

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

APPENDICES

Copy of application form and plans	10-15
Agreed conditions and relevant correspondence with the Police.....	16-18
Copy of withdrawal confirmation from the Licensing Authority	19
Copy of withdrawal confirmation from the Noise and Nuisance Authority.....	20
Map showing location of premises and neighbouring premises.....	21-23
Copy of objection from Cllr Ben Coleman	24
Copy of objection from Cllr Trey Campbell-Simon	25
Copy of objection from the Chair of the Fulham Broadway Ward Panel	26
Copy of objection from the Co-Chair of the Fulham Ward Panel	27
Copy of objection from the Barclay Road Neighbourhood Watch	28-29
Copy of objections from local residents	30-40
Responses from objectors to agreed conditions	41

1. THE APPLICATION

On 17 May 2022, Mr Farhad Khan Niaz (“the applicant”) submitted an application for a new premises licence to be granted in respect of the premises known as Selekt Chicken located at 349 North End Road London SW6 1NN.

1.1 Application Requested

The applicant has applied for a new premises licence for the provision of late night refreshment as outlined below:

The Provision of late night refreshment - Both Indoors and Outdoors

Monday to Sunday 23:00 – 03:00

Hours open to public:

Monday to Sunday 10:00 – 03:00

A copy of the application form and plans can be seen on pages 10-15 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 page 13 of this report.

On 20 June 2022, following correspondence received from the Police, the applicant agreed to amend their activity and opening hours as well as add extra conditions to their licence if granted. A copy of this amendment and relevant correspondence can be seen on pages 16-18 of this report. The agreed activity and opening hours are as follows:

The Provision of late night refreshment - Both Indoors and Outdoors

Sunday to Wednesday 23:00 – 00:00

Thursday to Saturday 23:00 – 01:00

Hours open to public:

Sunday to Wednesday 10:00 – 00:00

Thursday to Saturday 10:00 – 01:00

On 21 June 2022, the licensing section received one representation from the Licensing Authority objecting to the licence application. However, on 18 July 2022, based on the reduced hours and additional conditions agreed with the Police, the Licensing Authority confirmed that is able to withdraw its representation. A copy of relevant correspondence can be seen on page 19 of this report.

On 21 June 2022, the licensing section received one representation from the Noise and Nuisance Authority objecting to the licence application. However, on 15 July 2022, based on the reduced hours and additional conditions agreed with the Police, the Noise and Nuisance Authority confirmed that is able to withdraw its

representation. A copy of relevant correspondence can be seen on page 20 of this report.

2. BACKGROUND

The main access to the premise's unit will be located on North End 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 21-23 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the North End Road area. West Kensington tube station is a 10-minute walk away and Fulham Broadway tube station is a 10-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 Ben Coleman objecting to the licence application. A copy of this representation can be seen on page 24 of this report.

The licensing section received one representation from Cllr Trey Campbell-Simon objecting to the licence application. A copy of this representation can be seen on page 25 of this report.

The licensing section received one representation from the Chair of the Fulham Broadway Ward Panel objecting to the licence application. A copy of this representation can be seen on page 26 of this report.

The licensing section received one representation from the Co-Chair of the Fulham Ward Panel objecting to the licence application. A copy of this representation can be seen on page 27 of this report.

The licensing section received one representation from the Barclay Road Neighbourhood Watch objecting to the licence application. A copy of this representation can be seen on pages 28-29 of this report.

The licensing section received 11 representations from local residents objecting to the licence application. A copy of these representations can be seen on pages 30-40 of this report.

On 14 July 2022 the licensing section received further comments from two objectors in response to the agreed hours and conditions between the applicant and the Police. A copy of these comments can be seen on page 41 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 5.4 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.

5.3 Section 6.1 page 13 of the SLP states 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 SPL 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.

5.5 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 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 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;

5.8 Section 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).