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1. THE APPLICATION

On 28 February 2022, Green Lux Operations (UK) Limited (“the applicant”) submitted an application for a new premises licence to be granted in respect of the premises known as Dao by Dorsett West London located at the premises previously known as the Walkabout Inn at 56 Shepherd's Bush Green London W12 8QE.

1.1 Application Requested

The applicant has applied for a new premises licence for performance of dance, exhibition of a film, performance of live music, playing of recorded music, entertainment similar to music or dance all indoors, provision of late night refreshment both indoors and outdoors, as well as the sale of alcohol both on and off the premises as outlined below:

Performance of Dance -Indoors Only

Monday to Sunday 07:00 - 01:00

Exhibition of a Film -Indoors Only

Monday to Sunday 07:00 - 01:00

Performance of Live Music -Indoors Only

Monday to Sunday 07:00 - 01:00

Playing of Recorded Music -Indoors Only

Monday to Sunday 07:00 - 01:00

Entertainment Similar to Music or Dance -Indoors Only

Monday to Sunday 07:00 - 01:00

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 07:00 - 01:00

Non Standard Timings and Seasonal Variations (for all the above activities)

From the end of permitted hours on New Year's Eve until 03:00 hours on New Year's Day. Permitted 24 hours a day for residents and their bona fide guests and patrons attending a private function.

Hours open to public:

Monday to Sunday 00:00 – 00:00

A copy of the application form and plans can be seen on pages 9-29 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 30-35 of this report.

On 19th March 2022 the licensing section received one representation from the Noise and Nuisance Authority objecting to the licence application. On 27th April 2022 following the inclusion of two agreed conditions, Noise and Nuisance withdrew their objection. A copy of the agreed conditions and relevant correspondence can be seen on pages 39-41 of this report.

2. BACKGROUND

The premises intend to operate as an aparthotel consisting of eight stories and a basement floor. The first to seventh floors consist of serviced apartments / guest rooms and the ground floor consists of entertainment space, café, bar and restaurant facilities. The basement floor consists of back of house and WC facilities. There is a proposed external customer seating area located on Rockwell Place. The premises adjoins the existing Dorsett Shepherds Bush hotel, which benefits from a premises licence with reference number 2019/00891/LAPR. This application seeks licensable activities and hours in line with the terms of this premises licence.

The main access to the premise's unit will be via the Shepherd's Bush Green road. There is a mixture of both commercial and residential premises within the selected 75m buffer zone. A map showing the location of the premises and a list of neighbouring 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 Shepherd's Bush Green area. Goldhawk Road tube station is a 5-minute walk away, Shepherd's Bush Market tube station is a 4-minute walk away, Shepherd's Bush tube station and Shepherd's Bush Overground station are an 8-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 42 of this report.

The licensing section received one representation from the Greenside Residents Action Group objecting to the licence application. A copy of this representation can be seen on pages 43-48 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 pages 49-58 of this report.

On the 6th April 2022 and 22nd April 2022, the applicant's licensing solicitor requested for a letter to be forwarded to all objectors to discuss any concerns raised. A copy of this invitation and objector's response can be seen on pages 59-61 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 SPL 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 6.2 page 13 of the SLP states 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.

5.6 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 8.2 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.

5.8 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).