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1. THE APPLICATION

On 18th October 2024, the Licensing Authority received a valid application for a new premises licence in respect of the premises known as L'ami Jac, 96 Shepherd's Bush Road, London, W6 7PD submitted by L'ami Jac Ltd ('the applicant').

1.1 Application Requested

The applicant has applied for a new premises licence for the following licensable activities, days and times as outlined below:

The Exhibition of Films - Indoors Only

Mondays to Sundays 11:00 to 00:00

The Provision of Late-Night Refreshment - Indoors Only

Mondays to Sundays 23:00 to 00:00

The Sale of Alcohol - Both On and Off the Premises

Mondays to Sundays 11:00 to 00:00

Proposed Opening Hours

Mondays to Sundays 07:00 to 00:00

A copy of the application form, conditions, plan and additional information can be seen on pages **15-23** of this report.

1.2 Applicants Operating Schedule

The applicant has proposed steps in the applications operating schedule to promote the four licensing objectives if the application is granted. A copy of the operating schedule can be seen on pages **20-21** of this report.

On the 13th November 2024, following correspondence with the Police Licensing Team, the applicant agreed to amend the hours applied for the sale of alcohol on the premises only, and add eleven further conditions to the licence if granted as outlined below:

The Sale of Alcohol - On the Premises

Mondays to Sundays 11:00 to 23:30

Police 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. The premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.
 4. 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.
 5. 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.
 6. The front external area of the premises shall not be used by any customer after 22:00 hours Monday-Sunday.
 7. Strong beer, lager, cider and stout above 5.5% ABV shall not be displayed or sold with the exception of craft beers.
 8. If the Metropolitan Police require a specific alcoholic product to be removed from sale, a Police Licensing Officer must give this notice in writing and allow 28 days for the removal of this product upon receipt of the request.

9. Any alcohol sold for consumption off the premises shall be sold in a sealed container.
10. The Premises shall have a policy to ensure the welfare and safeguarding of vulnerable patrons. This policy shall include both drink spiking and sexual assault. Staff shall be able to support and assist people who feel unsafe, vulnerable or threatened. Should customers approach the venue for assistance, these incidents shall be recorded in an incident log. This policy shall be made available to police or authorised officers of the Licensing Authority upon request.
11. The premises shall risk assess the requirement for SIA to be employed.

A copy of the correspondence and agreement can be seen on pages **24-26** of this report.

2. BACKGROUND

The premises proposes to operate as a wine bar. The main access to the premises is located on Shepherd's Bush Road. There is a mixture of residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on page **27** of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Shepherd's Bush Road area. Goldhawk Road tube station is a 9-minute walk away, Shepherd's Bush Road tube station is an 11-minute walk away and Kensington Olympia overground, and tube station is a 14-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 one representation from Mr Adrian Overton on behalf of the Licensing Authority, objecting to the licence application. A copy of the representation can be seen on page **28** of this report.

The licensing section received one representation from Ms Anona Arthur on behalf of the Environmental Public Protection team, objecting to the licence application. A copy of the representation can be seen on page **29** of this report.

The licensing section received four representations from local residents objecting to the licence application. A copy of the representations can be seen on pages **30-34** of this report.

4. OTHER INFORMATION

4.1 Enforcement History

There has been no enforcement history in respect of this premises in the last three years.

4.2 Temporary Event Notices (“TENs”)

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

4.3 Additional Information

The applicant currently holds a premises licence for the neighbouring premises of 94 Shepherd’s Bush Road, London, W6 7PD which permits the sale of alcohol, both on and off the premises. A copy of this licence and plan, can be seen on pages **35-46** of the report.

There has been adverse enforcement history at the premises 94 Shepherd’s Bush Road which is mentioned in the Licensing Authority’s representation on page **28** of this report. A more detailed history will be supplied as a supplementary agenda, in addition to the main report.

5. POLICY CONSIDERATIONS

5.1 Section 2 pages 7 and 8 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.

5.2 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.

5.3 Section 4 page 14 of the SLP states that the The Licensing Authority considers that it would be beneficial if operating schedules include all the following:

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public.

5.4 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.

5.5 Policy 3 page 20 - 22 of the SLP states that the Licensing Authority may consider specific restrictions on hours of sale and operation in certain circumstances. 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.

In determining representations to an application which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the promotion of the Licensing Objectives.

It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, cumulative impact, anti-social behaviour (ASB), issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol or decide to review the licence.

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 | Fri – Sat 01:00 Mon - Thurs 00:00 | Fri– Sat 23:00 Sun – 22:00 |

| | | | |
|--|-------------|-------------|--|
| | Sun – 00:00 | Sun – 23:00 | |
|--|-------------|-------------|--|

5.6 Policy 4 pages 22 and 23 of the SLP states that the Licensing Authority will have regard to cumulative impact generally during the duration of this policy. 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.
- 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
- 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.

5.7 Policy 11 page 29 and 30 of the SLP states that the Licensing Authority expects that any licence applicant will give due consideration to the needs of Hammersmith & Fulham residents and any negative impacts from licensable activities and business operations, with reference to taking place in their premises and how these may impact in the direct locality and further afield. 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.

Residents are advised to report noise and nuisance on 020 8753 1081 during office hours and 020 8748 8588 at all other times that any noise nuisance is occurring.

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:

- 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 underage 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) 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.
- f) The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:

g) The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:

- 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).
- 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.

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 require the applicant to demonstrate within the operating plan 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 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).

- ix. The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- xi. The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- 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;
- 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:

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.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.

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.