

# Licensing Sub-Committee

## Agenda

Wednesday 2 August 2023 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

### MEMBERSHIP

Administration:	Opposition:
Councillor Mercy Umeh (Chair) Councillor Wesley Harcourt	Councillor Dominic Stanton

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### Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

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

Date Issued: 24 July 2023

# Licensing Sub-Committee Agenda

2 August 2023

<u>Item</u>		<u>Pages</u>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
	<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>	
<b>3.</b>	<b>WOODY GRILL, 1-3 UXBRIDGE ROAD, LONDON, W12 8LJ.</b>	<b>3 - 56</b>

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## 1. REVIEW APPLICATION

On 20 June 2023, an application for a review of a premises licence under section 51 of the Licensing Act 2003 was served by Mr Lenny Johnson on behalf of the Central London Immigration Compliance & Enforcement (ICE) Team. The review application is in respect of the premises known as Woody Grill, 1-3 Uxbridge Road, London, W12 8LJ. At the time the application was received, Mr Cengiz Erpolat was the licence holder.

The application for a review of the premises licence was made on the grounds of prevention of crime and disorder and public safety, following three visits conducted by the Central London ICE Team. On each occasion employees were found to be working illegally without the right to work in the United Kingdom.

Mr Johnson, on behalf of the Central London ICE Team, details in the review that there were serious failures to comply with right to work checks. Following intelligence received that Woody Grill was employing illegal workers, the Central London ICE Team have now conducted three illegal working enforcement visits between March 2022 and May 2023 and each time arrests of illegal workers have been made. A timeline of these visits has been detailed in the review application, which can be seen on pages 18 and 19 of this report.

The Central London ICE Team state that the premises appears to be operating with a complete disregard of the law and licensing objectives and the current operation of the premises is not in compliance with its Licensing Conditions. The Central London ICE Team have tried to offer advice to Woody Grill on each occasion, and they have been fined in an attempt to drive compliance however, they continue to re-offend. On the 19 May 2022 at 23:34, during a third visit conducted by the Central London ICE Team with Licensing present at the premises, there were identified breaches of Immigration Offences and a breach of licensing conditions. The full details of the Licensing inspection can be seen in section 5.1 of this report on pages 6 and 7.

Due to the serious and repetitive nature of these incidents, Mr Johnson requests that the Licensing Sub-Committee considers revoking the licence.

A copy of the review application and supporting documentation can be seen on pages 15-22 of this report.

## 2. CURRENT LICENCE

The premises have traded under a premises licence which permits the following licensable activities:

### **Late Night Refreshment -Both Indoors and Outdoors**

Monday – Sunday 23:00 - 05:00

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

Monday – Sunday 10:00 - 05:00

A copy of the current premises licence can be seen on pages 23-29 of this report.

### **3. BACKGROUND**

There has been a premises licence in place at this address since 15<sup>th</sup> January 2010. This licence was applied for by Mr Cengiz Erpolat in December 2009, and he has remained the licence holder since.

On 14 June 2022 an application for a Minor Variation was submitted by Mrs Aysen Ipek Kilic of NARTS (“the agent”) on behalf of Mr Cengiz Erpolat (“the applicant”) to remove 2 conditions, and to add a further 7 conditions to the licence. This application with reference number 2022/00952/LAPR was granted on 29 June 2022. A copy of the current licence can be seen on pages 23-29 of this report.

The main access to the premises is located on Uxbridge 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 30-32 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Uxbridge Road and Shepherd’s Bush Green area. Shepherds Bush Market tube station is a 1-minute walk away, Shepherds Bush overground, and tube station are a 7-minute walk away and Goldhawk Road tube station a 6-minute walk from the premises.

### **4. CONSULTATION**

A public notice was displayed by the Council at and near the premises. A further public notice was displayed by the Council at the Council Offices on King Street Hammersmith. Details of the application were also published on the LBHF Website and sent to the local Ward Councillors.

A notice of review was served on the premises licence holder and all the statutory responsible authorities as required by regulation.

#### **4.1 Relevant Representations**

The licensing section received one representation from the Licensing Authority in support of the review application. A copy of this representation can be seen on pages 33-36 of this report.

The licensing section received one representation from the Police Licencing Team in support of the review application. A copy of this representation can be seen on pages 37-38 of this report.

The licensing section received 9 representations from local residents supporting the review application. A copy of these representations can be seen on pages 39-51 of this report.

## 5. OTHER INFORMATION

### 5.1 Enforcement History

On the 19 May 2022 at 23:34, during a third visit conducted by Immigration Enforcement with Licensing present at the premises, there were identified breaches of Immigration Offences and a breach of licensing conditions. Entry was gained by means of a warrant and conducted during licensable hours. Two immigration offenders were found working illegally on the premises. The premises was issued with another illegal working referral notice for a civil penalty.

A licensing inspection was conducted during this visit which identified the following breaches:

- *3. No person shall be allowed to work at the Premises unless they have and are able to demonstrate the right to work in the United Kingdom.*
- *4. Right to work checks shall be carried out by or on behalf of the licensee on all persons that are carrying out work within the Premises, whether paid or otherwise, temporary or permanent, before those persons commence work. The documentation for each employee shall include: date stamped colour copies of all documents produced, the name of the person who has checked the original documents and confirmation that the said person has seen the original documents, any enquiries made and a right to work checklist with the relevant box (es) ticked. This information shall be retained in each case (whether they have carried out or are still carrying out work within the Premises) for a minimum of 3 years. Such copies shall be kept on the Premises and made available for inspection by police, licensing or immigration officers on request.*
- *5. Right to work audits of all persons working at the Premises shall be carried out once a year, with records of the said audits to be retained for a period of at least 3 years. Records of said audits shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.*
- *2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.*
- *1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;  
- shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.*

- at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
  - shall cover any internal or external area of the premises where licensable activities take place.
  - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
  - footage shall be provided free of charge to the Police or authorised Council officer within 24 hours of a request.
  - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
- 7. A written contemporaneous record shall be maintained on the Premises, detailing the hours worked by all persons (paid or unpaid). Such record shall as a minimum cover the previous 8 working weeks. Said records shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.

The inspection sheet of the above breaches was left with the manager as a warning letter.

## **5.2 Temporary Event Notices**

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

## **6. POLICY CONSIDERATIONS**

- 6.1. It is the Council's duty under the Licensing Act 2003 to determine the review 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.
- 6.2 In reaching a decision the Council must have regard to the Council's adopted Statement of Licensing Policy ("SLP") and the guidance issued by the Secretary of State under section 182 Licensing Act 2003.
- 6.3 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 ("the Guidance") contains advice in paragraphs 11.16 to 11.28 in relation to the review of a premises licence. Paragraphs 11.16 to 11.28 of the revised guidance can be seen on pages 52-56 of this report.
- 6.4 The Council's own SLP gives guidance concerning the review of a premises licence.
- 6.5 In section 9 page 17 of the SLP in relation to responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015 which states that licence holders have responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015. The Authority has responsibilities that relate to the prevention of immigration crime,

specifically the prevention of illegal working in licensed premises. The London Borough of Hammersmith & Fulham has a duty under the Modern Slavery Act 2015 to co-operate with the Independent Anti-Slavery Commissioner, and the Authority is also under this duty as part of the London Borough of Hammersmith & Fulham see [Tackling modern slavery | LBHF](#) for more information.

6.6 Policy 3 pages 20 and 21 of the 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:

- a) 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;
- b) Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- c) Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- d) 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, anti-social behaviour (ASB), nuisance and vehicle emissions;
- e) Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

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.

To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

<b>Type of premises</b>	<b>Town centres</b>	<b>Mixed use areas</b>	<b>Residential areas</b>
Late night refreshment premises (Take-aways)	Fri – Sat 01:00 Sun – 00:00	Fri – Sat 00:30 Sun – 23:30	Not considered Appropriate

6.6 Policy 9 pages 27 and 28 of the SLP states that the Licensing Authority operates a reactive and proactive inspection regime that is based on risk and specific incidents. Our Enforcement Policy explains how officers will take a graduated response to premises breaking the law, as we apply the principles of: Engage, Explain, Encourage, Enforce.



Premises that produce disorder, threaten public safety, generate public nuisance or threaten the wellbeing of our children, women or vulnerable people will be targeted for enforcement action.

The Licensing Authority will take enforcement action in accordance with our Enforcement Policy and relevant statutory powers.

The Licensing Authority will use a range of sanctions such as letters of warning, simple cautions, Fixed Penalty Notices (FPNs), closure notices and legal proceedings.

The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies. Where the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about licensed premises, to help target resources and activities and minimise duplication.

- 6.7 Policy 10 page 28 of the SLP in relation to reviews states that the Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 5.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- a) Modify the conditions of the premises licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for up to three months;
- e) Revoke the licence.
- f) Take no further action.

- 6.8 Policy 11 page 30 of the SLP states that population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures put in place by the applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises.

6.9 Annex 1 pages 35 to 36 of the SLP in relation to crime and disorder states the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to promote the licensing objective of the 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;

The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:

- h) Crime and disorder in the vicinity of the premises: this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
- i) alternative to glass bottles and glasses - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
- j) CCTV - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- k) dispersal procedures - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- l) dealing with and reporting crime and disorder - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- m) door staff - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered).
- n) drugs and weapons - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- p) local schemes – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- q) prevention of theft - using bag hooks and signage to warn customers of pickpockets and bag snatchers.

Applicants are advised to consider the following two paragraphs from the March 2015 edition of the Secretary of State's Guidance to Licensing Authorities:

'11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- i. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

- ii. for the sale and distribution of illegal firearms;
- iii. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- iv. for prostitution or the sale of unlawful pornography;
- v. by organised groups of paedophiles to groom children;
- vi. as the base for the organisation of criminal activity, particularly by gangs; for the organisation of racist activity or the promotion of racist attacks;
- vii. for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- viii. for unlawful gambling; and
- ix. for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'

6.10 Annex 1 page 38 to 39 of the SLP in relation to the prevention of public nuisance states that the Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met.

This is expected to include:

- a) In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour and any Public Spaces Protection Orders (PSPOs) in place.
- b) The Licensing Authority will particularly consider the following matters where they are material to the individual application:
  - ii. The proximity of residential accommodation;
  - iii. The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
  - iv. 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;
  - v. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
  - vi. Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
  - vii. Restricting the use of a garden or 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).

- viii. 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;
- ix. The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- x. The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- xi. The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- xii. The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- xiii. The delivery and collection areas and delivery/collection times;
- xiv. The siting of external lighting, including security lighting that is installed inappropriately;
- xv. The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- xvi. The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- xvii. The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- xviii. The generation of odour, e.g. from the preparation of food;
- xix. Any other relevant activity likely to give rise to nuisance;
- xx. Any representations made by the Police, or other relevant agency or representative;

The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

j) **Deliveries/collections** – noise from deliveries to and/or collections (e.g., refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise sensitive properties.

k) **Late night refreshment** - applicants in respect of late-night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.

l) **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.

m) **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated

entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

n) **External Areas** – External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people.

o) **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.

p) **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.

q) **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.

r) **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day. Consideration should also be given to the time of deliveries to minimize disruption to local residents.

s) **Litter** – for example, litter patrols for late night take-away premises

6.11 Annex 4 page 52 of the SLP in relation to the grounds for considering a review state that the Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

a) Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;

b) Use of licensed premises for the sale and distribution of illegal firearms and the laundering of illegal firearms money;

c) Evasion of copyright in respect of pirated or unlicensed films and music;

d) Underage sales and consumption of alcohol;

e) Use of a licensed premises contrary to any emergency legislation requesting its closure;

f) Use of licensed premises for prostitution or the sale of unlawful pornography;

g) Serious risks to children;

h) Use of licensed premises for unlawful gaming and gambling;

i) Use of licensed premises as a base for organised criminal activity;

j) Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;

k) Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;

l) The use of licensed premises for the sale of stolen goods;

- m) Incidents of disorder;
- n) Instances of public nuisance where warnings have been disregarded;
- o) Serious risks to public safety which the management is unable or unwilling to correct;
- p) Frequently operating outside permitted hours.
- q) There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

## **7. THE REVIEW HEARING**

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) Take no further action.
- (b) Modify the conditions of the licence.
- (c) Exclude a licensable activity from the scope of the licence.
- (d) Remove the Designated Premises Supervisor.
- (e) Suspend the licence for a period not exceeding three months.
- (f) Revoke the licence.

Where the Committee takes a step mentioned in (b) or (c) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance
- public safety
- protection of children from harm

It must also have regard to its own SLP and the Guidance.

If the Committee is minded to amend the licence, conditions may be attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.

**Application for the review of a premises licence or club premises certificate  
 under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I**

*(Insert name of applicant)* **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
<b>Post town</b>	<b>Post code (if known)</b>

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Cengiz Erpolat

**Number of premises licence or club premises certificate (if known)**  
**Part 2 - Applicant details**

2022/00952/LAPR

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**



Name and address

**application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 2)**

**Please provide as much information as possible to support the application** (please read guidance note 3)

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

If yes please state the date of that application

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature L Johnson

Date .....

Capacity .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone</b>	
<b>ng an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.

5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# Licensing Act 2003

## Premises Licence



**Premises Licence Number:** 2022/00952/LAPR

### Part 1 – Premises details

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

Woody Grill  
1 - 3 Uxbridge Road

**Post town:** London

**Post code:** W12 8LJ

**Telephone:**

**Where the licence is time limited the dates:**

Not Applicable

**Licensable activities authorised by the licence:**

Provision of Late Night Refreshment -Both Indoors and Outdoors

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

Provision of Late Night Refreshment -Both Indoors and Outdoors  
Monday to Sunday 23:00 - 05:00

**The opening hours of the premises:**

Monday to Sunday 10:00 - 05:00

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

Not Applicable

## Part 2

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

Mr Cengiz Erpolat

[REDACTED]

[REDACTED]

[REDACTED]

**Email:** [REDACTED]

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

Not Applicable

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

Not Applicable

## **Annex 1 – Mandatory Conditions**

### **Annex 2 – Conditions consistent with the operating Schedule**

1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
  - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
  - at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
  - shall cover any internal or external area of the premises where licensable activities take place.
  - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
  - footage shall be provided free of charge to the Police or authorised Council officer within 24 hours of a request.
  - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.



3. No person shall be allowed to work at the Premises unless they have and are able to demonstrate the right to work in the United Kingdom.
4. Right to work checks shall be carried out by or on behalf of the licensee on all persons that are carrying out work within the Premises, whether paid or otherwise, temporary or permanent, before those persons commence work. The documentation for each employee shall include: date stamped colour copies of all documents produced, the name of the person who has checked the original documents and confirmation that the said person has seen the original documents, any enquiries made and a right to work checklist with the relevant box (es) ticked. This information shall be retained in each case (whether they have carried out or are still carrying out work within the Premises) for a minimum of 3 years. Such copies shall be kept on the Premises and made available for inspection by police, licensing or immigration officers on request.
5. Right to work audits of all persons working at the Premises shall be carried out once a year, with records of the said audits to be retained for a period of at least 3 years. Records of said audits shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.
6. No worker within the Premises shall be paid less than the prevailing statutory minimum wage.
7. A written contemporaneous record shall be maintained on the Premises, detailing the hours worked by all persons (paid or unpaid). Such record shall as a minimum cover the previous 8 working weeks. Said records shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.
8. All fire exits and routes shall be clearly marked and kept free from obstruction at all times.
9. All waste generated by the premises shall be dealt with appropriately.
10. A record of refused sales shall be kept and maintained on the premises.
11. No adult entertainment, services or activities are authorised at the premises.

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

**Signed:**   
**Authorised Officer**

**Date: 29.06.2022**

**Annex 4- Plans:**

Please insert plans at page 4

# Licensing Act 2003

## Premises Licence



### Premises Licence Summary

**Premises Licence Number:** 2022/00952/LAPR

### Premises details

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

Woody Grill  
1 - 3 Uxbridge Road

**Post town:** London

**Post code:** W12 8LJ

**Telephone:**

**Where the licence is time limited the dates:**

Not Applicable

**Licensable activities authorised by the licence:**

Provision of Late Night Refreshment -Both Indoors and Outdoors

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

Provision of Late Night Refreshment -Both Indoors and Outdoors  
Monday to Sunday 23:00 - 05:00

**The opening hours of the premises:**

Monday to Sunday 10:00 - 05:00

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

Not Applicable

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

Mr Cengiz Erpolat

██████████  
██████████  
██████████

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

Not Applicable

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

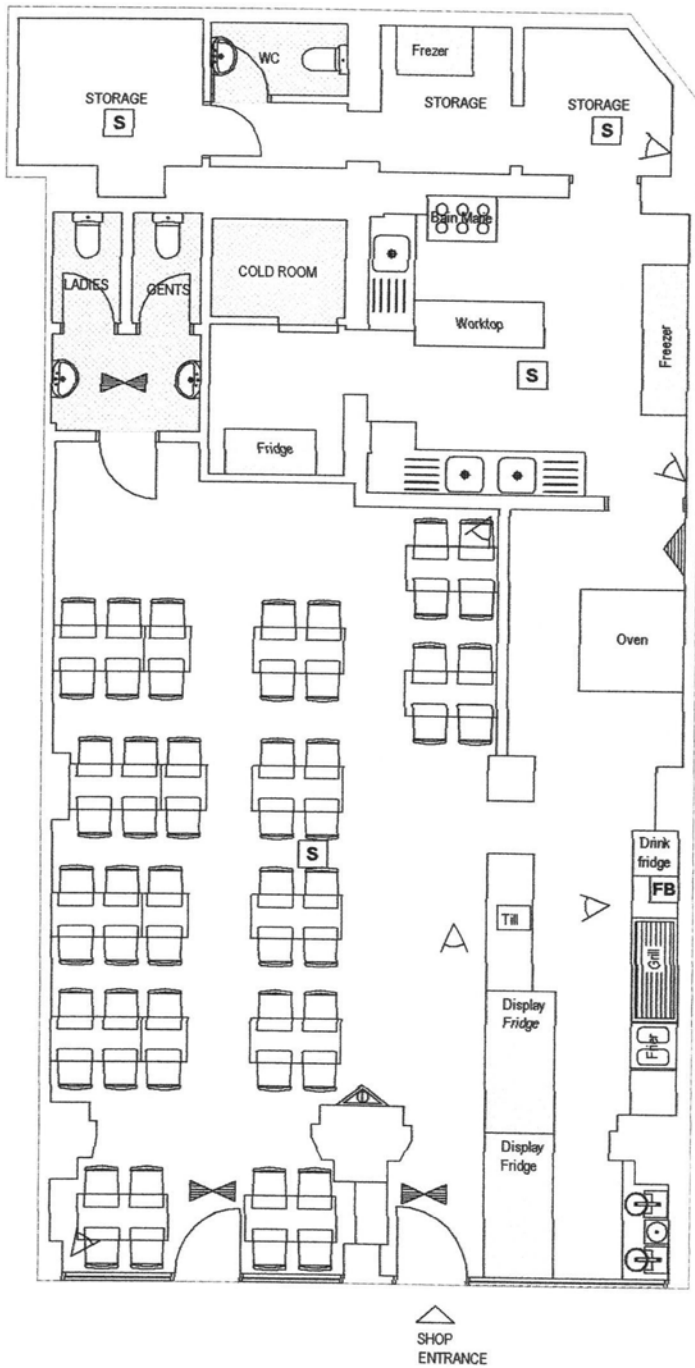
Not Applicable

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

No Restrictions

**Signed:**   
**Authorised Officer**

**Date: 29.06.2022**



GROUND FLOOR PLAN

**LEGEND**

- COLD ROOM
- WC AREA
- FRIDGES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- POWDER FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- FIRE BLANKET

WOODY GRILL

1  
UXBRIDGE ROAD  
LONDON  
NW12 8LJ

**PROPOSED  
GROUND FLOOR**

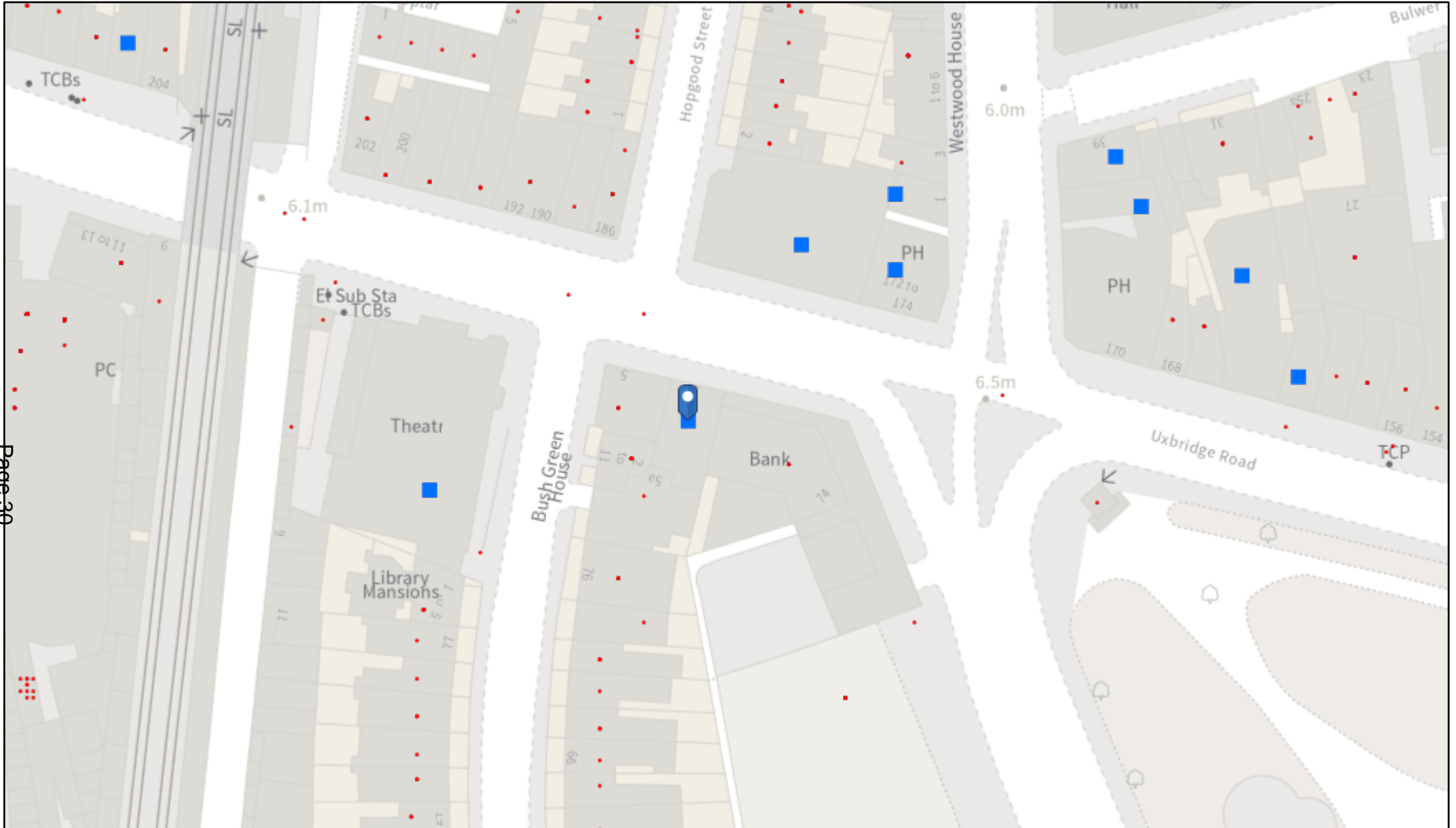
SCALE : 1/100@A4

DATE : 10/12/09

REF. NO : E101209

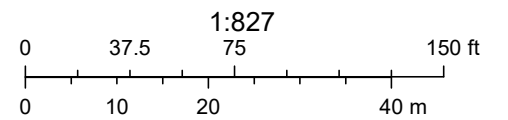
**ACT 2003**  
90 Green Lanes LONDON  
N16 9EJ

# eGIS Web Map



Page 30

11/07/2023, 10:49:21



LICENCE No	TRADING AS	ADDRESS	ACTIVITY	Monday to Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2022/01909/LAPR	The Green	172 - 174 Uxbridge Road W12 7JP	Exhibition of a Film		08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 01:00:00	08:00:00 - 01:00:00	08:00:00 - 00:00:00
			Playing of Recorded Music		08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 01:00:00	08:00:00 - 01:00:00	08:00:00 - 00:00:00
			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 - 01:00:00	23:00:00 - 01:00:00	23:00:00 - 00:00:00
			Sale of Alcohol On and Off the Premises		08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 00:00:00	08:00:00 - 01:00:00	08:00:00 - 01:00:00	08:00:00 - 00:00:00
2007/02756/LAPR	Chicken Cottage	162 Uxbridge Road W12 8AA	Provision of Late Night Refreshment		23:00:00 - 04:00:00	23:00:00 - 04:00:00	23:00:00 - 04:00:00	23:00:00 - 04:00:00	23:00:00 - 05:00:00	23:00:00 - 05:00:00	23:00:00 - 05:00:00
2023/00210/LAPR	Defectors Weld	170 Uxbridge Road W12 8AA	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 - 02:00:00	10:00:00 - 02:00:00	10:00:00 - 00:00:00
			Exhibition of a Film		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 - 02:00:00	10:00:00 - 02:00:00	10:00:00 - 00:00:00
			Indoor Sporting Event		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 - 02:00:00	10:00:00 - 02:00:00	10:00:00 - 00:00:00
			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 - 02:00:00	10:00:00 - 02:00:00	10:00:00 - 00:00:00
			Playing of Recorded Music	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 - 02:00:00	23:00:00 - 02:00:00	23:00:00 - 00:00:00
			Regulated Entertainment for Private Use								
			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 - 02:00:00	10:00:00 - 02:00:00	10:00:00 - 00:00:00
2020/00876/LAPR	The Bush Theatre	7 Uxbridge Road W12 8LJ	Performance of Dance	10:00:00 - 00:00:00							
			Exhibition of a Film	10:00:00 - 00:00:00							
			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 - 00:00:00
			Playing of Recorded Music		09:00:00 - 00:00:00	09:00:00 - 00:00:00	09:00:00 - 00:00:00	09:00:00 - 00:00:00	09:00:00 - 02:00:00	09:00:00 - 02:00:00	09:00:00 - 00:00:00
			Performance of a Play	12:00:00 - 00:00:00							
			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 - 02:00:00	23:00:00 - 02:00:00	23:00:00 - 00:00:00
			Sale of Alcohol On and Off the Premises		12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 02:00:00	12:00:00 - 02:00:00	12:00:00 - 00:00:00

2023/00235/LAPR	Sainsburys	164 Uxbridge Road W12 8AA	Provision of Late Night Refreshment	23:00:00 - 00:00:00								
			Sale of Alcohol Off the Premises	06:00:00 - 00:00:00								
2012/00743/LAPR	Roosters Grill	206 Uxbridge Road W12 7JD	Provision of Late Night Refreshment	23:00:00 - 02:00:00								
2018/00503/LAPR	Spice Of China Limited	39 Bulwer Street W12 8AR	Sale of Alcohol On 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	11:00:00 - 00:00:00	12:00:00 - 22:30:00	
2020/00571/LAPR	Albertine Wine Bar & Restaurant	1 Wood Lane W12 7DP	Sale of Alcohol On and Off the Premises		12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 00:00:00	12:00:00 - 22:30:00	
2021/00690/LAPR	FM Bar	184 Uxbridge Road W12 7JP	Performance of Dance		11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 02:00:00	11:00:00 - 02:00:00	12:00:00 - 01:30:00	
			Performance of Live Music		11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 02:00:00	11:00:00 - 02:00:00	12:00:00 - 01:30:00	
			Playing of Recorded Music		11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 02:00:00	11:00:00 - 02:00:00	12:00:00 - 01:30:00	
			Entertainment Similar to Music or Dance		11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 02:00:00	11:00:00 - 02:00:00	12:00:00 - 01:30:00	
			Provision of Late Night Refreshment		23:00:00 - 01:30:00	23:00:00 - 01:30:00	23:00:00 - 01:30:00	23:00:00 - 01:30:00	23:00:00 - 02:00:00	23:00:00 - 02:00:00	23:00:00 - 01:30:00	
			Sale of Alcohol On the Premises		11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 01:30:00	11:00:00 - 02:00:00	11:00:00 - 02:00:00	12:00:00 - 01:30:00	



## LICENSING CONSULTATION INTERNAL MEMO

To : **Lorna Mckenna**

From : **Adrian Overton**

Date : **18<sup>th</sup> July 2023**

Premises : **Woody Grill, 1 – 3 Uxbridge Road, W12 8LJ**

CAPS Ref : **2023/00966/LAPRR**

Application : **Premises Licence Review**

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

I have considered the above application and wish to make comments in support of the review on the basis of past adverse enforcement history at this premises which has been outlined below.

### **The application**

On 20<sup>th</sup> June 2023 the Central London Immigration Complaint and Enforcement Team submitted a review, asking for revocation of the premises licence in place at Woody Grill, 1-3 Uxbridge Road, London, W12 8LJ.

The review has been submitted after a number visits to the premises where illegal workers have been found on the premises.

### **Supporting Information - Enforcement summary**

An Immigration Enforcement visit was conducted on the 17/03/2022 at 14:00 with Licensing Officers present, following intelligence received that the business was employing workers with no right to work. The premises licence was not active at the time of visit. Four individuals were found to be working illegally on the premises during the visit. The workers were all escorted from the premises and the premises was served with an illegal working referral notice for a civil penalty for employing the 4 workers. The premises subsequently received at £30,000 fine from the Home Office.

Following on from this immigration enforcement visit, the Licensing Team made contact with the licence holder and asked that they consider adding a number of conditions to their licence to try and prevent any further immigration offences in the

future. The business agreed to this proposal and on the 14/06/22 a minor variation was submitted, adding CCTV and right to work check conditions to the premises licence. All of the conditions added to the licence by this application are included in Annex 1 of this representation.

A second visit was conducted by Immigration Enforcement officers on 02/02/2023, following further intelligence received by the Home Office. During this visit Ali Haydar Gumus (director) was reluctant to give informed consent for the Immigration Enforcement officers to conduct an inspection, and frustrated the process, leading to four staff members escaping through a ceiling window at the back of the kitchen. Officers obtained authority to enter the premises through alternative powers at 12:57, which led to two individuals being found illegally working on the premises. Both illegal workers were escorted off premises and the business was served with another illegal working referral notice for a civil penalty. The premises license was not active at the time of visit.

A third visit was conducted by Immigration Enforcement officers on 19/05/2023 at 23:34. Licensing Officers were also present on this occasion. Entry was gained by means of a warrant and the visit was conducted during licensable hours. During this visit two individuals were found working illegally on the premises. The premises was issued with another illegal working referral notice for a civil penalty.

A licensing inspection was conducted at the same time this visit took place and it was found that all but one of conditions added by way of a minor variation in June 2022 (and outlined in Annex 1 below) were being breached. Condition 6, which was not breached, concerned workers being paid a minimum wage and it could not be established at the time if this was being complied with.

## **Conclusion**

Given the seriousness of the offences which have occurred at this premises the Licensing Authority wishes to support this review, as we have concerns that without revocation of the licence there will be a similar pattern of non-compliance at the premises in the future.

As outlined in the enforcement summary, the Licensing Team has tried to work with the licence holder to offer advice and gain compliance. In March 2022 we gave extensive advice and guidance on the issue of illegal workers, and after these discussions extra conditions were added to the licence. The licence holder has shown a disregard for the law and the licensing objectives by agreeing to these conditions, and then breaching them a few months later.

We would respectfully ask that if the committee does not decide to revoke the licence, that they would consider either a suspension of the licence, or a significant reduction in the hours for late night refreshment.



**Adrian Overton**  
**Licensing Team Manager**  
**London Borough of Hammersmith and Fulham**

## ANNEX 1 – Minor Variation Conditions

1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
  - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
  - at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
  - shall cover any internal or external area of the premises where licensable activities take place.
  - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
  - footage shall be provided free of charge to the Police or authorised Council officer within 24 hours of a request.
  - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
3. No person shall be allowed to work at the Premises unless they have and are able to demonstrate the right to work in the United Kingdom.
4. Right to work checks shall be carried out by or on behalf of the licensee on all persons that are carrying out work within the Premises, whether paid or otherwise, temporary or permanent, before those persons commence work. The documentation for each employee shall include: date stamped colour copies of all documents produced, the name of the person who has checked the original documents and confirmation that the said person has seen the original documents, any enquiries made and a right to work checklist with the relevant box (es) ticked. This information shall be retained in each case (whether they have carried out or are still carrying out work within the Premises) for a minimum of 3 years. Such copies shall be kept on the Premises and made available for inspection by police, licensing or immigration officers on request.
5. Right to work audits of all persons working at the Premises shall be carried out once a year, with records of the said audits to be retained for a period of at least 3 years. Records of said audits shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.
6. No worker within the Premises shall be paid less than the prevailing statutory minimum wage.
7. A written contemporaneous record shall be maintained on the Premises, detailing the hours worked by all persons (paid or unpaid). Such record shall

as a minimum cover the previous 8 working weeks. Said records shall be kept at the premises and made available for inspection by police, licensing or immigration officers on request.



The Licensing Authority  
Clockwork Building,  
45 Beavor Lane,  
Hammersmith, W6 9AR

Pc Daniel Evans  
Hammersmith Police Station,  
226 Shepherd's Bush Road  
W6 7NX

Date: 17/07/2023

Ref- 2023/00966/LAPRR

**Woody Grill 1 - 3 Uxbridge Road London W12 8LJ**

Dear LBHF Licensing Authority,

I am writing to you in my position as Police Licensing Officer for the Borough of Hammersmith and Fulham to make representations on behalf of the Commissioner of the Metropolitan Police Service in regards to the above premises. The Police support the representation made by the Central London immigration and Enforcement Team to revoke the current premise license of Woody Grill 1-3 Uxbridge Road, W12 8LJ as I believe the premise is operating in such a way that undermines the licensing objectives; specifically Prevention of Crime and Disorder and public safety.

Having reviewed all the evidence and the history of non-compliance with the premise, the police have real concerns as it is clear that the operator has a total disregard for the law. Officers from immigration, the local authority and also the police have engaged with the premise on several occasions identifying issues of concern and have tried to work with the premise to address these issues.

As a result of the conditions on the premise license added by means of a minor variation on 29<sup>th</sup> June 2022 the premise is fully aware as to how they should operate by law. However, it is clearly apparent that the premise continues to breach these conditions.

The metropolitan police have zero confidence in the operator of this premise and are of the opinion that the premise will continue to breach licensing conditions. Therefore the metropolitan police request that the licensing subcommittee revoke the current premise license.

Yours Sincerely,

Pc Daniel Evans 4290AW





Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 22/06/2023 9:29 AM from

### Application Summary

Address: 1 - 3 Uxbridge Road London W12 8LJ

---

Proposal: Premises Licence Review

---

Case Officer: Ms Lorna McKenna

---

[Click for further information](#)

### Customer Details

Name:

---

Email:

---

Address:

---

### Comments Details

Commenter Type: Residents Group

---

Stance: Customer objects to the Licensing Application

---

Reasons for comment:

Comments: 22/06/2023 9:29 AM As a local resident I would like to object to the length of the opening hour's of the premises. Which causes issues for local residents with parking car's noises etc and obviously them employing illegal residents and not paying taxes and slave labour wages for there profit.  
Needs to be stopped now.  
This particular premises was done for putting meat waste outside on the street in the hight of summer. And were fined thousands of pounds for lack of highgenie and continuously ignoring it with no regard for local authorities.  
They are a chain/franchise that need to be stopped from abusing the system.  
How can they keep committing serious illegal act's and stay open for business? They have other shop's as well!

---





Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 27/06/2023 8:50 AM from

### **Application Summary**

Address: 1 - 3 Uxbridge Road London W12 8LJ

---

Proposal: Premises Licence Review

---

Case Officer: Ms Lorna McKenna

---

[Click for further information](#)

### **Customer Details**

Name:

---

Email:

---

Address:

---

### **Comments Details**

Commenter Type: Neighbour

---

Stance: Customer objects to the Licensing Application

---

Reasons for comment:

Comments:

27/06/2023 8:50 AM This place causes so much distress to neighbours given its unsociable opening hours across from so many residences. There is so much antisocial behaviour, vandalism caused by drunk customers at this place. As a resident I cannot see why it doesn't have the same opening hours as other restaurants.

---

Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 27/06/2023 7:42 AM from

### **Application Summary**

Address: 1 - 3 Uxbridge Road London W12 8LJ

---

Proposal: Premises Licence Review

---

Case Officer: Ms Lorna McKenna

---

[Click for further information](#)

### **Customer Details**

Name:

---

Email:

---

Address:

---

### **Comments Details**

Commenter Type: Neighbour

---

Stance: Customer objects to the Licensing Application

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Reasons for comment:

Comments: 27/06/2023 7:42 AM Hello, I strongly request that the license be reviewed on count of community impact, particularly the late night hours cause noise, nuisance behaviours, waste and other impact. This is not the type of establishment we want or need in our neighbourhood.

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Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 27/06/2023 11:58 AM from .

### Application Summary

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

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Case Officer: Ms Lorna McKenna

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[Click for further information](#)

### Customer Details

Name:

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Email:

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Address:

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### Comments Details

Commenter Type: Neighbour

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Stance: Customer objects to the Licensing Application

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Reasons for comment:

Comments: 27/06/2023 11:58 AM The negative social impact to the neighbourhood of this late license outweighs its benefits. The negative social impacts (antisocial behaviour, loitering, safety and noise) are focused to this one place as it is the only place with a late license in the area. As there are no other places in the close vicinity with a late license, this needs to be amended to reflect other similar licenses in the area. The license should only allow operation until midnight each day which would limit these negative social impacts for the area.

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Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 29/06/2023 9:44 PM from .

### Application Summary

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

---

Case Officer: Ms Lorna McKenna

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Click for further 4 Hopgood Street London  
information

### Customer Details

Name:

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Email:

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Address:

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### Comments Details

Commenter Type: Neighbour

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Stance: Customer made comments in support of the Licensing Application

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Reasons for comment:

Comments: 29/06/2023 9:44 PM Woodys Grill is open 7 days a week until 5am as it is on a busy main road , patrons have to park in Hopgood Street, this goes on all night disturbing our sleep. Quite often as is well known with kebabs shops groups of drunk people turn up to purchase food. Many choosing to socialise on our street eating their takeout meals. They then throw the waste on the street, there is constant fighting, cars playing loud music, people urinating ion our streets. We have lived with anti - social behaviour from This premises for too many years now. They have a reputation for not being compliant with regulations, previously fined for poor hygiene standards.  
Not adhering to employment regulations. Showing them to be an unscrupulous business, hiring illegal workers and profiting from their

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situations paying low wages.  
Please as a Borough can you please revoke this late trading licence and allow them to trade until 11pm or Midnight at the Latest. Their customers are causing stress because of the noise that prevents us from sleeping this businesses opening hours us detrimental to the local resident's health and wellbeing.

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Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 30/06/2023 5:00 PM from

### **Application Summary**

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

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Case Officer: Ms Lorna McKenna

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[Click for further information](#)

### **Customer Details**

Name:

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Email:

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Address:

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### **Comments Details**

Commenter Type: Neighbour

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Stance: Customer made comments in support of the Licensing Application

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Reasons for comment:

Comments: 30/06/2023 5:00 PM This restaurant causes no stop anti social behaviour problems for local residents and neighbours. It is ridiculous that it is allowed to open until 5am everyday, it's situated on a main road with no parking so customers have to park in Hopgood Street or Pennard road , the noise of car doors banging groups of drunk people on mr street Hopgood is very disturbing. The residents are woken up

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in the early hours by shouting, drunken fights car doors banging continuously, music blaring from cars. I agree the late licence needs to be reviewed urgently and put to a reasonable time ie. Midnight closing at the latest. We have put up with this for many years LBHF needs to take action and support its residents. It's a nightmare having this restaurant open all night 7 days a week

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Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 30/06/2023 5:05 PM from

### **Application Summary**

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

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Case Officer: Ms Lorna McKenna

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[Click for further information](#)

### **Customer Details**

Name:

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Address:

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### **Comments Details**

Commenter Type: Neighbour

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Stance: Customer made comments in support of the Licensing Application

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Reasons for comment:

Comments: 30/06/2023 5:05 PM Totally agree this restaurant hours need to be changed.

It's open until 5am daily, , I can't sleeping at night with car doors banging, drunks shouting. , litter from take away on the floor, it's a constant problem and is effecting my sleep and well being it's on a main rd with no parking so customers park on Hopgood Street and this is very disturbing and noisy. I agree the opening hours need changing to no later than midnight as a matter of urgency .

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Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 02/07/2023 8:49 AM from

### **Application Summary**

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

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Case Officer: Ms Lorna McKenna

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[Click for further information](#)

### **Customer Details**

Name:

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Email:

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Address:

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### **Comments Details**

Commenter Type: Neighbour

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Stance: Customer made comments in support of the Licensing Application

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Reasons for comment:

Comments: 02/07/2023 8:49 AM I support the proposal from the Enforcement Team to reduce the trading hours of Woodys Restaurant.

As a neighbour, my sleep is disrupted regularly with card doors slamming, people shouting, drunken behaviour from their patrons. It is ridiculous that this restaurant is allowed to trade until 5am, knowing that customers can only park on Hopgood streets and Pennard road as there is no parking available outside the premises. Residents have to put up with this until after 5am.

I hope the committee uphold the enforcement request and review the hours to a reasonable time such as midnight closure.

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Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 02/07/2023 8:41 AM from

### Application Summary

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

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Case Officer: Ms Lorna McKenna

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[Click for further information](#)

### Customer Details

Name:

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Email:

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Address:

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### Comments Details

Commenter Type: Residents Group

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Stance: Customer made comments in support of the Licensing Application

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Reasons for comment:

Comments: 02/07/2023 8:41 AM I support the application to reduce the opening hours of Woodys restaurant.

It's ridiculous that it's been allowed to stay open until 5am for all these years.

There have been issues in the past with fighting and a serious stabbing incident - The local police can confirm this.

As neighbours we are constantly having to deal with noise, car door's banging, drunken behaviour and litter. This disturbs our sleep until the early hours as they close at 5am. Customers have to park on our street Hopgood or Pennard road as the restaurant is situated on a high rd with no parking available, so their customers spill into our streets. I

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hope the committee listen to the enforcements request and reduce their trading hours to a reasonable and civilised time ie Midnight.

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Dear Sir/Madam,

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 27/06/2023 7:10 AM from

### **Application Summary**

Address: 1 - 3 Uxbridge Road London W12 8LJ

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Proposal: Premises Licence Review

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Case Officer: Ms Lorna McKenna

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[Click for further information](#)

### **Customer Details**

Name:

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Email:

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Address:

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### **Comments Details**

Commenter Type: Neighbour

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Stance: Customer objects to the Licensing Application

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Reasons for comment:

Comments: 27/06/2023 7:10 AM Dear council

Woodys Grill licence is being reviewed due to lack of compliance with non compliance of immigration. This is a perfect opportunity for residents to raise their concerns on the late opening licence, Woodys is open until 5am daily and this major causes problems for residents of Hopgood Street and Macfarlane, cars parked until after 5am

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residents disturbed by groups of people often drunk and loud going to Woodys in the early hours car doors banging, noise litter etc. Please can you review the opening hours because of the detrimental effect the anti social behaviour has on residents sleep and wellbeing, 5am is ridiculously late. We all know that late night kebab shops are renowned for drunken behaviour. Our streets experience terrible antisocial behaviour from Flippers, late night kebab shops, delieveroo, drug dealing, drug users and sexual predators.

Specifically asking that they review the opening hours, ask that they close at a reasonable time ie midnight as the opening times are detrimental to residents well being and sleep.

(within 1000 metres of [REDACTED])

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- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

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<sup>10</sup> See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.