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1. THE APPLICATION

On 17 November 2021, Mr Chris Rees-Gay (“the agent”) submitted an application on behalf of Taco-Time Limited (“the applicant”) for a Premises Licence to be granted in respect of the premises to be known as Taco Bell 64 Uxbridge Road London W12 8LP

1.1 Application Requested

The applicant has applied for a new premises licence for provision of late night refreshment both indoors and outdoors as outlined below:

Provision of Late Night Refreshment both indoors and outdoors

Sundays-Wednesday 23:00-01:00

Thursdays-Saturdays 23:00-03:00

Hours open to public:

Sundays-Wednesday 10:30-01:00

Thursdays-Saturdays 10:30-03:00

A copy of the application form and plan can be seen on pages 9-17 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 13-17 of this report.

On 13 December 2021 the applicant submitted further information and an amended operating schedule to be circulated to the Objectors. A copy of this correspondence and the amended operating schedule can be seen on pages 18-23 of this report.

On 15 December 2021, following correspondence received from Health and Safety Authority 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 24-30 of this report.

2. BACKGROUND

The main access to the premise’s unit is proposed to be located at 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 31-32 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 area. Shepherds Bush tube station and Shepherds Bush Overground are a 2-minute walk away and Shepherds Bush Market tube station is a 4-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 Mercy Umeh objecting to the licence application. A copy of this representation can be seen on page 33 of this report.

The licensing section received one representation from Cllr Andrew Jones objecting to the licence application. A copy of this representation can be seen on page 34 of this report.

The licensing section received one representation from Mr Alexander Williams on behalf of Macfarlane Road Residents' Association objecting to the licence application. A copy of this representation can be seen on page 35 of this report.

The licensing section received twenty-one representations from local residents objecting to the licence application. A copy of these representations can be seen on pages 36-56 of this report.

Please note that a resident has submitted 2 videos and photographs in support of her objection. A copy of the link to these videos and photographs can be seen on pages 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 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.

5.3 Section 6.1 page 13 of the SLP state that in determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.

5.4 Section 6.2 page 13 of the SLP state that in accordance with paragraph 13.30 of the Secretary of State's current Guidance, where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area, the Licensing Authority may consider it inappropriate for any further licensed premises to be established in the area, or extension to licensed hours of existing premises to be approved. In such circumstances, an application for a licence for activities which would undermine the promotion of any of the four Licensing Objectives would be refused.

5.5 Section 6.8 page 14 of the SLP states that in coming to any decision regarding cumulative impact the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
- Police enforcement of the normal law concerning disorder and anti-social behaviour.
- Prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk

- Prosecution of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
- Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
- Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious antisocial behaviour is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.

5.6 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.

5.7 Section 8.11 page 17 of the SLP states that If there are concerns about illegal drugs, applicants must show that they can comply with the Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.

5.8 Section 9.6 page 18 of the SLP states that 9.6 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.

5.9 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. Please refer to Section 15 – Operating Schedule

5.10 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

5.11 Section 10.3 Page 19 of the SLP states that The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- 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 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.
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- 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 arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;

5.12 Sections 15.11 pages 30 and 31 of the SLP states that 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:

- **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 antisocial 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.
- **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.

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

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).