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1. THE APPLICATION

On 30 April 2021, Ms Tilly Burton of Thomas & Thomas Partners LLP submitted an application on behalf of Underbelly Limited (“the applicant”) for a time limited Premises Licence to be granted in respect of the premises to be known as London Wonderground 2021, located at 1 Empress Place London SW6 1TT.

1.1 Application Requested

The applicant has applied for a time limited new premises licence for regulated entertainment and the sale of alcohol as outlined below:

Time Limited: From 14 July 2021 to 26 September 2021

Performance of dance – Indoors and outdoors

Exhibition of a film – Indoors and outdoors

Performance of live music – Indoors and outdoors

Playing of recorded music– Indoors and outdoors

Entertainment similar to music or dance– Indoors and outdoors

Performance of a play– Indoors and outdoors

Monday	10:30 - 22:00
Tuesday	10:30 - 22:00
Wednesday	10:30 - 22:00
Thursday	10:30 - 23:30
Friday	10:30 - 23:30
Saturday	10:30 - 23:30
Sunday	10:30 - 22:00

Sale of alcohol – On the premises only

Monday to Sunday	12:00 - 23:00
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Hours open to public:

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:00
Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

A copy of the application form and plan can be seen on pages 11-30 of this report.

1.2 Applicants Operating Schedule

The applicant has proposed a number of steps to promote the four licensing objectives if the application is granted. A copy of these steps can be seen on pages 31-35 of this report.

2. BACKGROUND

London Wonderground 2021 is a live performance venue situated in the heart of London. The applicant states that this is a time limited proposal for a Premises Licence authorising licensable activities at Empress Place, Earls Court for the London Wonderground 2021. Furthermore, the applicant states that the proposed Premises Licence is on similar terms to time limited Premises Licences previously granted to the applicant in respect of events taking place in Leicester Square, Trafalgar Square and Cavendish Square.

The main access to the premise's unit is proposed to be located at Empress Place. 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 36-38 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Empress Place area. West Brompton overground station is a 2-minute walk away and West Kensington tube station is a 13-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 Cllr Wade objecting to the licence application. A copy of this representation can be seen on pages 39-40 of this report.

The licensing section received one representation from the Police objecting to the licence application. A copy of this representation can be seen on pages 41 of this report.

The licensing section received one representation from Noise and Nuisance objecting to the licence application. A copy of this representation can be seen on pages 42-44 of this report.

The licensing section received one representation from Health and Safety objecting to the licence application. A copy of this representation can be seen on pages 45-48 of this report.

The licensing section received one representation from Public Health objecting to the licence application. A copy of this representation can be seen on pages 49-51 of this report.

The licensing section received one representation from the Earl's Court Society objecting to the licence application. A copy of this representation can be seen on pages 52-54 of this report.

The licensing section received one representation from the Earl's Court Square Residents Association supporting the licence application but highlighting concerns and recommendations. A copy of this representation can be seen on pages 55 of this report.

The licensing section received one representation from the Eardley Crescents Residents Association supporting the licence application but highlighting concerns and recommendations. A copy of this representation can be seen on pages 56-57 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 8.2 page 15 of the SLP states that the Licensing Authority will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti-social behaviour occurring elsewhere after customers have left the premises.

5.6 Section 9.1 page 17 of the SLP states that The Licensing Authority will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place.

5.7 Section 9.2 page 17 of the SLP states that maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include that limit as a licence condition.

5.8 Section 9.5 page 18 of the SLP states that safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. In certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. The types of premises that may be subject to safe capacities will be the following; Nightclubs, Cinemas, Theatres, Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces.

5.9 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:

- Checks on equipment at specified intervals, e.g. gas safety checks;

- Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
- 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;
- The provision of air conditioning and ventilation;
- Measures to protect against overcrowding; and
- Consideration of the needs of disabled people and appropriate provisions.

5.10 Section 10.1 page 18 of the SLP 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.

5.11 Section 10.2 page 19 of the SLP states that 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.

5.12 Section 10.3 pages 19-20 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.

5.13 Section 11.1 page 20 of the SLP states that the Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

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 any representation(s).