

From: [Matthew Phipps](#)
To: [Mckenna Lorna: H&F](#)
Cc: [Alex Tomlinson](#) [REDACTED]
Subject: FW: Hammersmith Road [TLT-TLT.FID8922788]
Date: 04 May 2023 10:42:42

Lorna,

Some papers from me to follow for inclusion in the agenda papers for next week.

This below #1 please. I've not included the attachments as you already have those.

We have engaged with the objector, but no reply to recent emails so I suspect the matter is going to a hearing. For courtesy and transparency solicitor on copy here.

Matthew

From: Matthew Phipps [REDACTED]
Sent: 06 April 2023 10:13
To: Alex Tomlinson <[REDACTED]>
Subject: Hammersmith Road [TLT-TLT.FID8922788]

Dear Sir

Further to my earlier email.

I am the solicitor with conduct of the licensing application for Hammersmith Road, to which you have objected.

I attach a copy of the application that was submitted to the licensing authority and below list all of the conditions that are proposed to attach to the licence. We also attach a presenter to introduce the proposals as well as a plan of the proposed layout. This was sent to the officers when we undertook Pre-Application consultation.

Our clients are extremely accomplished licenced premises operators with an exemplary compliance record who wish to invest in and develop this premises. The menu, drinks list and visual images of the premises are, I trust, of some comfort.

We are respectful of the location of the premises and are sorry to note the concerns and issues that you have previously experienced. Two of the directors (Anthony and Paul) are Governors at schools (LVS Hassocks – AP, LVS Oxford PP) both of which hare SEN schools specialising in the education and care of children with Autism we are both knowledgeable and aware of the need for safeguarding measures and would happily engage with the school.

Hours of operation

The hours of operation for the application are proposed as follows:

Opening Hours

- Monday to Sunday – 10.00 to 00.30
- On New Year's Eve from 10.00 to 02.30

Licensable Activities Hours

30 minutes less, across all days, to allow for a suitable wind down period.

Licensable activities

The only licensable activity proposed is the sale of alcohol for consumption on the premises, and late

night refreshment (sale of hot food and drink), no regulated entertainment is proposed, nor will it be permitted.

Conditions

- All staff who have direct dealings with customers shall be trained in the following:
- The premises licence and its conditions Licensing Law; in particular, relating to the sale of alcohol.
- A record shall be kept of this training which will be refreshed no less than every 6 months and this record shall be available for inspection by the Licensing Authority or Police upon request.
- A minimum of 70% of the available customer floor space of the premises shall be laid out to tables and chairs at any one time.
- Food in the form of substantial table meals will be available until at least 22:00 hours or 90 minutes prior to closing.

- A digital hard drive CCTV system shall be in operation to cover the premises.
- All CCTV recorded images shall have sufficient clarity/definition to enable facial recognition.
- CCTV footage shall be kept in an unedited format for a period of 31 days.
- Managers responsible for the operation of the premises shall be trained in the use of any such CCTV equipment and able to produce/download/burn CCTV images upon request by an authorised officer from a Responsible Authority- subject to the relevant data protection laws.
- An incident and refusals log (the Log) will be kept and maintained at the premises and all incidents and refusals of sales of alcohol shall be recorded in it. As a minimum, the log will record the date and time of the incident/refusal, the name of the person making the entry, the nature of the incident/ refusal and any actions taken. The Log will be made available to officers from the responsible Authorities on request.
- The premises licence holder or designated manager will risk assess whether door supervisors will be employed at the premises. The risk assessment will be in writing. The risk assessment will be re-visited and updated in light of intelligence provided by the Metropolitan Police of following a serious incident of crime or disorder. The risk assessment will be made available to officers from the metropolitan Police on request.

- The DPS/Manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest opportunity.

- A sign will be displayed at each exit from the premises asking customers to respect the rights of nearby residents not to be disturbed.
- Bottles bins shall not be emptied into external bins after 22.00 hours or before 08.00.
- Deliveries of alcohol to the premises will not take place between 22.00 hours and 08.00 hours.
- The premises licence holder will ensure that any waste management company contracted to remove waste from the premises is required to do so between the hours of 08.00 and 22.00
- No deliveries or collections relating to licensable activities at the premises will take place between the hours of 22.00 hours and 10.00 hours.
- The DPS/Manager must instruct delivery riders and drivers not to cause a noise nuisance when collecting orders for delivery or making deliveries.
- Delivery of alcohol will only be as part of a substantial food offer.
- Delivery drivers/riders will be given clear, written instructions to use their vehicles in a responsible manner so as to not cause nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicle is parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers/riders to use quieter vehicles that are less likely to cause a nuisance such as bicycles.

Whilst our clients do not wish to be restricted to an exclusive restaurant use you will note that a number of the conditions control and restrict the operations such that the business would not likely cause any issues or concerns.

We note that you particularly have concern about sport being shown on screens within the venue, we can certainly offer a "no screens, TV's or live sport condition" on the face of the licence, that is entirely opposite to the manner in which our clients will operate this business.

If you would consider it helpful to contact me in order to explore any additional conditions or restrictions to attach to the licence, in order to address your concerns then please don't hesitate to get in touch.

Responsible Authorities

We also agreed an additional condition with the Metropolitan police, who do not object, to this effect:

- Management shall undertake the relevant training in relation to responding and ensuring the welfare and safeguarding of vulnerable patrons. Management shall risk assess the need for all other relevant staff to undertake such training. Written records of the training completed shall be recorded and available to the Police and Authorised Officers from the Local Authority upon request.

Dealing with a couple of the comments within your representation:

The landlord has informed me that the gates were installed prior to their ownership of the building (1994) and were installed by the school not the venue. The gate exiting the A315 has a padlock installed with keys retained by both the school and 206-208 Hammersmith. The rear gate with passageway extending through the school to Bute Gardens is locked and maintained by Sacred Heart. On all visits this gate has been locked and observation would suggest the gate is rarely unlocked despite the comment about it being a fire exit. On all visits the venue has not obstructed the passageway but I should note that there is an accumulation of rubbish from building works being conducted by the school currently blocking the fire exit.

In terms of bins the venue does (propose to) use the passageway for bin storage but these do not obstruct the passageway. Refuse collection is not directly outside the school due to cycle lane and restricted access onto A315 so substantive noise would not be close to the school when emptying glass bins. The bins are 240 L bins not 1100L commercial bins so this would further mitigate noise and obstruction.

There is a clear licensed curtilage to the premises that has been in use for previous issued licenses. The pavement is not narrow (3600mm building to pedestrian barrier) and again there has been no reported issues prior to this. A cycle lane has recently been installed on the A315 and a pedestrian safety barrier has been in situ for a longer period of time. Our proposal is not to have large groups outside and the venue capacity and covers is clearly highlighted in the plans. Currently within the licensing plans is four covers which matches prior applications.

The venue is too small to host the type of events alluded to, the venue will have no more than 75 covers on the main floor and no more than 40 covers in the basement. Fire Regulations would not permit 500 people in the venue and the venue physically would not be able to hold that many individuals

If you would consider it helpful to meet with my clients at the premises in order to discuss any element of the application, then please do not hesitate to get in touch.

Look forward to hearing from you.

Yours sincerely

Matthew Phipps
Partner

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The Home Office is consulting on extending the impact of the Late Night Levy to include Late Night Refreshment Premises. A copy of the consultation document can be found [here](#)

Responses to the consultation are due by 3 April 2023

TLT. For what comes next.

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