

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	4
1.1. Current hours of Operation	4
1.2. Application Requested	4-6
1.3. Applicant's Operating Schedule	6
2. BACKGROUND	6-7
3. CONSULTATION	7
3.1 Relevant Representations	7
4. OTHER INFORMATION	7
4.1 Enforcement History	7
4.2 Temporary Event Notices ("TENs")	7-9
5. POLICY CONSIDERATIONS	9-15
6. DETERMINATION	15

APPENDICES

Copy of current licence and plan	16-26
Copy of application form and Proposed conditions	27-44
Relevant correspondence with the Noise and Nuisance team	45-46
Map showing location of premises and neighbouring premises	47-49
Copy of objection from a Member of Parliament For Chelsea & Fulham	50
Copy of objections from local residents	51-55
Applicants written submissions in support of this application	56-60
Pre-application advice report	61-67
Simmons Bar Anti-Drink Spiking Policy	68
Simmons Bar Drugs Policy	69
Simmons Bar Dispersal Policy	70-71

1. THE APPLICATION

On 2nd September 2022, Simmons Street Light Fulham Limited ("the applicant") submitted an application to vary the premises licence in respect of the premises known as Simmons Bar, 374 North End Road London SW6 1LY.

1.1 Current Hours of Operation

The premises currently benefit from a premises licence. The current premises licence permits the following:

Performance of live music – indoors only

Monday to Sunday 18:00 - 00:00

Performance 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 opening hours of the premises

Monday to Sunday 08:00- 00:00

A copy of the current premises licence and plan can be seen on pages 16-26 of this report.

1.2 Application Requested

The applicant has applied to vary the hours for all licensable activities on the premises licence and add, remove and vary some conditions as outlined below:

Performance of live music – indoors only

Sunday to Wednesday 18:00 - 00:00

Thursday to Saturday 18:00 - 01:00

Performance of recorded music – indoors only

Sunday to Wednesday 10:00 - 00:00

Thursday to Saturday 10:00 - 01:00

Performance of anything of a similar description to live music, recorded music or performances of dance- indoor only

Sunday to Wednesday 10:00 - 00:00

Thursday to Saturday 10:00 - 01:00

Sale of alcohol – on the premises

Sunday to Wednesday 11:00 - 23:45

Thursday to Saturday 11:00 - 01:00

The opening hours of the premises

Sunday to Wednesday 08:00 - 00:00

Thursday to Saturday 08:00 - 01:30

To add the following conditions:

- 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.
- 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.
- 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.

To replace conditions 11, 12 and 13 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 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.

To amend condition 16 to read as:

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.

To remove condition 25:

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

A copy of the application form and proposed conditions can be seen on pages 27-44 of this report.

1.3 Applicant's Operating Schedule

The applicant has proposed further additional steps to promote the four licensing objectives if the application is granted. A copy of the proposed conditions can be seen on page 43-44 of this report.

On 06 September 2022, following correspondence received from the Noise and Nuisance Team, the applicant agreed to add three further conditions to the licence, if granted. A copy of this correspondence can be seen on pages 45-46 of this report.

Proposed conditions:

- All external doors and windows shall be kept closed after 10pm during the provision of regulated entertainment, save 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

2. BACKGROUND

The main access to the premise's unit is located on North end road. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 47-49 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around North end road area. Fulham Broadway tube station is a 5-minute walk away, Parsons Green tube station is a 6-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 the Member of Parliament for Chelsea & Fulham objecting to the licence application. A copy of the representation can be seen on pages 50 of this report.

The licensing section received four representations from local residents objecting to the licence application. A copy of the representations can be seen on pages 51-55 of this report.

In response to representations the applicant provided written submissions in support of the application together with a copy of a pre-application advice report, Simmons Bar Anti-Drink Spiking Policy, Simmons Bar Drugs Policy and Simmons Bar Dispersal Policy. The written submissions and policies can be seen on pages 56-71.

4. OTHER INFORMATION

4.1 Enforcement History

There have not been any warnings, simple cautions or prosecutions given to the operator in respect of the premises during the past three years.

4.2 Temporary Event Notices (“TENS”)

Thirteen TENS have been submitted in respect of this premises in the past twelve months, details of these TENS can be seen below:

REF	DETAILS	Start Date	End Date
2021/01318/LAT EMP	Temporary Event Notice for no more than 200 people Sale of Alcohol on the premises and Regulated Entertainment Start date: Friday 03 December 2021 to Sunday 05 December 2021 from 00:00-02:00 each day	03/12/2021	05/12/2021
2021/01319/LAT EMP	Temporary Event Notice for no more than 200 people Sale of Alcohol on the premises and Regulated Entertainment Start date: Friday 10 November 2021 to Sunday 12 November 2021 from 00:00-02:00 each day	10/12/2021	12/12/2021
2021/01320/LAT EMP	Temporary Event Notice for no more than 200 people Sale of Alcohol on the premises and Regulated Entertainment Start date: Friday 17 November 2021 to Sunday 19 November 2021 from 00:00-02:00 each day	17/12/2021	19/12/2021

2021/01325/LAT EMP	Temporary Event Notice for no more than 200 people Sale of Alcohol on the premises and Regulated Entertainment Start date: Saturday 27 November 2021 to Sunday 28 November 2021 from 00:00-02:00 each day	27/11/2021	28/11/2021
2021/01352/LAT EMP	Temporary Event Notice, Simmons Bar: Applicant has an existing licence and proposes a TEN to extend the hours for the sale of alcohol and regulated entertainment at a New Year's Eve event. The sale of alcohol on the premises only and the provision of regulated entertainment for no more than 200 people on Saturday 01 January 2022 between 00:00 – 04:00 for both licensable activities.	01/01/2022	01/01/2022
2022/00401/LAT EMP	Temporary Event Notice Simmons Bar: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol and regulated entertainment during the Easter Bank Holiday period. The sale of alcohol and the provision of regulated entertainment for no more than 220 people. The sale of alcohol on Friday 15 th April 2022 to Sunday 17 th April between the hours of 00:00 02:00 each day Regulated Entertainment Friday 15 th April 2022 to Sunday 17 th April between the hours of 20:00 02:00 each day	15/04/2022	18/04/2022
2022/00402/LAT EMP	Temporary Event Notice Simmons Bar: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol and regulated entertainment during the May Bank Holiday period. The sale of alcohol and the provision of regulated entertainment for no more than 220 people. The sale of alcohol Friday 29 th April 2022 and Saturday 20 th April 2022 between the hours of 00:00 02:00. Sunday 1 st May 2022 between the hours of 23:45 to 02:00. Regulated Entertainment Friday 29 th April 2022 between the hours of 20:00 to 02:00 Saturday 30 th April 2022 and Sunday 1 st May between the hours of 20:00 to 03:00	29/03/2022	01/04/2022
2022/00403/LAT EMP	Simmons Bar: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol and regulated entertainment. The sale of alcohol and the provision of regulated entertainment for no more than 220 people. The sale of alcohol Thursday 2 nd June to Saturday 4 th June Between the hours of 00:00 to 02:00 Regulated Entertainment Friday 3 rd June to Sunday 5 th June Between the hours of 20:00 to 02:00	02/06/2022	05/06/2022
2022/00934/LAT EMP	Temporary Event Notice Simmons Bar: The premises has an existing licence (2021/00450/LAPR) and the applicant wishes to extend the hours for the sale of alcohol and regulated entertainment during the bank holiday weekend. The bar shall close between 23:45 to 00:00 each day. The sale of alcohol on the premises only and the provision of regulated entertainment for no more than 220 people. Saturday 27 th August to Monday 29 th August between the hours of 00:00 to 02:00 each day for all licensable activities.	27/08/2022	29/08/2022

2022/01719/LAT EMP	Temporary Event Notice, Simmons Fulham: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol. The Sale of Alcohol on the premises only for no more than 220 people. Friday 2 nd December 2022 to Sunday 4 th December 2022 between the hours of 00:00 to 02:00 each day.	02/12/2022	30/12/2022
2022/01723/LAT EMP	Temporary Event Notice, Simmons Fulham: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol. The Sale of Alcohol on the premises only for no more than 220 people. Friday 16 th December 2022 to Sunday 18 th December 2022 between the hours of 00:00 to 02:00 each day.	16/12/2022	30/12/2022
2022/01788/LAT EMP	Temporary Event Notice, Simmons Fulham: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol. The Sale of Alcohol on the premises only for no more than 220 people. Friday 9 th December 2022 to Monday 12 th December 2022 between the hours of 00:00 to 02:00 each day.	09/12/2022	12/12/2022
2022/01820/LAT EMP	Temporary Event Notice, Simmons Fulham: The premises has an existing licence (2021/00450/LAPR) and the applicant proposes a TEN to extend the hours for the sale of alcohol, the bar will close for 15 mins from 23:45-00:00 on 31/12/22. The Sale of Alcohol on the premises only for no more than 220 people. Sunday 1 st January 2022 between the hours of 00:00 to 04:00.	01/01/2023	01/01/2023

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 1 page 18 confirms that The Secretary of State's Guidance states that applicants are expected to obtain sufficient information to enable them to demonstrate, the steps they propose to take to promote the licensing objectives; and that they understand the layout of the local area and physical environment including:

- a) crime and disorder hotspots;
- b) proximity to residential premises;
- c) proximity to areas where children may congregate;
- d) any risk posed to the local area by the applicants' proposed licensable activities; and
- e) participation in any local initiatives (for example, local crime reduction initiatives or voluntary schemes, such as 'Ask for Angela', local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

The Guidance goes on to state that 'Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.'

The Licensing Authority notes the contents of these paragraphs from the Secretary of State's Guidance and, in particular, the use of the word 'expected'. Licence applications that do not in any way address the contents of these paragraphs in their operating schedules may be returned to the applicant as 'incomplete'.

5.3 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.

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.

To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

Type of premises	Town centres	Mixed use areas	Residential areas
Public houses, bars, or other drinking establishments	Fri – Sat 02:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00

5.4 Policy 4 pages 22 and 23 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 effect of the number, type and density of licensed premises already existing in the area. Consideration will be given to the proximity to any drug and alcohol treatment site, A&E department or homeless hostel in a local area type remit ie applicants need to make the case for how they would not increase further problems for residents/clients nearby.

In coming to any decision regarding cumulative impact the Licensing Authority will consider other mechanisms outside of the licensing regime which may also be available to address this issue, these include but are not limited to:

- Police and other enforcement of the normal law concerning disorder and anti-social behaviour.
- Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
- Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious antisocial behaviour is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.
- To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt an Area Specific Cumulative Impact Policy in relation to a specific area; where the number, type and density of premises providing licensable activities is having a serious negative impact on the local community and local amenities.

5.5 Policy 11 page 30 of the SLP states that Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. However, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.

As a matter of policy the council expects every holder of a licence, certificate or permission, to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.

Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.

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

5.4 Policy 15 page 33 of the SLP in relation to drink spiking issues states that licensees and licence applicants are encouraged to establish a clear approach to preventing, identifying and addressing drink spiking in their operating schedules. This should include, but is not limited to:

- Training for door and bar staff to identify where drink spiking may be taking place, how to respond to any reported or observed instances of drink spiking, and how to report to Police.
- Offering drink spiking preventative measures, such as drink covers, serving drinks direct to customers (not leaving these unattended before being provided to customers), and keeping an eye on or clearing drinks left unattended.
- Providing customers with information on keeping safe from drink spiking.
- Operating schemes such as 'Ask for Angela' to encourage customers to seek help if they suspect drink spiking has occurred.
- Requiring the production of a drink spiking risk assessment and procedure for dealing with any such incidents.
- Displaying posters in visible locations at the premises to explain what to do in the event of a spiking incident / what a spiked drink looks like.

5.5 Policy 16 pages 33 and 34 of the SLP in relation to the safety of women and girls in licensed settings states the Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff,
- d) Require presence of CCTV, or to introduce entry searches for example.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

This would include, but is not limited to the 'Ask for Angela' programme, Welfare and Vulnerability Engagement' training package (WAVE) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls

5.6 Annex 1 pages 35 and 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:

- a) Measures to control excessive consumption and intoxication.
- b) Consideration of any additional measures or restrictions that may be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.
- e) Measures to demonstrate compliance Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- g) Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.
- 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.
- p) **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.

q) **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.

5.7 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:

i. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all Page 39 reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.

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;

iv. 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;

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);

xviii. The generation of odour, e.g. from the preparation of food;

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:

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 residential properties.

Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

o) **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast[1]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.

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.

q) **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.

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.

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 the representations.