

BEFORE THE LONDON BOROUGH OF HAMMERSMITH & FULHAM LICENSING SUB-COMMITEE

IN THE MATTER OF A VARIATION OF THE PREMISES LICENCE

Belushi's, 13-15 Shepherd's Bush Green, London, W12 8PH.

SKELETON ARGUMENT

INTRODUCTION

1. I act for Interpub Limited, the premises licence holder at Belushi's, 13-15 Shepherd's Bush Green, London, W12 8PH. ('the Premises'). Interpub operate 6 Belushi Bars in London and 3 other Belushi premises in the UK, as well as other unbranded pubs under the name 'Beds & Bars'. They also operate a number of hostels throughout the UK, such as the St Christopher's Hostel directly above the Premises.
2. You will find the following documents accompanying this statement:
 - a. Statement of Tom Talbot, UK Operations Manager for Beds & Bars
 - b. Map showing location of the Premises and approximate location of the 6 objectors

THE PREMISES

3. Belushi's is a long-established premises sitting on the south side of Shepherds Bush Green opposite Shepherds Bush Green tube, rail and bus stations. It has traded on the site since February 2001.
4. Belushi's trades throughout the day, evening and into the night, serving an extensive food menu, from breakfast, to small plates, to full meals. Each Belushi's provides a wide and changing range of entertainment and live sports, serving a large and mixed range of drinks. The premises and the offer are designed to appeal to a wide range of people, providing a safe and convivial atmosphere for customers of all ages.

5. Belushi's Shepherd's Bush employs 13 people, not including outside contractors such as door supervisors, DJ's and cleaning staff. This includes, management, front of house and kitchen staff. St Christopher's Hostel above employs another 4 people.

THE APPLICATION

6. The details of the application can be found in full at pages 73 to 75 of the Report. Essentially, the premises is looking to extend the hours for sale of alcohol and regulated entertainment to midnight Sunday to Thursday and 1am Friday and Saturday (late night refreshment to 00:30 Sunday to Thursday and 1 am Friday and Saturday). Opening hours are unrestricted, so there is no change sought in this regard.
7. In addition, it is proposed that the last entry time is amended to midnight (from 11pm) and an additional 8 conditions are added to the licence.

PRE-APPLICATION CONSULTATION

8. You will see from Mr Talbot's statement that significant engagement is undertaken with the police licensing team in the Borough, including pre-application consultation for this application.
9. I submit that the fact that no responsible authorities have made representations to the application should be given considerable weight when the Licensing Sub-Committee comes to deliberate on this application.

THE REPRESENTATIONS

10. The representations to this application all come from residents living on the north side of Shepherd's Bush Green. A map has been provided with this skeleton indicating rough locations of the residents, based on the road details provided (the two red dots to the extreme left of the map indicate that the locations of two residents fall outside of the boundary of the map) and the location of the Premises.
11. It should be noted that, unless living in those resident's streets or to the immediate north of them, there is no need for any customers from the Premises to travel past any of these residences, let alone cause issues that might undermine the licensing objectives.
12. This can be said with some certainty for the following reasons:

- a. All major public transport links- trains, busses (including night-bus) and tubes (including weekend 24 central line)- are directly opposite the premises and do not require customers to pass the residential properties.
- b. Hackney Cabs and pre-booked taxis can pick up from outside the premises and are readily available in what is a main street (Shepherds Bush Green/ Uxbridge Road)
- c. The trading history of the premises discloses no issues of crime, disorder or disturbance to any residents in the wider area and the representations do not disclose any issues linked to the operation of the Premises.
- d. The enforcement history for the premises (para 4.1 of the Report at page 76) discloses no enforcement history for 3 years.

CONCLUSION

13. The S182 Guidance to the Licensing Act states at para 9.44 states:

*Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end... The authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business... **The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.***

14. It is submitted that:
 - a. where there is no direct evidence that the premises currently undermines the licensing objectives, and
 - b. no evidence has been provided to suggest that the objectors would be directly affected by customers from the Premises, and
 - c. No Responsible Authorities have objected to the application

I submit that the Licensing Sub-Committee can be reassured that the application will not undermine the licensing objectives and therefore that the 'benefits' of granting the application outweigh the 'risks' leading to the representations.

15. I therefore submit that the application can be granted as set out in the report.

PIERS WARNE

TLT SOLICITORS



Tom Talbot
UK Operations Manager
Beds and Bars

Ahead of making the application we engaged and consulted with Hammersmith and Fulham licensing and met with Kristen Cardwell on a number of occasions, on the 2nd Feb we had a general catchup and discussed the following.

- That the site was operating well and the police had no concerns
- That there was good communication between the DPS and the police
- That on QPR home days the site worked well with local police and managed the busy sessions well and competently.

A subsequent meeting on the 28th February we discussed the possibility of an amendment to extend the trading hours by 1 hour. This would then be Sunday to Thursday to 00:00 and Friday to Saturday 01:00. With this it was agreed that a sensible approach would be to look at this alongside including that No customer shall be admitted or readmitted to the premises after 00:00

Kristen subsequently confirmed that the police would not object to this if an application was made

It was noted that no additional actions needed to be taken on outside of our normal operation.

Belushi's Shepherds Bush is located next to a lot of transport options for guests upon closing. Shepherds Bush station is located directly opposite the site and includes the Central Line which operates 24 hours Friday and Saturday nights. In addition the London Overground also operates at this station. The bus depot located in the same space has 8 bus routes from here. The transport away from the area in all directions is adequate.

Important to note that we also operate the hostel St Christophers, which is located directly above Belushis. The hostel guests will frequently use the Belushis site as evening entertainment for our guests that would be residing either in a private room or dormitory.



□ APPLICANT PREMISES

● APPROXIMATE LOCATION OF RESIDENTS