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1. THE APPLICATION

On 27th February 2023, Riverside Trust (“the applicant”) submitted an application for a variation to the premises licence to be granted in respect of the premises known as The Riverside Studios, 101 Queen Caroline Street, London, W6 9BN.

1.1 Current Hours of Operation

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

Performance of Dance -Indoors Only

Monday to Sunday 09:00 - 00:30

Exhibition of a Film - Indoors Only

Monday to Sunday 09:00 - 00:30

Performance of Live Music -Indoors Only

Monday to Sunday 09:00 - 00:30

Playing of Recorded Music -Indoors Only

Monday to Sunday 09:00 - 00:30

Entertainment Similar to Music or Dance -Indoors Only

Monday to Sunday 09:00 - 00:30

Performance of a Play -Indoors Only

Monday to Sunday 09:00 - 00:30

Sale of Alcohol On the Premises

Monday to Sunday 11:00 - 23:00

The opening hours of the premises

Monday to Sunday 07:00 - 01:00

A copy of the current premises licence and plan can be seen on pages 73-93 of this report.

1.2 Application Requested

The applicant has applied to vary their licence to amending conditions 37, 45 and 46 on the premises licence.

Condition 37

Current Condition

The number of persons permitted in the bakery external area shall be limited to 32 (excluding staff) and the number of persons permitted in the restaurant external area shall be limited 36 (excluding staff) at any one time.

Proposed Variation

The number of persons seated in the external customer areas of the premises shall be limited to 75.

Rationale

The variation would allow us to accommodate a total number of patrons outside of 75, an increase of 7 from the current permitted level. This would allow us to be more flexible in our seating arrangements. The current provision means we have to restrict people to groups of no more than 4 patrons seated together which means we cannot accommodate, for example, a group of 6 at a table.

Condition 45

Current Condition

Alcohol shall not be sold on the Premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Proposed Variation

Alcohol shall not be sold on the Premises otherwise than to persons taking table meals there or to persons participating in or attending events, films, productions or exhibitions at the Premises. No vertical drinking shall be permitted in the external restaurant area.

Rationale

The present formulation of this condition restricts us from selling alcohol to theatre and cinemagoers; or from hosting private functions which sometimes may not include a “table meal”. All such activities take place inside the building and access/egress is carefully managed in line with other conditions in the licence. The wording of the proposed variation has been developed after extensive discussions with residents at our quarterly residents meeting and aims to meet the dual objective of allowing Riverside to trade sensibly and responsibly, while still not detracting from the Resident’s enjoyment of their homes.

Condition 46

Current Condition

In the hatched and cross hatched areas on the licensing plan, all licensable activities will end at 20.30 each day and the area shall be cleared of patrons, tables and chairs by 21:00.

Proposed Variation

In the cross hatched areas on the licensing plan, all licensable activities will end at 21:30 each day and the area shall be cleared of patrons, and the tables and chairs rendered unusable by 22:00.

Rationale

The proposed additional hour would make our licence consistent with that which is allowed to other similar businesses in the vicinity, such as Sam’s; The Gate and Chancellors. The extra hour of trade will make a substantial difference to our viability, particularly in the summer trading period.

A copy of the application form can be seen on pages 94-104 of this report.

1.3 Applicants Operating Schedule

The applicant has proposed steps to promote the four licensing objectives if the application is granted. A copy of these can be seen on pages 100-101 of this report.

2. BACKGROUND

The premises operates as an arts and entertainment venue with a restaurant, bar and cafe. The main access to the premises is located on the Thames Path at its

junction with Queen Caroline Street . 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 105-107 of this report.

There are options for transport away from the area including buses and taxis which run from in and around the Hammersmith Broadway and Fulham Palace Road area. Hammersmith tube stations are a 9-minute walk away. Ravenscourt Park tube is a 14-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 6 representations from residents objecting to the licence application. A further 2 comments were received in response to the application. A copy of these can be seen on pages 108 - 117 of this report.

4. OTHER INFORMATION

4.1 Enforcement History

On the 01 August 2022 a warning letter was issued following a breach of condition 45 on 31 July 2022, Alcohol shall not be sold on the Premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

On 7th December 2021 a verbal warning was issued due to a breach of condition 10 (c) which outlines that CCTV must cover any external area of the premises. (Areas used by customers).

On 10th September 2021 following a licensing inspection conducted an inspection sheet was left as a warning letter for the following breaches: Condition 10 - CCTV check log not available and CCTV not covering full external area; Condition 15 and Condition 16 - Written records of training not available; Condition 36 - No sign displayed at the bar.

4.2 Event Notices ("TENs")

The premises have had eighteen TENs which have been submitted in respect of this premises in the past twelve months. A list of the TENs submitted can be seen on pages 118 - 122 of this report.

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.

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.

In determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

5.3 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.

5.4 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'.
- 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.
- 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.

5.5 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.

- vi. Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
- vii. Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- 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;
- xiv. The siting of external lighting, including security lighting that is installed inappropriately;
- xv. The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- xvi. The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- xvii. The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- 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:

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.

k) **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.

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.

n) **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.

o) **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.

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

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.