

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

APPENDICES

Copy of application, plans and additional steps	9-17
Copy of Police correspondence and agreed conditions	18-21
Map showing location of premises and neighbouring licenced Premises.....	22-23
Copy of representation from Environmental Health	24
Copy of representation from Shepherd’s Bush Market Tenants’ Association.....	25-31
Copy of representations from local resident.....	32
Letter with further clarifications from applicant.....	33-35

1. THE APPLICATION

On 04 March 2021, Miss Nazareth Kelif (“the applicant”) submitted an application for a Premises Licence to be granted in respect of the premises known as Delina, 176 Railway Arches, Shepherd's Bush Market, London W12 8DF.

1.1 Application Requested

The applicant has applied for a new premises licence for the sale of alcohol on the premises only as outlined below:

Sale of alcohol - On the Premises Only

Monday to Sunday 12:00 - 22:30

Hours open to public:

Monday to Sunday 08:00 - 22:30

A copy of the application and plan can be seen on pages 9-15 of this report.

1.2 Applicants Operating Schedule

The applicant has proposed a number of additional steps to promote the four licensing objectives if the application is granted. A copy of the proposed conditions can be seen on pages 16-17 of this report.

On 31 March 2021, following correspondence received from PC Cardwell, the applicant agreed to add extra conditions to their licence if granted. A copy of this amendment and relevant correspondence can be seen on pages 18-21 of this report.

2. BACKGROUND

The main access to the premise’s unit will be located on Shepherd's Bush Market. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 22-23 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Shepherd's Bush Market area. Shepherd's Bush Market tube station is a 3-minute walk away and Shepherd’s Bush tube station is a 10-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 Environmental Health objecting to the licence application. A copy of this representation can be seen on page 24 of this report.

The licensing section received one representation from the Shepherd's Bush Market Tenants' Association objecting to the licence application. A copy of this representation can be seen on pages 25-31 of this report.

The licensing section received one representation from a local resident objecting to the licence application. A copy of this representation can be seen on 32 of this report.

Following the objections received, an additional letter with clarifications has been submitted by the applicant. A copy of this letter can be seen on pages 33-35 of this report.

4. OTHER INFORMATION

4.1 Enforcement History

There have not been any warnings, simple cautions or prosecutions given in respect of the premises during the past twelve months.

4.2 Temporary Event Notices ("TENs")

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

5. POLICY CONSIDERATIONS

5.1 Section 5.1 page 12 of the Statement of Licensing Policy ("SLP") states that where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance; and
- Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

5.2 Section 5.2 page 12 of the SLP states that the Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application, the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example, if the closing time on the application is stated as 12 midnight, the latest time that a licence would be granted to serve alcohol would be 11:30pm, as the Licensing Authority will normally allow a minimum of 30 minutes to consume alcohol that has been purchased before the terminal hour.

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

5.4 Section 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 8.8 page 16 of the SLP states that off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as easy premises from where to acquire alcohol. Such premises can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

5.6 Section 8.9 page 16 of the SLP states that the Licensing Authority expects operators of off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.

5.7 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.

5.8 Section 10.3 pages 19 to 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 dependent on the merits of the application/steps taken or proposed to prevent nuisance.
- 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.
- 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).
- 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 representation.