

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	4
1.1. Current Hours of Operation	4-5
1.2. Application Requested	5-6
1.3. Applicants Operating Schedule	7
2. BACKGROUND	7
3. CONSULTATION	7
3.1 Relevant Representations	7
4. OTHER INFORMATION	7
4.1 Enforcement History	7
4.2 Temporary Event Notices (“TENS”)	7
5. POLICY CONSIDERATIONS	8-9
6. DETERMINATION	9

APPENDICES

Copy of application and additional amendments	10-24
Copy of current licence and plans.....	25-40
Agreed conditions from the Metropolitan Police.....	41-42
Map showing location of premises	43
Copy of representation from resident.....	44-45

1. THE APPLICATION

On the 28 October 2021, Fulham Palace Trust (“the applicant”) submitted an application to vary the premises licence in respect of premises to be known as Fulham Palace Bishop's Avenue London SW6 6EA.

1.1 Current Hours of Operation

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

Performance of Dance - Indoors

Monday to Sunday 09:00 - 01:00

Exhibition of a Film - Indoors

Monday to Sunday 09:00 - 01:00

Performance of Live Music -Indoors

Monday to Sunday 09:00 - 01:00

Playing of Recorded Music -Indoors

Monday to Sunday 09:00 - 01:00

Entertainment Similar to Music or Dance -Indoors

Monday to Sunday 09:00 - 01:00

Performance of a Play -Indoors

Monday to Sunday 09:00 - 01:00

Performance of Dance - Outdoors

Monday to Sunday 09:00 - 00:00

Exhibition of a Film -Outdoors

Monday to Sunday 09:00 - 00:00

Performance of Live Music -Outdoors

Monday to Sunday 09:00 - 00:00

Playing of Recorded Music -Outdoors

Monday to Sunday 09:00 - 00:00

Entertainment Similar to Music or Dance -Outdoors

Monday to Sunday 09:00 - 00:00

Performance of a Play -Outdoors

Monday to Sunday 09:00 - 00:00

Provision of Late Night Refreshment -Both Indoors and Outdoors

Monday to Sunday 23:00 - 01:00

Sale of Alcohol On and Off the Premises

Monday to Sunday 11:00 - 01:00

The opening hours of the premises

Monday to Sunday 09:00 - 18:00

The palace is available for private functions from 8am to 2am the following day. Private events will cease by 2am at the latest, this will be followed by a clearing up period of up to 2 hours.

A copy of the current premises licence and plans can be seen on pages 25-40 of this report.

1.2 Application Requested

The applicant has applied to vary the premises licence to increase the capacity in the garden area as they plan to host one or two large scale music weekends each year, to increase the capacity in Bishop Sherlocks Room and Bishop Howleys Dining Room as well as amend conditions 15 and 40 to reflect the changes in capacity. Relevant proposed changes outlined below:

Amendment of condition 15 to:

The maximum number of persons permitted in each room is:

- o Great hall (room 37) - 110
- o Bishop Sherlock's room (room 17) - 100
- o Bishop Howley's dining room (room 22) - 78
- o Bishop Howley's drawing room (room 24) -110
- o Porteous Library (room 21) - 60
- o Morning room (room 28) - 20
- o Bishop Terrick's dining room (room 29) - 50
- o Bishop Terrick's drawing room (room 30) - 50
- o Chapel (room 49) - 60
- o Marquee - 200

Any changes to the above capacities must be agreed in advance with the licensing authority.

Amendment of condition 40 to:

Capacity for the gardens or part thereof shall be monitored during events. Management and staff shall monitor the number of persons in attendance and ensure that these capacities are upheld. The number of persons admitted to the gardens on any one occasion shall not exceed the maximum occupancy of 4999 with the exception of two "special events" in which the maximum occupancy shall not exceed 9,150. Each 'special event' should be for a maximum of three consecutive days and shall be limited to a maximum of 2 per annum.

Existing Condition 40 states:

Capacity for the gardens or part thereof shall be monitored during events. Management and staff shall monitor the number of persons in attendance and ensure that these capacities are upheld. The number of persons admitted to the gardens on any one occasion shall not exceed the proposed maximum occupancy of 4999.

Amendment of condition 23 to:

For large scale outdoor events, with amplified regulated entertainment or music in which maximum occupancy exceeds 4999, the licensee shall appoint a suitably qualified and experienced noise control consultant approved by the licensing authority no later than six weeks prior to the event. The noise control consultant shall produce and submit a noise management plan to be approved in writing by the Local Authority at least 28 days prior to the event. This plan is to be on site and adhered to during all events.

Existing Condition 23 states:

For large scale outdoor events, with amplified regulated entertainment or music, the licensee shall appoint a suitably qualified and experienced noise control consultant approved by the licensing authority no later than six weeks prior to the event. The noise control consultant shall produce and submit a noise management plan to be approved in writing by the Local Authority at least 28 days prior to the event. This plan is to be on site and adhered to during all events.

Additional condition to be added:

The following condition will take effect in regard to any “Special Event” taking place on the premises as referred to in condition 40. - Unless otherwise agreed, no later than 31 days prior to the event the Premises Licence holder must ensure an Event Management Plan is presented to Hammersmith & Fulham Police Licensing Team, Noise and Nuisance Team, Hammersmith & Fulham Council, the London Fire and Emergency Planning Authority and the Metropolitan Police Service for their comments. The Event Management Plan shall include, as a minimum:

- a. Emergency and Evacuation procedures;
- b. Crowd management and stewarding/security arrangements;
- c. A detailed plan showing site layout and emergency egress points;
- d. A detailed plan showing CCTV locations installed by the Premises License Holder;
- e. Risk Assessments;
- f. A schedule detailing types and locations of emergency equipment;
- g. Sanitary accommodation;
- h. The capacity of fully enclosed locations where alcohol is sold;
- i. A noise management Plan;
- j. Counter terrorism policies and procedures
- k. Traffic management plan

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 10-24 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.

On 23 November 2021, following correspondence received from the Police, the applicant agreed to further amend their application and add one extra condition to their licence if granted. A copy of this amendment and relevant correspondence can be seen on pages 41-42 of this report.

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 plans can be seen on pages 25-40.

The main access to the premise's unit is located on Bishop's Avenue. There are primarily residential premises within the area, therefore, there are no other neighbouring licensed premises within the selected 75m buffer zone. A map showing the location of the premises can be seen on page 43 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Bishop's Avenue area. Putney Bridge tube station is a 5-minute walk away and Parsons Green tube station is a 16-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 a local resident objecting to the licence variation application. A copy of this representation can be seen on pages 44-45 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 three years.

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.