

Application to Vary a Premises Licence

Simmons Bar, 374 North End Road, London SW6 1LY (the "Premises")

Applicant's Written Submissions

1. This statement provides further information in respect of the application and seeks to address the concerns of those maintaining representations. Amplification of the points made below, together with further submissions, will be made orally at the Licensing Sub-Committee hearing if the outstanding representations are not withdrawn.

Background

2. The Premises first opened in 2016 and is one of approximately 25 Simmons Bars, all of which are located in London. The group prides itself on creating a fun and relaxed atmosphere in a safe environment. The Premises currently employs 12 people, many of whom live in the London Borough of Hammersmith and Fulham.
3. The layout of the Premises is relatively simple with the front of house all being on the ground floor. The only entrance/exit is onto busy North End Road. There is an additional fire exit to the rear next to the toilets, but this is now alarmed. There is a single bar in the centre left of the ground floor with fixed and loose furniture throughout the trading space. Above the Premises is unused office space.

Pre-App Advice

4. Formal pre-app advice was sought and a meeting held at the Premises on 5 July 2022 with council officers and the police. Although the applicant had proposed a variation to 2.00 a.m., following discussions it was agreed that 1.00 a.m. terminal hour for licensable activities was more suitable. Additional conditions were also discussed and a copy of the Pre-App Advice Report is at **appendix 1. All the suggested conditions have been adopted.**

The Written Representations

5. Given the pre-app report the applicant was pleased, but not particularly surprised, that the Statutory Authorities – effectively independent experts – did not maintain representations. However, additional conditions were agreed with the Noise and Nuisance Team as follows:
- From 22.00 hours all external doors and windows shall be kept closed at all times during the provision of regulated entertainment, save for during access and egress.
 - A responsible member of staff shall carry out proactive noise assessments outside the premises at the boundary of the nearest residential property during the provision of regulated entertainment and take any necessary remedial action.
 - A written record of proactive external noise assessments and, where applicable, remedial actions taken shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on demand by authorised Council officers at all times the premises are open.
6. Taking each concern in turn, the applicant's comments on the outstanding representations are as follows:

Spiking

The applicant takes the risk of spiking of drinks very seriously and already has a detailed policy in place – please see attached at **appendix 2**. Whilst spiking has not been identified at the Premises the applicant will remain vigilant and review this policy regularly.

Entry/Re-entry

An entry/re-entry condition was proffered with the Application. The applicant has similar conditions on other venues within its group and, with SIA door supervisors always being present

when the proposed condition will be in force, they stamp the hands of anyone temporarily leaving the Premises and only patrons with such a stamp are permitted re-entry.

Hours

For the avoidance of doubt, the hours applied for are as agreed in advance with the police and licensing (see above). The hours sought are no longer than other venues are permitted to open in the area. For example, the Redback (which is closer to those that have raised representations) is open until 1.30 a.m. Thursday to Saturday.

Off Sales

There is no intention to make use of the current off sale provision. Patrons at the Premises (and all other venues within the wider group) are not permitted to takeaway drinks and there is no delivery service on offer. Given the type of offer it is highly unlikely that this will change.

Drinks only with A Meal

As the Premises operates as a bar without a kitchen it is unrealistic to only serve drinks with food after 22.00 hours, or at any other time.

Potential Increase in Drug Use

As with spiking, the Premises operates a zero-tolerance approach to drugs. Please see attached a copy of the latest Drugs Policy at **appendix 3**. With a proactive door team which work in conjunction with the police the applicant submits that having a presence in the immediate area slightly later at night deters drug dealing/taking in the immediate vicinity.

Licensing Policy (the "Policy")

Two of the representations state that the hours sought exceed the 'suggested' closing times for bars in Mixed Use Areas. Whilst this is indeed the case, as has been confirmed by Council Officers,

the Premises is located within Fulham's Town Centre. Therefore, the suggested closing times for public houses and bars is:

Friday and Saturday -	02:30 a.m.
Monday to Thursday -	01:00 a.m.
Sunday -	00:00 a.m.

Therefore, the hours sought on Thursday are half an hour later than suggested but an hour earlier on Friday and Saturday.

Potential Public Nuisance

7. Several representations express a fear that the extension of hours would lead to an increase in public nuisance and low-level crime and disorder. These are common concerns when a premises seeks to vary hours. However:
- there are no examples given of patrons of the Premises currently causing any nuisance;
 - with the additional conditions proffered the statutory authorities are confident that later hours will not cause public nuisance or crime and disorder;
 - the Premises has a robust dispersal policy – see attached at **appendix 4**; and
 - from the information provided, it would appear that none of the residential objectors live in the immediate vicinity of the Premises.

Conclusion

8. Before making this application the applicant carefully considered the Policy and sought formal pre-app advice from the statutory authorities. All their recommendations were adopted and the applicant has an enviable record of good operating practice. Given the enormous economic turmoil at present, it is vital from a competition perspective to offer similar hours to nearby

operators. Such economic factors can properly be considered in a licensing determination. In *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* [2011] EWCA Civ 31, the Court of Appeal (per Toulson LJ) observed that [at 42]:

*'Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand**, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.'*

9. It is hoped that the above reassures those that have raised representations. If it has, they are respectfully asked to formally withdraw their representations in the hope that the time and cost of a licensing sub-committee can be avoided. However, if doubts persist, they are urged to contact the writer, Niall McCann at niall.mccann@keystonelaw.co.uk to discuss the application in more detail.

Niall McCann
Partner, Keystone Law