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1. THE APPLICATION

On 03 February 2022, Clip and Climb Fulham LTD (“the applicant”) submitted an application for a new premises licence to be granted in respect of the premises known as Clip 'n Climb Chelsea located at 19A Michael Road London SW6 2ER.

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 11:00 – 01:30

Hours open to public:

Monday to Sunday 09:00 – 02:00

A copy of the application form and plans can be seen on pages 34-43 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 37-39 of this report.

On 10 March 2022, the applicant amended their application to extend the area proposed to be used for licensable activities. A copy of this amendment and updated plan can be seen on pages 40-41 of this report.

On 10 March 2022, following correspondence received from the Police, 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 44-46 of this report.

On 11 March 2022, following correspondence received from the Noise and Nuisance Authority, the applicant agreed to add one extra condition to their licence if granted. On 24 March 2022 and in response to this condition, the applicant submitted their Noise Management Plan. A copy of these and relevant correspondence can be seen on pages 47-63 of this report.

On 05 April 2022, following correspondence received from the Health and Safety Authority, the review of public safety for the premises license application has been completed with no objections raised. A copy of this and relevant correspondence can be seen on pages 64-67 of this report.

2. BACKGROUND

The main access to the premise’s unit is located on Michael Road. There is a mixture of both residential and commercial premises within the area (75m buffer zone). A map showing the location of the premises and neighbouring licensed premises can be seen on pages 68-69 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Michael Road area. Fulham Broadway tube station is an 8-minute walk away, Imperial Wharf Overground Station is an 11-minute walk away and Parsons Green tube station is a 17-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 two representations from local residents objecting to the licence application. A copy of these representations can be seen on pages 70-78 of this report.

In addition to the above representations, the licencing section received comments from the Planning Authority. A copy of these comments can be seen on page 82 of this report.

On 01 March, 17 March and 06 April 2022 the licensing section received further comments from the applicant in response to the submitted representations. A copy of these comments can be seen on pages 79-81 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 5.3 pages 12 and 13 of the SLP states that in determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on 13 hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

5.4 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.

5.5 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.

5.6 Section 8.2 pages 15 and 16 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.

5.7 Section 8.10 pages 16 and 17 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 17 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 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.

5.9 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 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.
- 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 generation of odour, e.g. from the preparation of food;

- Any other relevant activity likely to give rise to nuisance;

5.10 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).