

<u>Contents</u>	<u>Page</u>
1. PRE-APPLICATION ADVICE	4
2. THE APPLICATION	4
2.1 Application Requested for Gym	4
2.2 Applicants Operating Schedule for Gym	5
2.3 Application Requested for Music Arena	5
2.4 Applicants Operating Schedule for Music Arena	5
3. BACKGROUND	6
4. CONSULTATION	6
4.1 Relevant Representations	6
5. OTHER INFORMATION	6
5.1 Enforcement History	6
5.2 Temporary Event Notices (“TENs”)	7
6. POLICY CONSIDERATIONS	7-15
7. DETERMINATION	15-16
 <u>APPENDICES</u>	
Copy of Pre-Application Advice Report	17-20
Copy of Application Form and Plan for Gym	21-45
Copy of Application Form and Plan for Music Arena	46-73
Map Showing Location of Premises and Neighbouring Premises	74-78
Copy of Rep from Environmental Public Protection Team to Music Arena	79-80
Copy of Objections from Residents	81-109
Copy of S182 Guidance for Provisional Statements	110-111

1. PRE-APPLICATION ADVICE

Between December 2023 and January 2024 pre-application advice meetings took place with representatives for the premises, Mr Adrian Overton, Licensing Service Manager, and the Police Licensing Team. Subsequent to these meetings, a pre-application advice report was sent to the Applicant. A copy of pre-application advice report can be seen on pages **17-20** of this report.

2. THE APPLICATION

On 26th February 2024, TLT Solicitors submitted a number of applications on behalf of Olympus Property Holdings Limited (“the applicant”), for provisional statements for various areas of the development known as Olympia Exhibition Centre, Hammersmith Road, London, W14 8UX.

A provisional statement provides applicant with a means of establishing whether a premises that is being or about to be constructed or altered for the provision of licensable activities would be granted a premises licence after the building works are complete.

2.1 Application Requested - 2024/00253/LAPRP - Gym - Ground and Basement

The applicant proposes to operate the premises as a gym with ancillary facilities for users. The applicant has applied for the following licensable activities:

Licensable activities sought:

The Exhibition of Films - Indoors Only

Mondays to Sundays between 05:45 to 00:30

The Playing of Recorded Music - Indoors Only

Mondays to Sundays between 05:45 to 00:30

The Provision of Late-Night Refreshment - Indoors Only

Mondays to Sundays between 23:00 to 00:30

The Sale of alcohol - On the Premises Only

Mondays to Sundays between 11:00 to 23:30

Proposed Opening Hours:

Mondays to Sundays between 05:45 to 00:30

A copy of the application form and plan can be seen on pages **21-45** of this report.

2.2 Applicants Operating Schedule - 2024/00253/LAPRP - Gym - Ground and Basement

The applicant has proposed additional steps in their operating schedule to promote the four licensing objectives if the application is granted. A copy of the full list of proposed additional steps can be seen on pages **40-43** of this report.

2.3 Application Requested - 2024/00268/LAPRP - Music Arena

The applicant proposes to operate the premises as a ground floor and first floor music and performance venue, situated on levels 2 and 3 of the Olympia Complex. The applicant has applied for the following licensable activities:

Licensable activities sought:

The Performance of Plays - Indoors Only

Mondays to Sundays between 10:00 to 22:45

The Exhibition of Films - Indoors Only

Mondays to Sundays between 10:00 to 22:45

Indoor Sporting events

Mondays to Sundays between 10:00 to 22:45

Boxing and Wrestling - Indoors Only

Mondays to Sundays between 10:00 to 22:45

The Performance of Live Music - Indoors Only

Mondays to Sundays between 10:00 to 22:45

The Playing of Recorded Music - Indoors Only

Mondays to Sundays between 10:00 to 22:45

The Performances of Dance - Indoors Only

Mondays to Sundays between 10:00 to 22:45

Entertainment Similar to Music or Dance - Indoors Only

Mondays to Sundays between 10:00 to 22:45

Late Night Refreshment- indoors only

Non- Standard Timings only

The Sale of Alcohol - Both On and Off the Premises

Mondays to Sundays between 10:00 to 22:45.

Proposed Opening Hours

Mondays to Sundays between 08:00 to 23:00

Non-Standard Timings

To extend the provision of licensable activities on New Year's Eve to 02:00 on New Year's Day with the premises closing 30 minutes thereafter, and to include the provision of Late-Night Refreshment on New Year's Eve to 02:00 on New Year's Day.

A copy of the application form and plan can be seen on pages **46-73** of this report.

2.4 Applicants Operating Schedule - 2024/00268/LAPRP - Music Arena

The applicant has proposed additional steps in their operating schedule to promote the four licensing objectives if the application is granted. A copy of the full list of proposed additional steps can be seen on pages **64-68** of this report.

3. BACKGROUND

The Gym is located underneath the Hyatt Hotel and the main access to the Gym is located on Olympia Way. The main access to the Music Arena via Olympia Central. There is a mixture of commercial and residential premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages **74-78** of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Hammersmith Road area. Kensington (Olympia) tube and overground station is a 1-minute walk away. Barons Court tube station is an 11-minute walk away, West Kensington tube a 15-minute walk away and High Street Kensington tube station is a 19-minute walk away.

4. 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.

4.1. Relevant Representations

One representation was received from the Environmental Public Protection team objecting to the application for the Music Arena. A copy of the representation can be seen on pages **79-80** of this report.

The licensing section received twelve representations from local residents objecting to both licence applications. A copy of these representations can be seen on pages **81-109** of this report.

5. OTHER INFORMATION

5.1 Enforcement History

On the 20th February 2023 the Olympia Exhibition Centre hosted a Moncler fashion event where the Council received four separate noise complaints. Of these, two were Licensing Complaints and two from Councillors about the event itself and the disruption caused to

local residents. The noise team carried out a visit to a resident's property later in the evening where noise nuisance from bass music was clearly causing a statutory nuisance within the complainants' property. There were a number of meetings with the operators after this event to discuss the future use of external promoters, and how this could be better managed in future. A temporary extension of the premises licence (permitted by a condition of the licence) was used to cover this event. Whilst the event caused disruption and disturbance to local residents, the venue was not in breach of their licence by hosting the event.

From the 29th April to the 2nd May 2022 a series of concerts by 'The Foals' took place at the venue over four nights. The Council received a number of complaints in relation to queuing, dispersal and a lack of policing at these events. There were also a number of noise complaints and officers observed significant noise breakout outside the venue. These issues were followed up separately by Noise and Health and Safety officers. There were no temporary extensions to the licence used for this event, and there were no breaches of conditions, so there was no action taken from a licensing perspective.

5.2 Temporary Event Notices ("TENs")

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

6. POLICY CONSIDERATIONS

6.1 In reaching a decision the Council must have regard to the Council's adopted Statement of Licensing Policy ("SLP") and the guidance issued by the Secretary of State under section 182 Licensing Act 2003.

6.2 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 ("the Guidance") contains advice in paragraphs 8.89 to 8.98 in relation to a provisional statement. Paragraphs 8.89 to 8.98 of the revised guidance can be seen on page **110-111** of this report.

6.3 Section 2 pages 7-10 of the Statement of Licensing Policy ("SLP") states the Licensing Authority is keen to support the licensed sector and leisure offer within the borough, with a particular focus on business resilience and growing a robust and thriving cultural and leisure sector.

To achieve this the Licensing Authority has identified three key themes of the Licensing Policy and the Licensing Authority's approach to implementing it. These are:

- A sustainable, well-run licensed sector;
- Hammersmith & Fulham as a good place to live, work and enjoy leisure; and,
- A safe licensing environment and night-time economy.

6.4 Section 5 pages 12 and 13 of the Statement of Licensing Policy ("SLP") states that 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.

6.5 Policy 1 page 18 of the SLP states that applicants are expected to undertake a local risk assessment as part of the licence application. The Secretary of State's Guidance 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.

The Guidance goes on to state that 'Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

6.6 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
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
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
Night clubs	Fri – Sat 03:30 Mon - Thurs 01:00 Sun 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun - 23:00	Not considered Appropriate

6.7 Policy 4 pages 22 and 23 of the SLP states that 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 i.e. 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.
- 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 antisocial 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.

6.8 Policy 11 page 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.

6.9 Policy 13 of the SLP in relation to Planning, states 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. Licensing applications will not be a re-run of the planning application. If the licensing committee grants any variation of a licence which involves a material alteration to a building, the applicant still needs to apply for planning permission, or building regulation control, where appropriate.

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.

6.10 Policy 16 of the SLP pages 33 and 34 in relation to licence measures to ensure the safety of women and girls in licensed premises, expects licence holders to have measures in place.

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. This would include, but is not limited to the 'Ask for Angela' programme, Welfare and Vulnerability Engagement' training package (WAVE) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls. The Licensing Authority would also encourage off licensed premises to take part in the Ask for Angela scheme in an effort to increase the visible promotion of the scheme in all licensed premises across the borough.

6.11 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'.
- c) Operators of off-licences in areas problems relating to street drinking and under age drinking are prevalent, measures should be outlined to strictly monitor the way alcohol is sold, specifically where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- d) It is important to ensure that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:
 - 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.

- e) Measures to demonstrate compliance Home Office guidance ‘ Safer Clubbing’ in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- 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.
- 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 drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- o) **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate ‘cut off’ procedures for drunken customers, 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.
- r) **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed, however this would be in a guidance capacity to help support the business in question. Any such assessments should be emailed to: (AWMailbox.Licensing@met.police.uk) before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with ‘relevant parties’ as early in the planning stages as possible. ‘Relevant parties’ would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority departments. Consideration of timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

6.12 Annex 1 pages 37 and 38 of the SLP in relation to public safety, 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:

- a) Maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include that limit as a licence condition.
- b) Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect.
The types of premises that may be subject to safe capacities will be the following;
 - i. Nightclubs
 - ii. Cinemas
 - iii. Theatres
 - iv. Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces
- 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;
 - 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;
 - vi: 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.

The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- e) incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- f) risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- g) getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).
- h) overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
- i) premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and

issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

6.13 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:

- i. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully always implemented and adhered to.
- 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;
- 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);
- xvi. The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- xvii. The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- xviii. The generation of odour, e.g. from the preparation of food;
- xix. Any other relevant activity likely to give rise to nuisance;
- 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.

m) Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby 40 residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

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.

o) Odour – odour from cooking is a common source of complaint, particularly from restaurants and fastfood takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.

q) Ventilation – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.

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.

7. DETERMINATION

7.1 In determining this application, the Committee must have regard to the representations and decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;

The Committee may also indicate that if a premises licence was sought for those premises, it would be rejected or indicate if they consider it appropriate to refuse to specify the person nominated as premises supervisor.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

The licensing authority must copy the provisional statement to each person who made relevant representations, and the chief officer of police for the area in which the premises is situated. The licensing authority should give full and comprehensive reasons for its decision. This is important in anticipation of an appeal by any aggrieved party.

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.