

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	4
1.1. Application Requested	4
1.2. Applicants Operating Schedule	4
2. BACKGROUND	6
3. CONSULTATION	6
3.1 Relevant Representations	7
4. OTHER INFORMATION	57
4.1 Enforcement History	7
4.2 Temporary Event Notices (“TENs”)	7
5. POLICY CONSIDERATIONS	7-12
6. DETERMINATION	12

APPENDICES

Copy of application form and plan	13-20
Copy of amended application form	21-28
Copy of correspondence with Police	29-32
Map showing location of premises and neighbouring premises	33-37
Copy of objection from Licensing Authority	38-40
Copy of objection from Noise & Nuisance	41-43
Copy of objection from Community Safety	44-48
Copy of objection from the Resident Association	49-54
Copy of objections from Local Residents	55-67
Copy of comments from Planning	68-69

1. THE APPLICATION

On 3rd Jun 2023, R.H.N Limited (“the applicant”) submitted an application for a new premises licence to be granted in respect of the premises known as Dough & So Bakery, 140 Uxbridge Road, London, W12 8AA.

1.1 Application Requested

The applicant has applied to for a new premises licence application for a proposed bakery, and has applied for the licensable activities of the sale of alcohol, recorded music and late-night refreshment as detailed below:

The playing of recorded music - indoors only

Mondays to Sundays between the hours of 07:30 to 02:00.

The provision of late-night refreshment - both indoors and outdoors

Mondays to Sundays between the hours of 23:00 to 02:00.

The sale of alcohol - on the premises only

Mondays to Sundays between the hours of 13:00 to 01:00.

Proposed Opening hours of the premises:

Mondays to Sundays between the hours of 07:30 to 02:00.

A copy of the application form and the plan can be seen on pages 13-20 of this report.

On the 23rd June 2023, the applicant made further amendments to their original application, and increased the licensable hours sought, which is detailed below.

The provision of late-night refreshment - Both indoors and outdoors

Mondays to Sundays between the hours of 23:00 to 04:00. (Previously 23:00 to 02:00)

The sale of alcohol - On the premises only

Mondays to Sundays between the hours of 13:00 to 02:00. (Previously 13:00 to 01:00)

Opening hours of the premises

Mondays to Sundays between the hours of 07:30 to 04:00. (Previously 07:30 to 02:00)

A copy of the amended application can be seen on pages 21-28 of this report.

1.2 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 17-18 of this report.

On the 5th July 2023 following correspondence with the Police, the applicant amended the hours for the sale of alcohol on the premises, late night refreshment indoors and outdoors and the opening hours Monday to Sunday, and agreed to add 12 conditions to the licence, if granted. The application was amended to the following:

Sale by retail of alcohol on the premises

Mondays-Sundays from 11:00 to 23:00

The provision of late night refreshment - Both indoors and outdoors

Mondays to Sundays from 23:00 to 00:00.

Proposed opening hours:

Mondays-Sundays from 07:30 to 00:00

Agreed conditions:

1. *High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities 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 Police or authorised Council officers on request*
- *one camera will show a close-up of the entrance 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 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.*

2. *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 .*

3. *An incident record shall be kept on the premise and be available for inspection by the police or an authorised officer of the licensing authority at all times the premise is open.*

4. *The premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.*

5. *The licence holder see 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 customer.

6. *The licence holder shall require staff to note any refusals in a 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.*

7. *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.*

8. *The sale and supply of alcohol on the premises shall be to customers seated at tables*

9. *Alcohol supplied for consumption ON the premises shall only be supplied with and be ancillary to food to be consumed on the premises at the same time.*

10. *Beer, lager, cider and stout above 5.5% ABV shall not be displayed or sold.*

11. *On days when QPR Football Club are playing at home, all drinks sold for consumption ON the premises shall be supplied in a non-glass vessel for a period of three hours before the advertised kick off time until two hours after the match has been completed.*

12. *On any day that QPR football club play at home, the premise shall not allow any drinking of alcohol in any area outside the front of the premise for three hours before the advertised kick off time until two hours after the match has been completed*

A copy of the correspondence can be seen on pages 29-32 of this report.

2. BACKGROUND

The premises is proposing to operate as a bakery. The main access to the premises is located on Uxbridge Road. There is a mixture of both residential and commercial premises within the area, and the premises is directly opposite Shepherds Bush Green. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 33-37 of this report.

There are options for transport away from the area including buses and taxis which run from in and around the Uxbridge Road area. Shepherds Bush Market tube station is a 3-minute walk away, Shepherds Bush tube and Shepherds Bush overground stations are a 4-minute walk away and Goldhawk Road tube station is an 8-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 twelve representations objecting to the licence application. These were made up of one representation from the Licensing Authority, one representation from Noise & Nuisance, one from the Community Safety Team, one from the Caxton Village Tenants and Resident's Association and eight from local residents. A copy of the representations can be seen on page 38-67 of this report.

The licensing section also received comments from the Planning team. A copy of the comments can be seen on page 68-69 of this report.

4. OTHER INFORMATION

4.1 Enforcement History

On the 13th May 2023 at approximately 23:14 an officer from the Council's Noise and Nuisance team managed to purchase a savoury snack that was heated on the premises. The officer left the area at approximately 23:30 and noted that the business was still open and was not showing any signs of preparing to close. The Licensing team subsequently sent a warning letter to the licence holder for this offence.

On the 17th June 2023 at approximately 23:25 an officer from the Council's Noise and Nuisance team arrived at the premises and noted that the business was open to customers, and witnessed a customer being served coffee. Shortly afterwards the officer purchased a hot chicken tikka panini prior to leaving the premises. The Licensing team subsequently sent a warning letter to the licence holder for this offence.

A further test purchase was attempted on 30th June 2023 at approximately 23:13, however the business was found to be closed with shutters down.

4.2 Event Notices ("TENs")

No TENs have been submitted in respect of this premises in the past twelve months.

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 of the SLP states that 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

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
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

5.4 Policy 4 pages 22 and 23 of the SLP state that the Licensing Authority are keen to welcome and support new businesses in the borough. We will balance this with our responsibility to identify where an area is receiving a lot of complaints about existing licensing activity. We will consider if, by granting a licence, it would contribute to the negative impact in the area.

Any Responsible Authority or other persons may object to applications for new premises licences/ certificates or variations of existing licences, on the grounds that the premises will have a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives. See Section 182 guidance, which contains further information on cumulative impact.

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:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
- Police and other enforcement of the normal law concerning disorder and anti-social behaviour.
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
- 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 anti-social 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 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.

5.6 Policy 13 page 31 of the SLP states that despite Licensing and Planning being under different legislation, the Licensing Authority will ensure that the licensing regime is in line with the planning regime in Hammersmith & Fulham as far as is possible. The local planning authority has powers to control opening times of all new establishments seeking planning permission, where harm might occur.

Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. We would suggest that the applicant contacts Planning apply to vary their conditions.

The Licensing Authority may refuse to grant a licence if a representation from the Planning Department has been received AND ONE or more of the licensing objectives would not be promoted.

5.7 Policy 16 pages 33 of the SLP states the Licensing Authority expects licence applications to specifically include measures to ensure the safety of women and girls in licensed premises.

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.

5.8 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:

- i. The likelihood of any violence, public order or policing problem if the licence is granted;
 - ii. The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
 - iii. Past conduct and prior history of complaints against the premises;
 - iv. Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
 - v. Any relevant representations.
- 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.

5.9 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.
- 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);
- 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.

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.