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1. THE APPLICATION

On 22 July 2022, World Wide Festival UK Ltd (“the applicant”) submitted an application for a new premises licence to be granted in respect of the premises known as London Oktoberfest located at Lillie Road Recreation Ground, Lillie Road, London.

1.1 Application Requested

The applicant has applied for a new premises licence for the performance of live music, playing of recorded music and sale of alcohol only, during Thursdays to Sundays for one or two weeks each year in the period between September and November as outlined below:

Performance of Live Music -Indoors Only

Thursday	17:00 - 22:00
Friday	17:00 - 22:00
Saturday	11:00 - 22:00
Sunday	12:30 - 19:00

Playing of Recorded Music -Indoors Only

Thursday	16:00 - 22:45
Friday	16:00 - 22:45
Saturday	11:00 - 22:45
Sunday	12:30 - 19:15

Sale of Alcohol On the Premises

Thursday	16:00 - 22:30
Friday	16:00 - 22:30
Saturday	11:00 - 22:30
Sunday	12:30 - 19:00

Hours Open to the Public

Thursday	16:00 - 23:00
Friday	16:00 - 23:00
Saturday	11:00 - 23:00
Sunday	12:30 - 19:30

A copy of the application form, plan and event management plan can be seen on pages 11-118 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 15-16 of this report.

On 16 August 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 119-123 of this report.

2. BACKGROUND

Based on the application form London Oktoberfest is a floored tent 30m X 70m with a toilet area and a production/kitchen area. The applicant has stated that the tent will be filled with long rows of tables and benches, a stage and a bar and food area.

The main access to the premise's unit will be located on Lillie Road. There is a mixture of both residential and commercial premises within the area (150m buffer zone). A map showing the location of the premises and neighbouring licensed premises can be seen on pages 124-125 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Lillie Road and Fulham Palace Road area. Hammersmith tube station is a 15-minute walk away and Barons Court tube station is a 13-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. Adronie Alford objecting to the licence application. A copy of this representation can be seen on page 126 of this report.

The licensing section received three representations from local residents objecting to the licence application. A copy of these representations can be seen on pages 127-130 of this report.

The licensing section received comments from the Fulham Broadway BID supporting the licence application. A copy of these comments can be seen on pages 131-132 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 pages 12 and 13 of the Statement of Licensing Policy (“SLP”) states that in order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule:

- the steps proposed to promote the licensing objective of the 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;
- the steps proposed to ensure the physical safety of people using the relevant premises or place;
- 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;
- 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.

5.2 Policy 3 page 21 of the 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:

- a) 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;
- b) Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- c) Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- d) 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, anti-social behaviour (ASB), nuisance and vehicle emissions;
- e) Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

5.3 Policy 8 page 27 of the SLP in relation to large outdoor events states that the Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the SAG.

The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.

Accordingly, for premises that wish to stage promotions or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

Generally, applicants are advised to offer only the following conditions in their Operating Schedule.

- The Licensee shall comply with the Event Management Plan submitted to and approved by the Licensing Authority.
- The Event shall be run in accordance with the site plan submitted to, and approved by, the Licensing Authority. No changes shall be made to the site plan without the prior written consent of the Licensing Authority.

This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

5.4 Policy 11 page 30 of the SLP states that population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures put in place by the applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises.

5.5 Policy 16 page 34 of the SLP in relation to safety of women and girls in licensed settings states that we expect that all staff working at music festivals, including vendors, be given compulsory safeguarding training, as the Licensing Authority will consider this when approving events. This training might be similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI). This training should be documented in any event management plan which is in place at the premises.

The licensing authority also expects a more formal and higher standard for outdoor music festivals owing to the comparatively younger age of festival-goers and the additional vulnerability that may arise.

5.6 Annex 1 page 36 of the SLP in relation to the prevention of crime and disorder states licence applicants will be expected to demonstrate the following in their operating schedules:

h) **Crime and disorder in the vicinity of the premises:** this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.

i) **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.

- j) **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- k) **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- l) **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- m) **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered).
- n) **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- o) **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- q) **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
- r) **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed, however this would be in a guidance capacity to help support the business in question. Any such assessments should be emailed to: AWMailbox.Licensing@met.police.uk before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with 'relevant parties' as early in the planning stages as possible. 'Relevant parties' would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority departments. Consideration of timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

5.7 Annex 1 page 38 of the SLP in relation to the public safety states that the following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- d) **special effects** - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.
- e) **incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- f) **risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- g) **getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).

h) **overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.

i) **premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

5.8 Annex 1 pages 38 to 40 of the SLP in relation to the prevention of public nuisance states that the Licensing Authority will particularly consider the following matters where they are material to the individual application:

ii. The proximity of residential accommodation;

iii. The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;

v. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.

viii. 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;

ix. The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;

x. The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;

xi. The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;

xii. The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;

xiii. The delivery and collection areas and delivery/collection times;

xv. The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);

xix. Any other relevant activity likely to give rise to nuisance;

xx. Any representations made by the Police, or other relevant agency or representative;

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:

j) **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 anti-social 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.

l) **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.

m) **Noise and/or vibration breakout** from the provision of regulated entertainment, particularly from (but not limited to) live music – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby 40 residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

p) **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.

r) **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.

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

5.9 Annex 1 page 40 of the SLP in relation to the protection of children from harm 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).