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1. THE APPLICATION

On 24th April 2023 Piers Warne of TLT Solicitors submitted an application on behalf of Interpub Limited (“the applicant”) to vary the premise licence in respect of the premises known as Belushi’s, 13-15 Shepherd’s Bush Green, London, W12 8PH.

1.1 Current Hours of Operation

The premises currently benefit from a premises licence which permits the following:

Performance of Dance -Indoors Only

Monday - Wednesday	10:00 - 23:00
Thursday - Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

Performance of Live Music -Indoors Only

Monday - Wednesday	10:00 - 23:00
Thursday – Saturday	10:00 - 00:00
Sunday	10:00 - 23:00

Entertainment Similar to Music or Dance -Indoors Only

Monday – Wednesday	10:00 - 23:00
Thursday - Saturday	10:00 - 00:00
Sunday	12:00 - 23:00

Provision of Late Night Refreshment -Indoors Only

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday - Saturday	23:00 - 00:30

Sale of Alcohol On and Off the Premises

Monday - Friday	10:00 - 23:00
Saturday	11:00 - 23:00
Sunday	12:00 - 22:30

The opening hours of the premises:

No Restrictions

A copy of the current premises licence and plan can be seen on pages 82-94 of the report.

1.2 Application Requested

The applicant has applied to vary their premise licence to change some of the licensable hours, and amend the conditions as detailed below:

Amended Licensable Hours

Sale of alcohol - On and Off the premises :

Sunday to Thursday 10.00 - 00.00
Friday and Saturday 10.00 - 01.00
(currently permitted 10.00-23.00 Monday to Friday, 11.00-23.00 Saturday, 12.00-22.30 Sunday)

The performance of dance, recorded music and anything of a similar description to music or dance:

Sunday to Thursday 10.00 - 00.00
Friday and Saturday 10.00 - 01.00
(currently permitted 10.00-23.00 Monday to Wednesday, 10.00-00.00 Thursday to Saturday, 12.00-23.00 Sunday)

Live music:

Sunday to Thursday 10.00 - 00.00
Friday and Saturday 10.00 - 01.00
(currently permitted 10.00-23.00 and Sunday to Thursday)

Late Night Refreshment – Indoors only:

Sunday to Thursday 23.00 - 00.30
Friday and Saturday 23:00 - 01:00
(currently permitted 23.00-23.30 Monday and Tuesday, 23.00-00.30 Wednesday to Saturday)

Amend condition 16 to read:

- No customer shall be admitted or readmitted to the premises after midnight.

Condition 16 is currently worded as follows:

- 16. No customer shall be admitted or readmitted to the premises after 11.00pm.

To add the following conditions:

- Alcohol shall not be served before 11am on Saturdays or Sundays when QPR Men's First Team play at home.
- There shall be a minimum of 2 SIA registered door supervisors on duty on Fridays and Saturdays from 20.00 until the close of the premises. The premises shall risk assess the requirement for additional SIA.
- All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.
- A daily incident log shall be kept at the premises and made available on request to an authorised officer of the Council of the Police or the Fire Service which shall record the following:
 - a) all crimes reported to the premises.
 - b) all ejection of patrons
 - c) any complaints received relating to crime and disorder or noise nuisance
 - d) any incidents of disorder reported to the premises
 - e) seizures of drugs or offensive weapons
 - f) any identified faults in the CCTV system

- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service
- The licence holder shall put arrangements in place to ensure that before serving alcohol or other age-restricted goods to customers they believe to be less than 25 years of age, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the customers, or any other form of ID sanctioned by the Home Office as acceptable for age verification relating to sale of alcohol.
- The licence holder shall require staff to note any refusals log. The refusals log shall record the date and time of the refusal; the name of the staff member refusing; and the reason for refusal. It must be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the Licensing Team, Police or Trading Standards.
- On days when Queens Park Rangers Football Club Men's First Team 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 Queens Park Rangers Football Club Men's First Team are playing at home reusable plastic glasses or polycarbonate vessels shall be used for three hours before the advertised kick off time until three hours after the match has been completed.

It is proposed that all other activities and timings remain the same as the current licence which can be found on page 83 of this report.

A copy of the application form can be seen on pages **95-117** of this report.

1.3 Applicants Operating Schedule

The applicant has proposed a number of additional steps to promote the four licensing objectives if the application is granted. A copy of these steps can be seen on pages 112-113 of the report.

2. BACKGROUND

The main access to the premises is located on Shepherd's Bush Green. A map showing the location of the premises can be seen on page 118 of this report, there are primarily residential premises within the area and there are no neighbouring licensed premises within 75 metres.

There are various options for transport away from the area including buses and taxis which run from on and around Shepherds Bush Green. Shepherds Bush tube station is a 2-minute walk away. Shepherds Bush Market tube station is a -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 six representations from a local residents objecting to the licence application. A copy of the representation can be seen on **pages 122-128** of this report.

4. OTHER INFORMATION

4.1 Enforcement History

There has been no enforcement history record at the premises in the last 3 years.

4.2 Event Notices (“TENs”)

There have been two TENs submitted in respect of this premises in the past twelve months. These are detailed in the table below:

REFVAL	DETAILS	Start Date	End Date
2022/01301/L ATEMP	<p>Temporary Event Notice Belushis And St Christophers Inn: The premises has an existing licence (2022/00475/LAPR) and the applicant wishes to extend the hours for the sale of alcohol, regulated entertainment and late night refreshment to cover the showing of The AFL Grand Final and to permit the premises to trade late and carry out the specified licensable activities between 04:00 until 10:00 in the morning.</p> <p>Licensable Activities Sought: The sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment for no more than 499 people.</p> <p>Days and times sought: Saturday 24th September between the hours of 04:00 to 10:00 for all three licensable activities.</p>	24/09/2022	24/09/2022
2023/00114/L ATEMP	<p>Temporary Event Notice for no more than 250 people</p> <p>Event: To show the Superbowl LVII</p> <p>Licensable Activities applied for: Sale by retail of alcohol on the premises only</p>	12/02/2023	13/02/2023

	<p>Sunday 12 February 2023 from 22:30 to 00:00 Monday 13 February 2023 from 00:00 to 06:00</p> <p>Regulated Entertainment Sunday 12 February 2023 from 22:30 to 00:00 Monday 13 February 2023 from 00:00 to 06:00</p> <p>Provision of Late Night Refreshment Sunday 12 February 2023 from 23:00 to 00:00 Monday 13 February 2023 from 00:00 to 05:00</p>		
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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 in relation to licensing hours 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.

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.

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
Restaurants and cafes	Fri – Sat 01:30 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
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

5.3 Policy 11 page 29-30 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 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.
- 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
- 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 37 to 38 of the SLP in relation to Public Safety states that the Licensing Authority will require the applicant to demonstrate the steps proposed to ensure the physical safety of people using the relevant premises or place. This does not cover the separate need for applicants to provide relevant public safety requirements dealt with by Environmental Health. This is expected to include:

- c) The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to, the following:
 - i. Checks on equipment at specified intervals, e.g. gas safety checks; 38
 - ii. Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - iii. The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;

- iv. The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
- v. The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
- vi. The provision of air conditioning and ventilation;
- vii. Measures to protect against overcrowding; and
- viii. Implement access/support needs for disabled people.

5.6 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;
- 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.
- 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;
- 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:

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.

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.