

Pre-App Advice Report

Dated : 11 July 2022

To : Niall McCann, Keystone Law

From: Licensing, London Borough of Hammersmith and Fulham

Licensing Act 2003

Premises Licence Number: 2021/00450/LAPR

Pre-Application Advice Number: 2022/04603/LIAPAD

Premises Name: Simmons Bar

Premises Address: 374 North End Road London SW6 1LY

Mr Niall McCann (Solicitor for Simmons - Keystone Law) made a request for pre-application advice on a proposal to extend the hours for licensable activities and the opening hours until 02:00 on Thursdays, Friday and Saturday nights at Simmons Bar located at 374 North End Road, London, SW6 1LY.

On Tuesday 5 July 2022 a pre-application site visit was held at Simmons Bar, 374 North End Road London SW6 1LY.

The following parties attended the meeting:

Council Officers:

- Mr Simon Boniface (Principal Noise Officer, Noise and Nuisance)
- Ms Cristina Perez (Licensing Enforcement Officer)
- Ms Sophia Barrett (Licensing Compliance Assistant)

Licensing Police Officer- Hammersmith and Fulham:

- Mr Kris Cardwell

Pre-application Applicant (the applicant)

- Mr Kelsey Brennan (Premises Operator)
- Mr Niall McCann (Solicitor for Simmons- Keystone Law)

The Premises

The premises currently benefit from a premises licence (2021/00450/LAPR) which permits the following:

The opening hours of the premises:

Monday to Sunday 08:00 - 00:00

Performance of Live Music -Indoors Only

Monday to Sunday 18:00 - 00:00

Playing of Recorded Music -Indoors Only

Monday to Sunday 10:00 - 00:00

Entertainment Similar to Music or Dance -Indoors Only

Monday to Sunday 10:00 - 00:00

Sale of Alcohol - On the Premises

Monday to Sunday 11:00 - 23:45

The premises is located at 374 North End Road London SW6 1LY. The main entrance/exit to the site is located at 374 North End Road London SW6 1LY.

Proposed premises licence variation

The applicant is proposing to extend the hours for licensable activities and the opening hours until 02:00 on Thursday, Friday and Saturday nights.

A copy of the pre-application document can be seen attached to this report.

The applicant's proposal included the following licensable activities, days and times:

Performance of Live Music -Indoors Only

Thursday Friday and Saturday 18:00 - 02:00

Playing of Recorded Music -Indoors Only

Thursday Friday and Saturday 10:00 - 02:00

Entertainment Similar to Music or Dance -Indoors Only

Thursday Friday and Saturday 10:00 - 02:00

Sale of Alcohol On the Premises

Thursday Friday and Saturday 11:00 - 02:00

Applicant's query and comments

The applicant requested that the pre-application advised submitted be amended to include Thursdays.

Licensing Officer's query and comments

Ms Perez agreed with the Police's proposal and reasoning with respect to application, for hours until 1:00 on Thursdays, Fridays and Saturdays. She also agreed with the need for football conditions and SIA on Thursdays, as advised by Police.

Ms Perez explained that licensing had no immediate reservations and proposed that a last entry policy of 00:00 to be added as a condition. After further discussion, it was agreed that 00:30 would be acceptable for last entry. She also proposed that the Challenge 25 policy and posters condition be added to the licence.

The conditions referred to are:

- There shall be no admittance or re-admittance to the premises after 00:30, except for patrons permitted to temporarily leave the premises (e.g., to smoke or make a phone call)
- The Premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.

Noise Officer's query and comments:

Mr Boniface asked if the backdoor was alarmed and requested that it be used for egress only. He enquired about the residents living in the vicinity of the pub and was taken outside to the back of the pub to have a look around.

Police Officer's query and comments:

The Police commented that they would not have any concerns with the sale of alcohol on a Thursday, Friday and Saturday until 01:00, closing at 01:30 with the following conditions added:-

- Condition 32 amended to:- A minimum of two SIA licensed door supervisors shall be on duty at the premises from 20:00 on Thursday, Friday and Saturday.
- The premises shall operate a dispersal policy and all staff shall be trained in its implementation.

- There shall be no admittance or re-admittance to the premises after 00:30, except for patrons permitted to temporarily leave the premises (e.g. to smoke or make a phone call)
- On days when Chelsea Football Club are playing at home there shall be a minimum of two door supervisors on the premises from 3 hours before the advertised kick off time until three hours after the match has been completed
- On days when Chelsea Football Club are playing at home plastic glasses shall be used for three hours before the advertised kick off time until three hours after the match has been completed.

Licensing Officer's Advice:

We recommend particular consideration be given to the following conditions in relation to the application:

Conditions 11, 12 and 13 be replaced with the below updated wording:

High-Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and:

- shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
- at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full-length image of anyone entering.
- shall cover any internal or external area of the premises where licensable activities take place.
- recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
- footage shall be provided free of charge to the Police or authorised Council officer within 24 hours of a request.
- a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.

Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.

Condition 16 be amended include Challenge 25 with posters:

- A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification. The Premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.

You may want to consider removing condition 25:

The premises shall use chip and pin covers on all payment devices.

Condition 31 be replaced with updated wording

The incident record shall be kept on the premises and be available for inspection by the Police or authorised officers of the Licensing Authority at all times the premises is opened.

We propose you add

- The external doors and windows at the rear of the premises shall be kept closed at all times during the provision of regulated entertainment and should be used for egress only.

Application Process

Please submit an online application for the variation of a premises licence:

- The application can be accessed via the following link:
<https://www.gov.uk/apply-for-a-licence/premises-licence/hammersmith-and-fulham/change-1>
- Please read the information provided on the "Before you begin" page.

Prior to submitting online application for the variation of a premises licence:

- Please read Guidance for variation of Premises Licence
https://www.lbhf.gov.uk/sites/default/files/section_attachments/guidance_notes_-_full_variation_of_premises_licence.pdf

Plan of the premises

Please submit the premises layout plan with the application. Please see the following link with the guidance:

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/new-premises-licence-site-plan-requirements>

Application Fee

The fee for the proposed application fee is £315.00

- The application fee is based on the non-domestic rateable value ("NDRV") of the premises.

- The NDRV of this premises can be found by searching the premises address via the following link:
- Once you have entered the NDRV the application form will inform you which fee band the premises is in and the total application fee.
[Find a property - Valuation Office Agency - GOV.UK \(tax.service.gov.uk\)](http://tax.service.gov.uk)

Advertising the application

Applications for the full variation of a premises licence must be advertised in the two following ways:

1. Site Notice

The site notice needs to be exhibited at the premises in a prominent area where it can be conveniently read from the exterior of the premises by the public. If the premises covers an area of more than 50 metres square, a further notice in the same form needs to be exhibited every fifty metres along the exterior of the premises. It needs to be exhibited the day after a valid application is submitted and should be on pale blue A4 paper. I have attached a link to the notice below.

https://www.lbhf.gov.uk/sites/default/files/section_attachments/window_notice_other_than_minor_variation_for_the_grant_or_variation_of_a_premises_licence.pdf

2. Newspaper Advertisement

Within the first 10 working days of the application, beginning on the day after the application becomes valid, the application must be published in a local newspaper that is circulated within the vicinity of the premises. Please refer to the link below for the template for the newspaper advertisement

https://www.lbhf.gov.uk/sites/default/files/section_attachments/newspaper_advert_ver.2.pdf

Consultation Period

The consultation period is 28 consecutive days starting from the day after the application becomes valid.

Objections and support can be received during the consultation period. If objections to the application are received then the application will be considered and a decision made at a Licensing Committee Hearing.

Notes to consider when completing online application:

- When do you want the premises licence to start? Please tick that you want proposed variation to have effect as soon as possible unless you wish any licence granted licence to start at a later date.

The application calendar will usually only allow applicant to select 28 consecutive days starting from the day after the application is submitted.

- If you are applying as a limited company, please select "a person other than an individual". Applicant details entered will therefore be the companies registered name and address as per companies house. Enter registered company number as per companies' house.
- Steps to promoting the licensing objectives:

This section should include any steps you intend to take to promote the four licensing objectives. We advise that you review and consider the Council's pool of conditions prior to proposing conditions in your operating schedule. A full list of the Council's pool of licensing conditions can be found via the following link:

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/premises-licences/local-pool-licence-conditions>

We would like to take this opportunity to thank you for choosing pre-application advice and meeting with us. We hope the above is of assistance.

Kind regards,
Sophia Barrett
Licensing Compliance Assistant

Disclaimer

The advice given is from the Council's Licensing Team, acting in their role as a Responsible Authority under the provisions of Section 13 of The Licensing Act 2003.

This pre-application advice will not give applicants any exemptions from the licensing process. Responsible Authorities, including the Licensing Team, may still make a representation against the application and the case may still need to be heard at Licensing Sub-Committee for a decision to be made.

The advice given does not include views from other responsible authorities such as the Police, Fire Authority, etc. Determining any application that is subject to representations will be the function of the Licensing Sub-Committee who will consider the application and the representations on its own merits and determine the application accordingly on the basis of whether it promotes the licensing objectives.