

IN THE MATTER OF:

**A PROPOSED VARIATION OF PREMISES LICENCE FOR SANDS END (THE FULHAM ARMS),
135-137 STEPHENDALE ROAD, LONDON. SW6 2PR**

HEARING: 4TH OCTOBER 2023

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANT

INTRODUCTION

1. This is an application for variation of a Premises Licence pursuant to Section 34 of the Licensing Act 2003.
2. A hearing is required as there are representations which have not been resolved.
3. The premises are a licensed premises public house having operated as such for many years and prior to the Licensing Act 2003 and subsequent to that.
4. The premises was acquired in December 2022/January 2023 by the current Premises Licence Holder Butcombe Brewery Limited and have operated substantially without issues since that time.
5. The premises is subject to the Premises Licence issued by the Licensing Authority and the conditions and restrictions as detailed in the Premises Licence.
6. There is no request to extend the hours of operation at the premises or to extend the hours for licensable activities as authorised under the existing Premises Licence or to relax the existing conditions on the Premises Licence or restrictions on utilisation of the premises.

7. The application is to seek approval for authorisation to incorporate the first floor facility into the licensed area. At present the licensed area is restricted to the ground floor at the premises. The premises has the benefit of an On Licence and Off Licence and so effectively the current application is to provide flexibility for greater use of the first floor of the premises which can already be utilised under the off sales facility under the existing Premises Licence.
8. The application will therefore give greater flexibility for utilising a servery on the first floor as detailed in this application. This will give greater opportunity for regulation under the Licensing Act 2003.
9. The proposal is for the first floor area to be utilised for meetings, functions and as an overflow facility for the existing ground floor including provision of food and beverages.
10. Since the acquisition of the premises by the Applicant Company there has been an investment to improve the facilities and redecorate etc., the premises and to improve the offer for food at the premises.
11. There are no representations from any Responsible Authorities.

The Law

The Licensing Objectives.

12. Central to the statutory regime are the four licensing objectives which are the only relevant areas for consideration in licensing applications. They are as follows:
 - Prevention of crime and disorder.
 - Public safety
 - Prevention of public nuisance.
 - Protection of children from harm.

The Guidance

13. Under Section 182, the Secretary of State is required to issue Guidance to Licensing Authorities on the discharge of their functions under the Licensing Act 2003. Section 4(3) requires Licensing Authorities to have regard to the licence.
14. Paragraph 1.17 states each application must be considered on its own merits. This is essential to avoid the imposition of disproportionate overly burdensome conditions on premises where there is no need for such condition. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.
15. Guidance paragraph 2.26 stipulates "beyond the immediate area surrounding the premises these are matters for the personal responsibility of individuals under law. An individual who engages in anti-social behaviour is accountable in their own right. However it would be perfectly reasonable for the Licensing Authority to impose a condition following relevant representations to require Licence Holder or club to place signs on exits around the building encouraging patrons to be quiet until they leave the area and to respect the right of people living nearby to a peaceful night.
16. All licensing determinations should be considered on a case by case basis (9.42)

The Authorities determination should be evidence based justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve (9.43).

Para.9.44 – 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. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the 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.

17. Failure to comply with any condition attached to a Licence or Certificate is a criminal offence, which on conviction, is punishable by an unlimited fine or up to 6 months imprisonment. The Courts have made it clear that it is particularly important that the conditions which are imprecise or difficult for a licence holder to observe should be avoided (paragraph 10(2)).
18. The Licensing Authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied that as a result of a hearing (unless all parties agree that a hearing is not necessary) that it is appropriate to impose conditions that promote one or more of the four licensing objectives (10.8).
19. It is possible that in some cases no additional conditions are appropriate to promote the licensing objectives (10.9).
20. The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. **Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing Authorities and other Responsible Authorities should be alive to the indirect costs that can arise because of conditions Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives [Our emphasis] (10.10).**
21. The determination of the licensing committee must be evidence based on what is before them (9.43 and Daniel Thwaites PLC v Wirral Borough MC [2008] EWHC 838)

Conditions

22. The general principles which govern the imposition of conditions upon Premises Licences may be summarised under 4 heads :-

- (1) A condition may only be attached to a Licence if it is appropriate for the promotion of one or more of the licensing objections.
- (2) A condition must not duplicate other statutory provisions.
- (3) The conditions must be proportionate.
- (4) In order to give rise to criminal liability a condition must be framed so as to give precision and clarity for definition in the prescribed Act.

The Role of the Responsible Authority

23. At paragraph 9.12 of the Guidance, it is stated that each Responsible Authority is an expert in their respective field and in some cases it is likely that a particular Responsible Authority will be the main source of advice on a particular licensing objective. For example the police ... should usually be the main source of advice on matters related to the prevention of crime and disorder.

24. It is of course the case that there are no representations from any of the Responsible Authorities to this application.

Applicants Case

25. As mentioned above, representations have been received from 4 parties which are residential representations.

26. It should be noted that a number of the comments made in the representations do not relate to this application and there is no change requested to the existing conditions, authorisations or restrictions in that regard which can be summarised as follows:

(a) Use of the external area at ground floor.

(b) Use of the ground floor in relation to hours of operation etc.

(c) Changes to conditions

27. The concerns relate to potential for noise nuisance although it is noted that many of the points raised relate to aspects of the operation that are not part of this application.

28. It is to be noted that the Environmental Health Officer who has visited the premises and discussed the matter with the Applicant has not made a representation in this matter.

29. In addition there are no other Responsible Authorities having made representations.

30. The Statement of Licensing Policy for London Borough of Hammersmith Council has been considered in light of the proposed application and proposal at site.

Applicants request

31. The Applicant is solely to request approval for alterations to the layout as detailed on the layout plans and in particular the first floor to give provision for a servery within the licensed area (rather than utilising existing facilities downstairs for the consumption upstairs).

In summary:

- a. The applicant is highly respected operator of premises.
- b. The Responsible Authorities have not made any objections or adverse comments on the application and there is no evidence of any such having taken place.
- c. The style of operation at the site and based on current operation is one that promotes the existing licensing objectives.
- d. Attached are a copy of some photographs that show the premises which it is hoped the Committee will find of assistance. In addition there are typical menus showing the kind of food on offer when the training takes place at site.

John Gaunt & Partners

October 2023



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HEARING: 4th October 2023

ANNEX 1

DOCUMENTATION IN SUPPORT



Lunch

Aperitifs

French 75 / Blackcurrant Gin Spritz / Cosmopolitan

Pub Snacks & Sharing

Hobbs House breads, Nocellara olives, cold-pressed rapeseed oil, sherry vinegar (ve)	8.95
Symplicity tomato 'nduja' croquettes, whipped feta, chives (ve)	6.75
Stornoway black pudding Scotch egg, apple and tamarind ketchup	7.95
Beer-battered anchovies, curry mayonnaise, burnt lime	6.95
Baked camembert, rosemary, garlic-buttered dipping bread, pickles, sticky onion marmalade (v)	19.50

Starters

Smoked ham hock and parsley terrine, spiced pear chutney, pickled quail's egg, sourdough toast	9.75
Crown Prince squash carpaccio, smoked chilli jam, sage crisps, whipped feta, pumpkin seed dukkah (ve)	9.50
Caramelised cauliflower and Old Winchester soup, Butcombe ale, Marmite and Cheddar cheese straws (v)	8.50
Whipped hot-smoked Chalk Stream trout, beetroot tartare, capers, dill, rye toast	9.50
Seared scallops, Jerusalem artichoke, Stornoway black pudding, green apple, hazelnuts	15.95

Sandwiches

Please ask about our daily specials too!

Wild mushrooms on sourdough toast, truffled ricotta, fried golden-yolk egg, gremolata, Old Winchester (v)	9.95
Brixham fish finger bun, Butcombe Gold beer-battered fish, tartare, watercress, pickled fennel	12.50
Hereford x Aberdeen Angus hanger steak sandwich, sourdough, caramelised onion, horseradish, rocket	15.50

Main

Grilled chicken Caesar salad, streaky bacon, croutons, soft egg, Parmesan, anchovies	14.95
Cornish mussels, Butcombe Original ale, smoked bacon and crème fraiche, grilled sourdough	11.50/18.50
Pumpkin gnocchi, wild mushrooms, sage butter, Parmesan, vegetable crisps (v) (veo)	16.50
Bromham beetroot, spelt and barley risotto, roasted heritage squash, kale crisps, horseradish, toasted seeds (ve)	15.50
Our beef burger, maple and bacon relish, smoked Cheddar, mustard aioli, crispy onions, skin-on-fries	18.50
Pie of the week, seasonal greens, proper gravy, your choice of mash or thick-cut chips	18.50
Butcombe Gold beer-battered fish and chips, proper mushy peas or curry sauce, tartare sauce	14.50/19.50

Sides

Thick-cut pub chips or skin-on fries (v)	4.95	Posh fries; truffle aioli, Parmesan, chives (v)	5.95
Butcombe beer-battered onion rings (v)	4.95	English garden salad, radish and herbs (ve)	4.95
Heritage squash 'saag aloo' (v)	6.50	Grilled hispi, garlic butter, crispy onions (v)	6.50

Pudding

Warm Valrhona chocolate pudding, clotted cream ice cream, butterscotch, hazelnut meringue (v)	8.50
Little Biscoff doughnuts, baked toffee apple, pumpkin pie ice cream (v) (veo)	8.25
Gingerbread spiced crème brulee, candied oats, brown sugar shortbread (v)	7.50
Plum and blackberry syllabub, stem ginger and lemon custard, treacle sponge, almond wafers (v)	8.50

Cheese

Lye Cross Farm vintage Cheddar, Ashlynn goat's cheese, Cropwell Bishop Stilton Served with caramelised onion and apple chutney, cornichons, crackers (v)	12.95
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Nearly Full?

Three little Biscoff filled doughnuts (ve) <i>Perfect with a coffee!</i>	3.95
The 'After Eight', mint chocolate ice cream, sugar wafer, mint sprinkles (v) (veo)	3.95
Two scoops of Granny Gothards ice creams and/or sorbets (v)	5.95
Affogato; vanilla ice cream, illy espresso, salted caramel and pecan biscotti (v) <i>Add a shot of Cotswold Distillery Cream Liqueur for the perfect after dinner treat</i>	5.50

Food for thought; £1 from every sale of this dish will be donated to The Burnt Chef Project



THE BURNT CHEF
PROJECT

The Burnt Chef Project is a non-profit campaign operating within the hospitality industry to challenge mental health stigma through training and open conversations. We are working closely with them to support our teams welfare and spread the message far and wide.

Coffee & Tea - A full range of hot drinks are available. Please ask to see the full listing

Perhaps try one of our seasonal hot chocolates?

Dairy-free milks available.

After Drinks - Ask for our range of brandies, whiskies, rums and liqueurs

Espresso Martini
Bulleit Bourbon Old Fashioned
Sapling Negroni

*We have a range of dessert wines available
- please ask for details*

Our food ethos

The ethos is simple; source quality seasonal produce that's sustainable, traceable and local, and create consistent and innovative menus, offering great value food that exceeds expectation.

We cook everything fresh on the day, only ever using the best possible ingredients.

Sustainability

We care immensely about the quality, provenance and seasonality of the produce we buy, and work closely with our suppliers who share the same mindset.

Walter Rose Butchers, Kingfisher of Brixham and Hobbs House Bakery to name a few, all strive to be fully sustainable, with complete traceability.

butcombe.com/suppliers-producers



Team Rewards - Please note we will add an optional 10% team reward to your bill and be assured 100% will be shared with today's team.

Allergen Info - (v) Vegetarian, (ve) Vegan, (veo) Vegan option available on request. Ask a team member for gluten-free options. Please inform a member of our team of any allergies before placing your order. We cannot guarantee the absence of all allergens in our dishes.

Scan the QR code for full calorie information.



THE
FULHAM ARMS
PUB & DINING

Sunday

Aperitifs

Mimosa / Ketel One Bloody Mary / Virgin Mary

Pub Snacks

Hobbs House breads, Nocellara olives, cold-pressed rapeseed oil, sherry vinegar (ve)	8.95
Symplicity tomato 'nduja' croquettes, whipped feta, chives (ve)	6.75
Stornoway black pudding Scotch egg, apple and tamarind ketchup	7.95
Beer-battered anchovies, curry mayonnaise, burnt lime	6.95

Starters

Smoked ham hock and parsley terrine, spiced pear chutney, pickled quail's egg, sourdough toast	9.75
Crown Prince squash carpaccio, smoked chilli jam, sage crisps, whipped feta, pumpkin seed dukkah (ve)	9.50
Caramelised cauliflower and Old Winchester soup, Butcombe ale, Marmite and Cheddar cheese straws (v)	8.50
Whipped hot-smoked Chalk Stream trout, beetroot tartare, capers, dill, rye toast	9.50

The Great British Sunday Roast

All served with roast potatoes, Yorkshire pudding, seasonal vegetables, and red wine gravy

Rump of Hereford and Angus beef (served medium-rare), horseradish sauce	21.95
Cameron Naughton pork belly 'porchetta', sausage stuffing, apple sauce	19.50
Castlemead Farm chicken, sage and onion sausage stuffing, bread sauce	18.95
Our seasonal vegetable Wellington, mushroom gravy (v) (pbo)	16.95

Main

Bromham beetroot, spelt and barley risotto, roasted heritage squash, kale crisps, horseradish, toasted seeds (ve)	15.50
Our beef burger, maple and bacon relish, smoked Cheddar, mustard aioli, crispy onions, skin-on-fries	18.50
Butcombe Gold beer-battered fish and chips, proper mushy peas or curry sauce, tartare sauce	14.50/19.50
Brixham Market fish of the day - please ask for details	MP

Sides

Cauliflower cheese, thyme crumb (v)	5.50	Roast potatoes, aioli, crispy onions (v)	4.95
Thick-cut pub chips or skin-on fries (v)	4.95	English garden salad, radish and herbs (ve)	4.95

Pastry

Little Biscoff doughnuts, baked toffee apple, pumpkin pie ice cream (v) (veo)	8.25
Gingerbread spiced crème brulee, candied oats, brown sugar shortbread (v)	7.50
Plum and blackberry syllabub, stem ginger and lemon custard, treacle sponge, almond wafers (v)	8.50

Cheese

Lye Cross Farm vintage Cheddar, Ashlynn goat's cheese, Cropwell Bishop Stilton Served with caramelised onion and apple chutney, cornichons, crackers (v)	12.95
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Neatly Full?

Three little Biscoff filled doughnuts (ve) <i>Perfect with a coffee!</i>	3.95
The 'After Eight', mint chocolate ice cream, sugar wafer, mint sprinkles (v) (veo)	3.95
Two scoops of Granny Gothards ice creams and/or sorbets (v)	5.95
Affogato; vanilla ice cream, illy espresso, salted caramel and pecan biscotti (v) <i>Add a shot of Cotswold Distillery Cream Liqueur for the perfect after dinner treat</i>	5.50

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THE FULHAM ARMS

 PUB & DINING

Supper

Aperitifs

French 75 / Blackcurrant Gin Spritz / Cosmopolitan

Pub Snacks & Sharing

Hobbs House breads, Nocellara olives, cold-pressed rapeseed oil, sherry vinegar (ve)	8.95
Symplicity tomato 'nduja' croquettes, whipped feta, chives (ve)	6.75
Stornoway black pudding Scotch egg, apple and tamarind ketchup	7.95
Beer-battered anchovies, curry mayonnaise, burnt lime	6.95
Baked camembert, rosemary, garlic-buttered dipping bread, pickles, sticky onion marmalade (v)	19.50

Starters

Smoked ham hock and parsley terrine, spiced pear chutney, pickled quail's egg, sourdough toast	9.75
Crown Prince squash carpaccio, smoked chilli jam, sage crisps, whipped feta, pumpkin seed dukkah (ve)	9.50
Caramelised cauliflower and Old Winchester soup, Butcombe ale, Marmite and Cheddar cheese straws (v)	8.50
Whipped hot-smoked Chalk Stream trout, beetroot tartare, capers, dill, rye toast	9.50
Seared scallops, Jerusalem artichoke, Stornoway black pudding, green apple, hazelnuts	15.95

Mains

Cornish mussels, Butcombe Original ale, smoked bacon and crème fraiche, grilled sourdough	11.50/18.50
Pumpkin gnocchi, wild mushrooms, sage butter, Parmesan, vegetable crisps (v) (veo)	16.50
Castlemead Farm chicken Kyiv, curried butter, heritage squash 'saag aloo', coriander, pumpkin pickle	20.50
Cornbury Estate venison steak, butter-roasted celeriac, parsley mash, soused pear, red wine sauce	25.95
Bromham beetroot, spelt and barley risotto, roasted heritage squash, kale crisps, horseradish, toasted seeds (ve)	15.50
West End Farm pork tomahawk, grilled hispi cabbage, cider and grain mustard sauce, skin-on fries	29.50
Our beef burger, maple and bacon relish, smoked Cheddar, mustard aioli, crispy onions, skin-on-fries	18.50
Pie of the week, seasonal greens, proper gravy, your choice of mash or thick-cut chips	18.50
Butcombe Gold beer-battered fish and chips, proper mushy peas or curry sauce, tartare sauce	14.50/19.50
Brixham Market fish of the day - please ask for details	MP
8oz hanger; 28 day dry-aged steak, garlic butter, thick-cut chips, roasted mushroom, watercress	24.95
Add peppercorn sauce	2.95

Sides

Thick-cut pub chips or skin-on fries (v)	4.95	Posh fries; truffle aioli, Parmesan, chives (v)	5.95
Butcombe beer-battered onion rings (v)	4.95	English garden salad, radish and herbs (ve)	4.95
Heritage squash 'saag aloo' (v)	6.50	Grilled hispi, garlic butter, crispy onions (v)	6.50

puddings

Warm Valrhona chocolate pudding, clotted cream ice cream, butterscotch, hazelnut meringue (v)	8.50
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Nearly Full

Three little Biscoff filled doughnuts (ve) <i>Perfect with a coffee!</i>	3.95
The 'After Eight', mint chocolate ice cream, sugar wafer, mint sprinkles (v) (veo)	3.95
Two scoops of Granny Gothards ice creams and/or sorbets (v)	5.95
Affogato; vanilla ice cream, illy espresso, salted caramel and pecan biscotti (v) <i>Add a shot of Cotswold Distillery Cream Liqueur for the perfect after dinner treat</i>	5.50

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THE FULHAM ARMS

PUB & DINING

Brunch

Saturday 10:00 - 15:00

Pick Me Ups

Mimosa	6.75
Ketal One Boody Mary	9.50
Virgin Mary (how you like it)	4.10

Smoothies

Banana and seasonal berries, oat milk (ve)	5.50
Peanut butter and banana, rolled oats, cinnamon (v) (veo)	5.95

Pastries & Preserves

All butter croissant / Pain au chocolate (v)	1.95
Toasted Hobbs House sourdough, Estate Dairy cultured butter, preserves (v)	4.95

Breakfast

Full English; sausage, bacon, beans, hash brown, egg, black pudding, mushroom, tomato	14.95
Plant-based breakfast; Symplicity sausages, spinach, beans, hash brown, mushroom, tomato (ve)	12.95
Three eggs scrambled, smoked Chalk Stream Farm trout, sourdough, chives	14.95
Smoked ham hock Benedict, poached eggs, English muffin, hollandaise	12.95
Sprouting broccoli Florentine, poached eggs, spinach, hollandaise, za'atar (v)	10.95
Shakshuka; two baked eggs, spiced tomatoes, harissa, peppers, feta, yoghurt, grilled sourdough (v)	12.50
American-style pancakes	
Streaky bacon and maple syrup	12.95
Banana, berries, Greek yoghurt and honey (v)	11.95
Avocado toast, sourdough, coriander, lime, chilli, toasted seeds (ve)	8.00
Add poached egg	2.00
Add streaky bacon	3.00
Add smoked trout	4.00

Lunch

Wild mushrooms on toast, truffled ricotta, fried egg, gremolata, Old Winchester (v)	9.95
The Fulham Arms bacon sandwich, rocket, tomato, smoked chilli jam	10.95
Roasted heritage squash flatbread, Symplicity 'chorizo', hummus, pickled chillies, herb salad (ve)	11.50
Brixham fish finger bun, Butcombe Gold beer-battered haddock, tartare sauce, watercress, pickled fennel	12.50
Hereford x Aberdeen Angus hanger steak sandwich, sourdough, caramelised onion, horseradish, rocket	15.50
Castlemead Farm chicken Milanese, rocket salad, Old Winchester, caramelised lemon	16.95
Our beef burger, maple and bacon relish, smoked Cheddar, mustard aioli, crispy onions, skin-on fries	18.50

Sides

Thick-cut chips or skin-on fries (v)	4.95	Grilled broccoli, whipped feta, dukkah (ve)	5.95
Posh fries; truffle aioli, Parmesan, chives (v)	5.95	English garden salad, radish and herbs (ve)	4.95

Team Rewards - Please note we will add an optional 10% team reward to your bill and be assured 100% will be shared with today's team.

Allergen Info - (v) Veggie friendly, (ve) Vegan friendly, (veo) Vegan option - ask a team member for gluten friendly options. Please inform a member of our team of any allergies before placing your order. We cannot guarantee the total absence of allergens in our dishes. Our fish dishes may contain small bones, please take care.











