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1. THE APPLICATION

On the 01 April 2021, Mr Robert Radojicic ("the applicant") submitted an application to vary the premises licence in respect of premises to be known as Fulham Kitchen, 228 Munster Road London SW6 6AZ.

1.1 Current Hours of Operation

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

Performance of Live Music -Indoors Only

On the last Saturday of each month 20:00 - 00:00

Playing of Recorded Music -Indoors Only

Monday to Saturday 11:00 - 23:00

Sunday 12:00 - 20:00

Sale of Alcohol – Both On and Off the Premises

Monday to Saturday 11:00 - 23:00

Sunday 12:00 - 20:00

Non-Standard Timings and Seasonal Variations: On the last Saturday of each month 11:00 - 00:00

The opening hours of the premises:

Monday to Saturday 11:00 - 23:00

Sunday 08:00 - 20:00

Non-Standard Timings and Seasonal Variations: On the last Saturday of each month 11:00 - 00:00

A copy of the current premises licence and plan can be seen on pages 23-32 of this report.

1.2 Application Requested

The applicant has applied to vary the premises licence to extend the sale of alcohol both on and off the premises on Sundays until 23.00 as well as remove condition 11. Relevant proposed hours and existing condition outlined below:

Proposed hours for Sale of Alcohol – Both On and Off the Premises

Monday to Saturday 11:00 - 23:00

Sunday 12:00 - 23:00

Non-Standard Timings and Seasonal Variations: On the last Saturday of each month 11:00 - 00:00

Existing Condition 11 states:

The terrace will be closed and patrons requested to come inside the main structure of the premises at 22.00pm hours.

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

A copy of the amended application and relevant correspondence can be seen on pages 9-22 of this report.

1.3 Applicants Operating Schedule

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

2. BACKGROUND

The premises currently benefit from a premises licence. The applicant seeks to vary this active licence. A copy of the current licence and plan can be seen on pages 23-32.

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

There are several options for transport away from the area including buses and taxis which run from in and around the Munster Road area. Fulham Broadway tube station is a 16-minute walk away and Parsons Green tube station is a 15-minute walk away.

3. CONSULTATION

A public notice was displayed at the premises for 28 days. The application was advertised in a local circular and all statutory consultees were notified as required by the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

3.1. Relevant Representations

The licensing section received one representation from Noise and Nuisance objecting to the licence variation application. A copy of this representation can be seen on pages 35-37 of this report.

The licensing section received one representation from Planning objecting to the licence variation application. A copy of this representation can be seen on pages 38-40 of this report.

The licensing section received three representations from local residents objecting to the licence variation application. A copy of these representations can be seen on pages 41-47 of this report.

4. OTHER INFORMATION

4.1 Enforcement History

On 31 October 2019 and 06 February 2020, inspection sheets were left at the premises as warning letters following breaches of licence conditions observed during full licensing inspections undertaken at the premises.

On the 17 June 2020, a Prohibition Notice was served under Regulation 8(2) of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Regulations).

On the 13 May 2021, a Fixed Penalty Notice was served under regulation 12(1) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (the “Regulations”).

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

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

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

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

6. DETERMINATION

6.1 In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

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

It is the Council's duty under the Licensing Act 2003 ("The Act") to determine applications with a view to promoting the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

In reaching a decision the Council shall consider the details of any relevant representations received; the applicant's Operating Schedule; the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Act.

If the Committee is minded to grant the application conditions may be attached to the licence to alleviate the concerns raised through the representations.