

Licensing Sub-Committee

Agenda

Tuesday 12 April 2022
6.30 pm
Online - Virtual Meeting

MEMBERSHIP

Administration:	Opposition:
Councillor Natalia Perez (Chair) Councillor Wesley Harcourt	Councillor Dominic Stanton

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

Public Notice

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/IyBib_GN2cY

Licensing Sub-Committee Agenda

12 April 2022

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST	
	<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.	BOYS N BERRY, 839 FULHAM ROAD, LONDON, SW6 5HQ.	3 - 35

Agenda Item 3

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	4
1.1. Current Hours of Operation	4
1.2. Application Requested	4
1.3. Applicants Operating Schedule	4
2. BACKGROUND	4
3. CONSULTATION	5
3.1 Relevant Representations	5
4. OTHER INFORMATION	5
4.1 Enforcement History	5
4.2 Temporary Event Notices (“TENS”)	5
5. POLICY CONSIDERATIONS	5-7
6. DETERMINATION	7-8

APPENDICES

Copy of current licence and plans	9-21
Copy of application and new plan	22-32
Map showing location of premises and neighbouring premises.....	33-34
Copy of representation from Noise and Nuisance.....	35

1. THE APPLICATION

On the 10 February 2022, Kumi Ltd (“the applicant”) submitted an application to vary the premises licence in respect of premises known as Boys N Berry, located at 839 Fulham Road London SW6 5HQ.

1.1 Current Hours of Operation

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

Sale of Alcohol – On the Premises Only

Monday to Sunday 11:00 - 23:00

The opening hours of the premises:

Monday to Sunday 07:00 - 23:30

A copy of the current premises licence and plan can be seen on pages 9-21 of this report.

1.2 Application Requested

The applicant has applied to vary the premises licence to extend the areas for the sale of alcohol on the premises to include the patio area. These changes shall only cover the ground floor and there shall be no changes to the basement floor. Additionally, based on the application form, the opening hours of the premises shall be Monday to Sunday from 07:00 to 23:00.

No other changes to the permitted hours, activities or conditions are sought or implied.

A copy of the application form and new plan can be seen on pages 22-32 of this report.

1.3 Applicants Operating Schedule

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

2. BACKGROUND

The main access to the premise’s unit is located on Fulham Road. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 33-34 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Fulham Road area. Fulham Broadway tube station is a 15-minute walk away and Parsons Green tube station is a 7-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 Noise and Nuisance objecting to the licence variation application. A copy of this representation can be seen on pages 35 of this report.

4. OTHER INFORMATION

4.1 Enforcement History

On 22 October 2021 an inspection sheet was left at the premises as a warning letter following several breaches of licence conditions ascertained during a full licensing inspection undertaken at the premises.

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 5.3 page 12 and 13 of the SLP states that in determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

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

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

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

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

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

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

5.7 Section 10.3 page 19 and 20 of the SLP states that the Licensing Authority will particularly consider the following matters where they are material to the individual application:

- One of the most common complaints the Licensing Authority receive is about nuisance caused by customers as they leave licensed premises at night. The

Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.

- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and/or Interested Parties relating to potential nuisance from any activity at all times dependant on the merits of the application/steps taken or proposed to prevent nuisance.
- Limiting the number of people permitted to use a garden/other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden/other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;

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) Grant the application in part – modifying the proposed hours, activities or conditions.
- (c) Reject 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 the representations.

Licensing Act 2003

Premises Licence



Premises Licence Number: 2019/01855/LAPR

Part 1 – Premises details

Postal address of premises, or if none, OS map reference or description of the premises

Boys N Berry
839 Fulham Road

Post town: London

Post code: SW6 5HQ

Telephone:

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence:

Sale of Alcohol On the Premises

The licence authorises the carrying out of the following licensable activities on the days and at the times specified below:

Sale of Alcohol On the Premises	
Monday to Sunday	11:00 - 23:00

The opening hours of the premises:

Monday to Sunday	07:00 - 23:30
------------------	---------------

Where the licence authorises supplies of alcohol whether these are on and / or off supplies:

On the Premises Only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Kumi Ltd
1 Tileman House
133 Upper Richmond Road
London
SW15 2DD

Email: 

Registered number of holder, for example company number, charity number (where applicable):

11868676

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:



Licensing Authority:
Personal Licence Number:

Annex 1 – Mandatory Conditions

1. Mandatory Condition

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. Mandatory Condition

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

3. Mandatory Condition

1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. Mandatory Condition

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. Mandatory Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. Mandatory Condition

(1) No supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating Schedule

7. The premises shall only operate as a restaurant
(i) in which customers shall be shown to their table,
(ii) the supply of alcohol shall be by waiter or waitress service only,
(iii) food shall be provided in the form of substantial table meals that shall be prepared on the premises and shall be served and consumed at the table using non disposable crockery,
(iv) Alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, the consumption of alcohol by such persons shall be ancillary to taking such meals.

8. The DPS or a deputy shall attend local pub watch/retail watch meetings if available.

9. A personal licence holder shall remain on the premises during the hours that licensable activities are taking place.

10. An incident book shall be kept and maintained at the premises and shall be made available to a Police Officer or an authorised Officer of any responsible authority upon request.

11. The incident book shall be used to record the date and time of any incident, the name of the staff member and a brief description of the customer concerned. All incidents of the following must be recorded in the incident book within 24 hours and retained for a minimum of 12 months.

- a) attempted underage purchases
- b) attempted alcohol purchases by a person who is (or appears to be drunk)
- c) any theft or attempted theft of an alcoholic drink.
- d) seizures of drugs or offensive weapons.
- e) incidents of violence by any person against another.
- f) any other criminal incidents.
- g) any complaints received or actions taken to address them.
- h) any visits by responsible authorities
- i) any faults in the VCR/CCTV system

12. Prominent notices shall be displayed behind the bars and in each of the toilets in the premises stating, "These premises operate a Zero Tolerance Policy towards the possession or use of drugs." Any person found to be under the influence of or in the possession of drugs shall be immediately reported to the Police.

13. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system shall be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly, a log kept and signed by a Supervisor to this effect.

- a) The system shall provide an identifiable full head and shoulder image of everyone entering the premises and shall operate in any light conditions within the premises.
- b) The system shall cover the full exterior of the premises and shall record in real time, date and time stamped and shall operate whilst the premises is open for licensable activities.
- c) The recordings shall be kept for a minimum of 31 days and copies shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge.
- d) There shall always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

14. A refusals book shall be kept on the premises to record all refused sales of alcohol. The record shall include:

- a) Date and time of the refusal
- b) Name of the member of staff who refused the sale
- c) Reason for the refusal
- d) A brief description of the person refused

The refusals book must be made available for inspection upon request by the Police or an authorised Officer of licensing authority.

15. The DPS shall ensure that all staff receive fully documented training in relation to Challenge 25 and the licensing objectives. All staff shall be trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health and safety, first aid, alcohol and drug awareness and conflict management.

16. The DPS and the Premises Licence holder shall monitor the external areas of the premises in relation to public nuisance or anti-social behaviour.

17. Management shall control exit of the venue and shall make sure that customers exit quietly and are made aware that they are to respect neighbours by keeping noise to a minimum.

18. A notice shall be prominently displayed at any area used for entering or exiting the premises to remind patrons to please leave quietly.

19. A direct telephone number shall be made publicly available at all times while the premises are open. This telephone number shall be made available to local residents and businesses.

20. No waste collections, bottle disposal or deliveries shall take place at the premises between the hours of 21:00 and 08:00 Monday to Saturday or between 20:00 and 10:00 Sundays and bank holidays.

21. Management shall ensure that the area outside the premises is swept and cleaned and that any cigarette butts are removed and disposed of inside the premises.

22. A designated smoking area shall be provided which shall be monitored by external CCTV to prevent the likelihood of any public nuisance.

23. Notices shall be displayed advising customers of the challenge 25 policy in force at the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

Signed: 
Authorised Officer

Date: 06.12.2019
Reissued Date:10.11.2021

Annex 4- Plans:

Please insert plans at pages 8 to 9

Licensing Act 2003

Premises Licence



Premises Licence Summary

Premises Licence Number: 2019/01855/LAPR

Premises details

Postal address of premises, or if none, OS map reference or description of the premises

Boys N Berry
839 Fulham Road

Post town: London

Post code: SW6 5HQ

Telephone:

Where the licence is time limited the dates:

Not Applicable

Licensable activities authorised by the licence:

Sale of Alcohol On the Premises

The licence authorises the carrying out of the following licensable activities on the days and at the times specified below:

Sale of Alcohol On the Premises	
Monday to Sunday	11:00 - 23:00

The opening hours of the premises:

Monday to Sunday	07:00 - 23:30
------------------	---------------

Where the licence authorises supplies of alcohol whether these are on and / or off supplies:

On the Premises only

Name, (registered) address, of holder of premises licence:

Kumi Ltd
1 Tileman House
133 Upper Richmond Road
London
SW15 2DD

Registered number of holder, for example company number, charity number (where applicable):

11868676

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

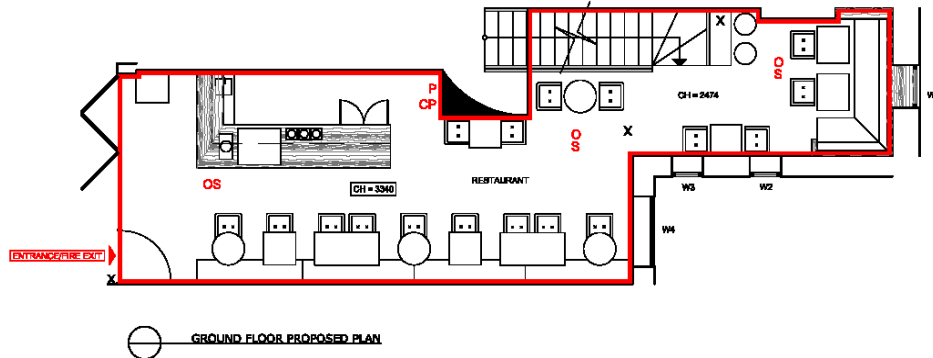
Mr Besmir Malaj

State whether access to the premises by children is restricted or prohibited:

No Restrictions

Signed: 
Authorised Officer

Date: 06.12.2019
Reissued Date:10.11.2021

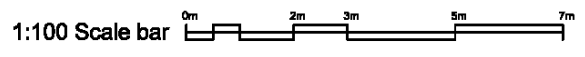
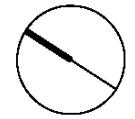


NOTES:

- Dimensions to be verified on site. Only figured dimensions to be used and any discrepancies in dimensions are to be reported to the designer. No dimensions are to be scaled from printed drawings. Any areas indicated on this drawing are for guidance only. No responsibility is taken for their accuracy.

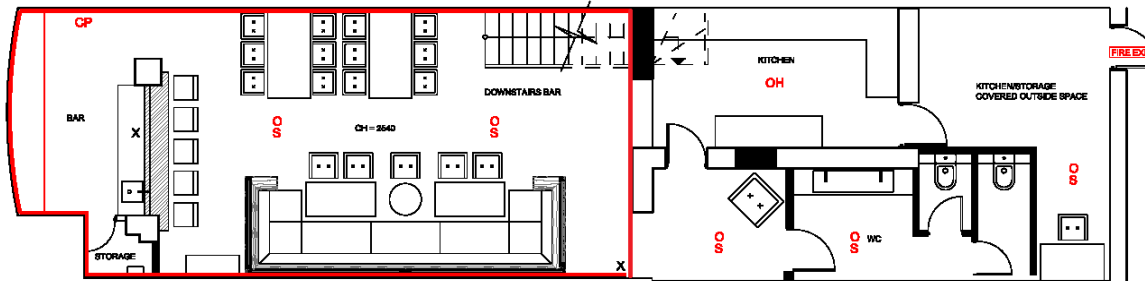
■ RED OUTLINED AREA DENOTES LICENSABLE AREA

- P - Panel
- CP - Call point
- O - Fire
- S - Smoke
- H - Heat
- X - CCTV



Project:		ANNA ZVEDRIS DESIGNS		
839 Fulham road				
Client:	Drawn by	Checked by	Approved by	
	AM	AZ		
Title:	Scale:	Date		
	1/100 @ A3	12.11.2016		
	Drawing No:	Rev:		
	839 100	A		

Rev.	Date	Reason for issue
A	13.05.2016	Issue for information
*	18.02.2016	Issue for information

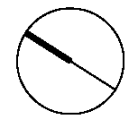


NOTES:

1. Dimensions to be verified on site. Only figured dimensions to be used and any discrepancies in dimensions are to be reported to the designer. No dimensions are to be scaled from printed drawings. Any areas indicated on this drawing are for guidance only. No responsibility is taken for their accuracy.

RED OUTLINED AREA DENOTES LICENSABLE AREA

- P - Panel
- CP - Call point
- O - Fire
- S - Smoke
- H - Heat
- X - CCTV



Rev.	Date	Reason for issue
A	13.05.2016	Issue for information
*	18.02.2016	Issue for information

Project:	ANNA ZVEDRIS DESIGNS		
839 Fulham road	Drawn by	Checked by	Approved by
Client:	AM	AZ	
Title:	Scale:	Date	
Basement proposed plan	1/100 @ A3	12.11.2016	
	Drawing No:	Rev:	
	839 101	A	

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

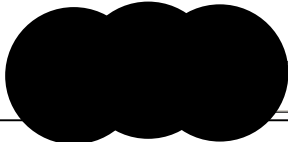
County or administrative area

Postcode

Country

Premises Contact Details

Telephone number



Continued from previous page...

Non-domestic rateable value of premises (£)

35,750

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

There is a rear extension in the form of a patio that we need to include in our current premises license

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 18

ADULT ENTERTAINMENT

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

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

For all licensing objectives: We have cctv in place and we do not supply alcohol above limits, we adhere by teh rules of our license and we have stickers around to promote safe drinking

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

DECLARATION

* 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name	<input type="text" value="Kristina Kumi"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="09"/> / <input type="text" value="02"/> / <input type="text" value="2022"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/hammersmith-and-fulham/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.









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.

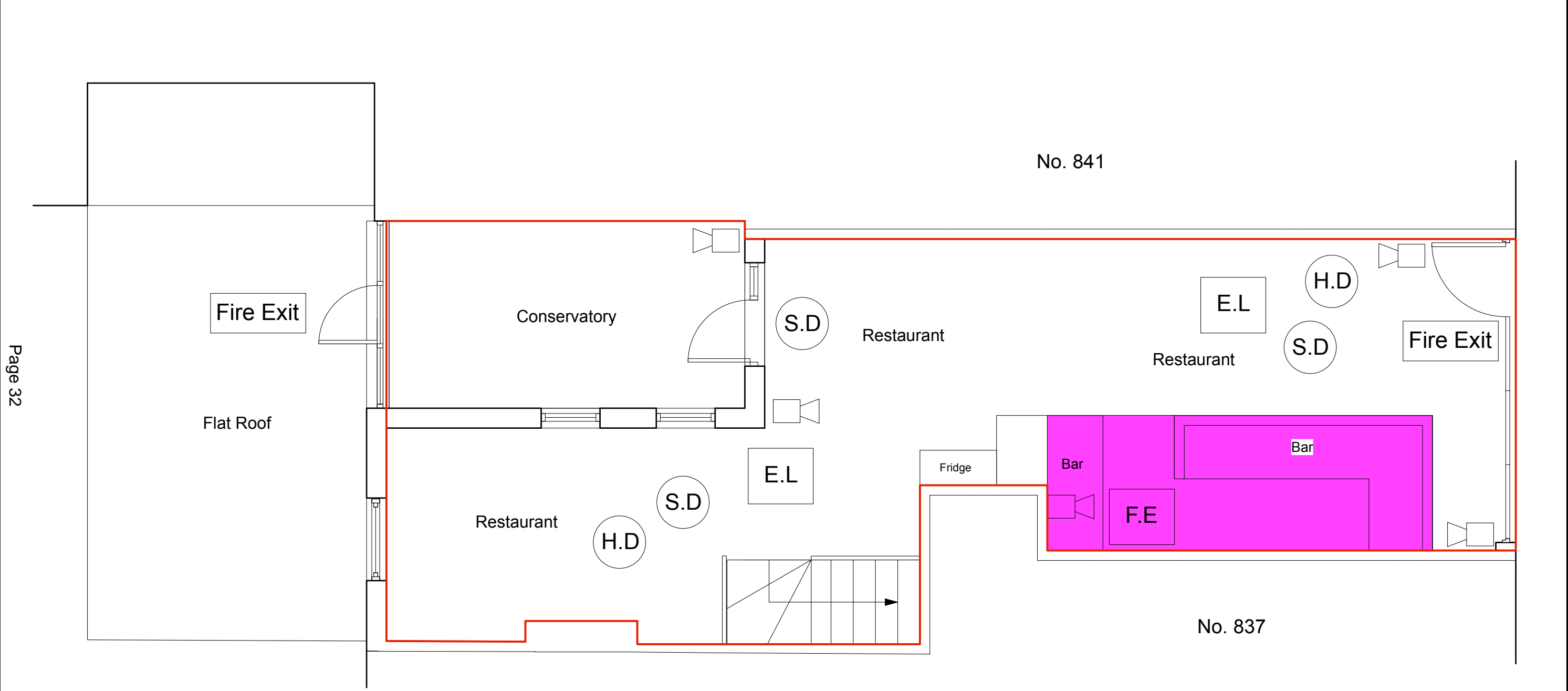
OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

LEGEND

Bar Area		Licensed Premises		Fire Extinguisher		CCTV	
Fire Exit		Emergency Lighting		Smoke Detector		Heat Detector	



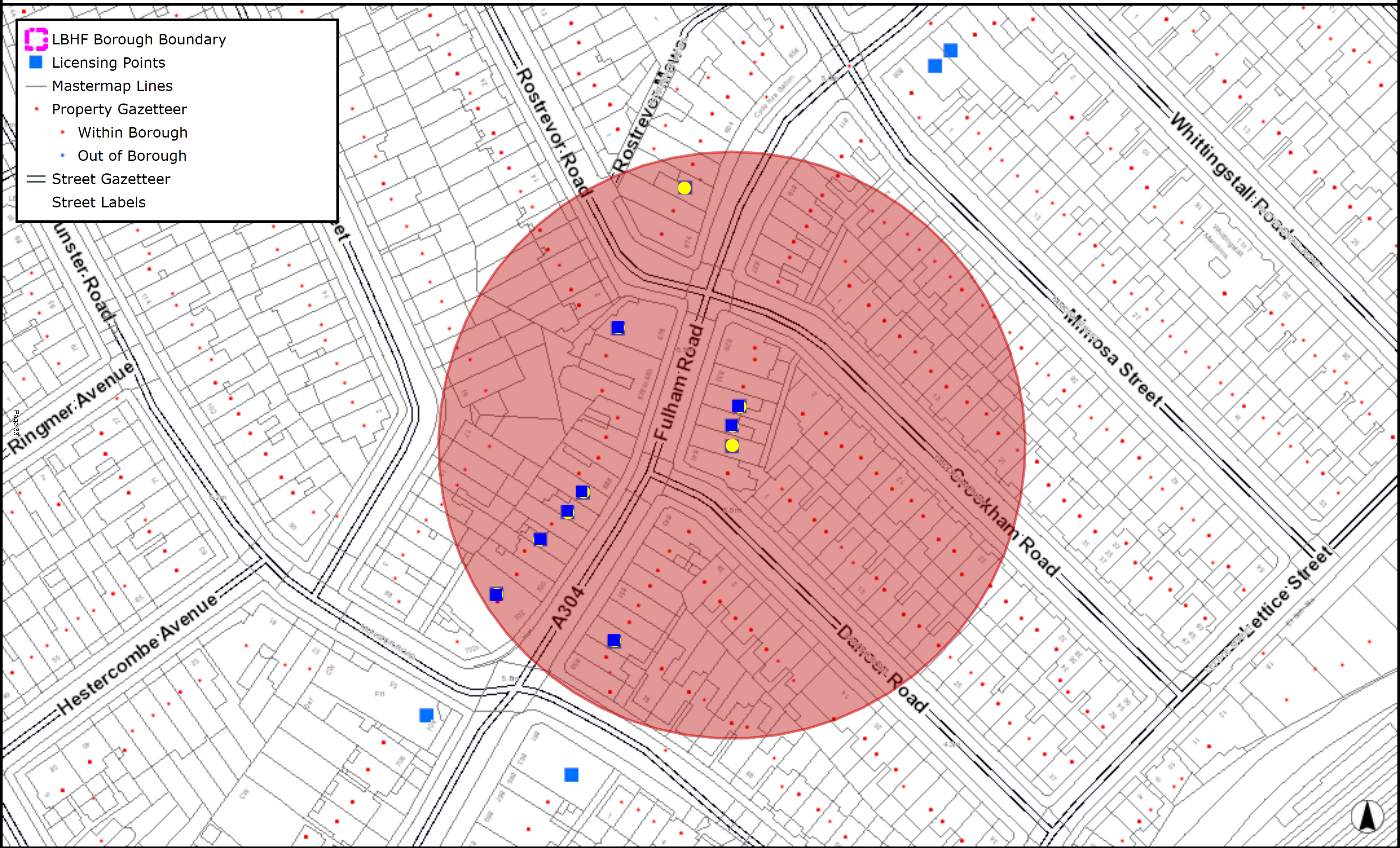
Page 32

Ground Floor Plan - BoysnBerry, 839 Fulham Road, London, SW6 5HQ



London Borough of Hammersmith & Fulham

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



Reference Nr	Trading as	Address	Activites	Monday to Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2005/01974/LAPRT	Sukho Thai Cuisine	855 Fulham Road London SW6 5HJ	Sale of Alcohol On the Premises		10:00:00 - 23:00:00	10:00:00 - 23:00:00	10:00:00 - 23:00:00	10:00:00 - 23:00:00	10:00:00 - 23:00:00	11:00:00 - 23:00:00	12:00:00 - 22:30:00
2005/02996/LAPRT	Monty's	692 Fulham Road London SW6 5SA	Sale of Alcohol On the Premises		11:00:00 - 00:00:00	11:00:00 - 00:00:00	11:00:00 - 00:00:00	11:00:00 - 00:00:00	11:00:00 - 00:00:00	11:00:00 - 00:00:00	12:00:00 - 23:30:00
2008/04111/LAPR	Fulham Kebab House	696 Fulham Road London SW6 5SA	Provision of Late Night Refreshment		23:00:00 - 23:30:00	23:00:00 - 23:30:00	23:00:00 - 23:30:00	23:00:00 - 23:30:00	23:00:00 - 00:00:00	23:00:00 - 00:00:00	23:00:00 - 23:30:00
			Sale of Alcohol On the Premises	11:00:00 - 22:30:00							
2010/00941/LAPR	La Pizzica	837 Fulham Road London SW6 5HQ	Sale of Alcohol On and Off the Premises	07:00:00 - 23:00:00							
2016/00221/LAPR	Tesco	700 Fulham Road London SW6 5SA	Sale of Alcohol Off the Premises	07:00:00 - 23:00:00							
2017/00983/LAPR	Bayley & Sage	835 Fulham Road London SW6 5HQ	Sale of Alcohol Off the Premises	10:00:00 - 21:00:00							
2021/00019/LAPR	Basilico Ltd	690 Fulham Road London SW6 5SA	Provision of Late Night Refreshment						23:00:00 - 23:59:00	23:00:00 - 23:59:00	
			Sale of Alcohol Off the Premises		11:30:00 - 23:00:00	11:30:00 - 23:00:00	11:30:00 - 23:00:00	11:30:00 - 23:00:00	11:30:00 - 23:59:00	11:30:00 - 23:59:00	11:30:00 - 23:00:00
2021/00059/LAPR	The Hive SW6	670 Fulham Road London SW6 5RX	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
2021/00606/LAPR	The Brown Cow	Munster House 676 Fulham Road London SW6 5SA	Playing of Recorded Music	No restrictions							
			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	23:00:00 - 23:30:00
			Regulated Entertainment for Private Use	No restrictions							
			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

From: Rawlinson James: H&F
Sent: 19 March 2022 22:01
To: Licensing HF: H&F; Dimitriou Maria: H&F
Subject: RE: Licensing Act 2003 - Reference: 2022/00150/LAPR

Hi Maria

As I am now on leave until the 4th April, I would (on behalf of noise and nuisance) to like to make a holding representation against this application. The representation is on the grounds of the prevention of public nuisance and specifically that the operating schedule (as submitted with the application), is not considered sufficiently robust to ensure potential noise nuisance is fully considered.

I shall provide conditions and further detail on my return from leave.

Thanks

James Rawlinson
Noise and Nuisance Officer
Resident services
Hammersmith & Fulham Council