the advertised kick off time until two hours after the match has been completed.
 - reusable plastic glasses shall be used for three hours before the advertised kick off time until two hours after the match has been completed.

Please let me know if you agree to the above conditions by return email.

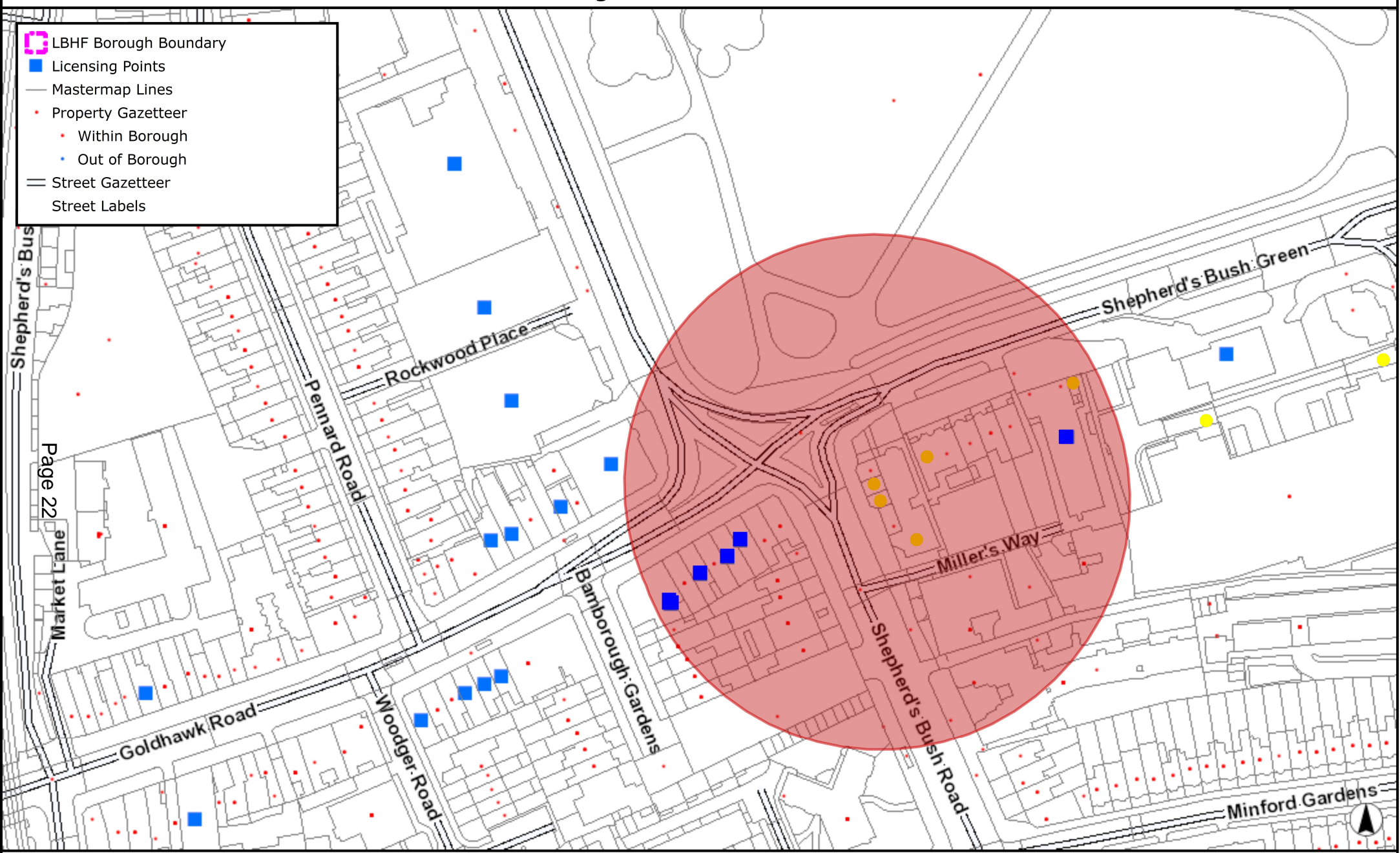
Kind Regards

Tom

Pc Tom Stewart 4230AW
Licensing Officer - Hammersmith and Fulham - Central West BCU
Metropolitan Police Service
07917395768
Tom.stewart@met.police.uk
AWMailbox.Licensing@met.police.uk
Shepherd's Bush Police Station

London Borough of Hammersmith & Fulham

- LBHF Borough Boundary
- Licensing Points
- Mastermap Lines
- Property Gazetteer
 - Within Borough
 - Out of Borough
- Street Gazetteer
- Street Labels



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Scale 1:1052

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Printed on 21 Nov 2020



Reference	Trading As	Address	Activities	Monday to Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2007/01849/LAPR	One More Cafe	3 - 4 Romney Court Shepherd's Bush Green London W12 8PY	Sale of Alcohol On the Premises		12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 22:00:00
2015/01230/LAPR	Liz Cafe	7 Goldhawk Road London W12 8QQ	Sale of Alcohol On the Premises		12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 23:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 23:00:00
2018/01124/LAPR	BrewDog Shepherds Bush	15 - 19 Goldhawk Road, London W12 8QQ	Performance of Dance		10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	12:00:00 - 22:30:00
			Performance of Live Music		10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	12:00:00 - 22:30:00
			Playing of Recorded Music	0024H - no restriction							
			Provision of Late Night Refreshment		23:00:00 - 00:00:00	23:00:00 - 00:00:00	23:00:00 - 00:00:00	23:00:00 - 00:00:00	23:00:00 - 00:00:00	23:00:00 - 00:00:00	
			Sale of Alcohol On and Off the Premises		10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	10:00:00 - 00:00:00	12:00:00 - 22:30:00
2019/00405/LAPR	Bocconi	5 Goldhawk Road London W12 8QQ	Sale of Alcohol On the Premises	12:00:00 - 23:00:00							
2020/00435/LAPR	Mikawa	11 Goldhawk Road London W12 8QQ	Provision of Late Night Refreshment		23:00:00 - 01:00:00	23:00:00 - 01:00:00	23:00:00 - 01:00:00	23:00:00 - 01:30:00	23:00:00 - 01:30:00	23:00:00 - 01:30:00	23:00:00 - 00:00:00
			Sale of Alcohol On the Premises		10:00:00 - 01:00:00	10:00:00 - 01:00:00	10:00:00 - 01:00:00	10:00:00 - 01:30:00	10:00:00 - 01:30:00	10:00:00 - 01:30:00	12:00:00 - 00:00:00

LICENSING CONSULTATION INTERNAL MEMO

To : **Maria Dimitriou**

From : **Adrian Overton**

Date : **28th October 2020**

Premises : **Insomnia, 1 Shepherd's Bush Green, W12 8PH**

CAPS Ref : **2020/00892/LAPR**

Application : **New premises licence**

I am the Licensing Policy and Enforcement 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 that this premises is located in the Shepherd's Bush Cumulative Impact Area. I would also like to direct the sub committee's attention towards some relevant parts of the Council's Statement of Licensing Policy and the Guidance issued under Section 182 of the Licensing Act 2003.

The application

An application for a new licence was submitted by Mr Rasa Monazzahian on the 2nd October 2020.

The following activities were included on the application:

Late night refreshment (on and off the premises)

Monday to Sundays from 23:00 to 00:00

Sale of Alcohol (on and off the premises)

Mondays to Sundays from 12:00 to 00:00

The proposed opening hours for the premises were as follows: Monday to Sunday from 12:00 to 00:30.

Supporting information

The Licensing Authority wishes to make a representation to this application as the premises is located within the Shepherd's Bush Cumulative Impact Area.

This area was first identified as being adversely affected by crime and anti-social behaviour associated with licensed premises in May 2011 when the policy was first introduced. The evidence behind the policy was recently reviewed in May 2015 and the issues identified in 2011 were found to remain.

Although applications can still be made in the Cumulative Impact Area the policy states that it is the applicant's responsibility to prove that the application will not have a negative cumulative impact on one or more of the four licensing objectives. We do not believe that all the considerations, as suggested in point 8.40 of guidance below, have been addressed in the application.

Guidance issued under Section 182 of the Licensing Act 2003

The most recent amended guidance under Section 182 of the Licensing Act 2003 was issued in April 2018. The following sections may be of use to the committee:

8.42 - Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 - Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

LBHF statement of licensing policy - considerations

Annex 4 of the LBHF Statement of Licensing Policy 2017 makes particular reference to the Shepherd's Bush Cumulative Impact Policy as follows:

6. Applications for new premises licences, club premises certificates or any variations within the Shepherd's Bush Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the four licensing objectives. Accordingly, the presumption of refusal in this policy is

not absolute and the circumstances of each application will be considered where a relevant representation has been made.

7. The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. Applicants will need to address the special policy issues in their operating schedules. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.

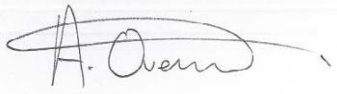
Conclusion

During the study which took place to introduce the Shepherd's Bush Cumulative Impact Policy the area was identified as suffering from high levels of anti-social behaviour including rowdy behaviour and excessive noise from customers leaving licensed premises, particularly late at night.

Despite the conditions suggested in the applicant's operating schedule it is the Licensing Authority's view that the proposed operation will have an adverse impact on the following Licensing Objectives :

- i) The prevention of crime and disorder
- ii) The prevention of public nuisance

Taking into account all of the above I recommend that the committee should consider refusing the application.



Adrian Overton
Licensing Policy and Enforcement Manager
London Borough of Hammersmith and Fulham

Annex 4 - Special licensing policy for the Shepherd's Bush Area

1. The Council has decided to introduce a special policy relating to cumulative impact (as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated January 2011 (paragraph 6.1 to 6.7) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).
2. "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
3. The four licensing objectives are:-
 - a. The prevention of Crime and Disorder
 - b. Public Safety
 - c. The prevention of Public Nuisance
 - d. The protection of Children from Harm
 - e. Protection
4. This policy will apply to all licensed premises as the Shepherd's Bush Area has been identified as being adversely affected in terms of the licensing objectives because of the cumulative impact of the concentration of licensed premises.
5. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.
6. Applications for new premises licences, club premises certificates or any variations within the Shepherd's Bush Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the four licensing objectives. Accordingly, the presumption of refusal in this policy is not absolute and the circumstances of each application will be considered where a relevant representation has been made.
7. The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. Applicants will need to address the special policy issues in their operating schedules. If there are no representations the licensing authority must grant the application in terms consistent with the operating schedule submitted.
8. The cumulative impact policy will be kept under review by the Licensing Authority.



November 2010