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1. REVIEW APPLICATION

On the 26th November 2024, an application for a review of a premises licence under Section 51 of the Licensing Act 2003 was served by Police Constable (“PC”) Nicole Sondh, on behalf of the Metropolitan Police, Hammersmith and Fulham Police Station, 226 Shepherds Bush Road, Hammersmith, W6 7NX. The review application is in respect of the premises known as the 97-98 Sports Cafe, 39A Goldhawk Road, Shepherds Bush, London, W12 8QP.

The application for a review of the premises licence was made on the grounds of the prevention of crime and disorder, following two incidents of note which relate to drug offences occurring inside of the premises.

On the 22nd March 2024, Police Officers from the Safer Neighbourhood Team, discovered several males at the premises in possession KHAT, a class C controlled substance. It is illegal under section 5 of the Misuse of Drugs Act 1971 to be in possession of this substance.

On the 05th November 2024, Police Licensing were made aware of a further incident whereby Safer Neighbourhood Police Officers had issued nine community resolutions to individuals inside the premises for possession of the class C drug KHAT.

The premises is now subject to a closure order following the incident on the 05th November 2024 and will not be open to the public until the 21st February 2025. A copy of the closure order can be seen on pages **23-24** of this report.

PC Sondh on behalf of the Metropolitan Police explains that both incidents show a disregard to the law, a breach of condition 21 of the premises licence conditions, and the premises licence holder’s inability to uphold the licensing objectives, especially the prevention of crime and disorder.

PC Sondh therefore requests that the licensing sub-committee consider a revocation of the licence.

A copy of the review application and supporting documentation can be seen on pages **11-22** of this report.

2. CURRENT LICENCE

The premises currently operate a premises licence which permits the following licensable activities:

Sale of Alcohol On and Off the Premises

Monday	14:00 - 22:30
Tuesday	14:00 - 22:30
Wednesday	14:00 - 22:30
Thursday	14:00 - 22:30
Friday	14:00 - 23:00
Saturday	14:00 - 23:00
Sunday	14:00 - 22:00

<u>Hours Premises Open to the Public</u>	
Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	12:00 - 22:00

A copy of the current premises licence and plans can be seen on pages **25-36** of this report.

3. BACKGROUND

Licensing records show that the initial premises licence was granted in respect of the premises on the 26th May 2021 to Mr Samuel Tseguy. Mr Tseguy remains the current premises licence holder and Designated Premises Supervisor (“DPS”) in respect of the premises licence. A copy of the current premises licence and plans can be seen on pages **25-36** of this report.

The premises is located on Goldhawk Road at the junction with Woodger Road. The main access to the premises is located at the side of the premises on Woodger Road. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on page **37** of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Goldhawk Road area. Goldhawk Road tube station is a 3-minute walk away from the premises, Shepherds Bush Market tube station is a 5-minute walk away and Shepherds Bush overground, and tube station is an 8-minute walk away from the premises.

4. CONSULTATION

A public notice was displayed by the Council at and near the premises. A further public notice was displayed by the Council at Hammersmith Town Hall. Details of the application were also published on the Council’s web site.

A notice of review was served on the premises licence holder and all the statutory responsible authorities as required by regulation.

4.1 Relevant Representations

The licensing section received one representation from the Licensing Authority supporting the review application. A copy of this representation can be seen on page **38** of this report.

The licensing section received three representations from local residents supporting the review application. A copy of these representations can be seen on pages **39-46** of this report.

5. OTHER INFORMATION

5.1 Enforcement History

On the 24th January 2022, the Licensing Enforcement Team issued a verbal warning for a breach of condition 7 attached to the premises licence.

On the 13th December 2022, the Licensing Enforcement Officer conducted a full licensing inspection of the premises. An inspection sheet was left as a warning letter for breaches of conditions 4, 8, 10, 12 15, 19, 22, 23 and 27 attached to the premises licence.

On the 1st September 2023, a full licensing inspection was conducted by the Licensing Enforcement Officer alongside three Police Officers, two Law Enforcement Team Officers and a Community Safety Officer. An inspection sheet was left as warning letter for breaches of conditions 9, 15 and 18 attached to the premises licence.

On the 22nd September 2023, a warning letter was sent to the premises, following several licensing contraventions observed. Contraventions included:

- the unauthorised sale of alcohol observed via CCTV footage obtained dated the 22nd July 2023.
- Customers on the premises after the opening hours specified on the premises licence, observed via CCTV footage obtained dated 07th, 14th and 22nd July 2023.
- Breach of condition 7 attached to the premises licence was observed on the 20th September 2023. On the 26 July 2023, the Licensing enforcement officer emailed Mr Tseguy requesting the following CCTV footage, covering all areas (indoors and outdoors) of the of the premises be downloaded, saved and made available to the Licensing Authority:
 - o Saturday 7th July 2023 - 23:00 to 23:59
 - o Friday 14th July 2023 - 23:00 to 23:59
 - o Saturday 22nd July 2023 - 23:30 to 00:30
- On the 20th September 2023, the Licensing enforcement officer reviewed the footage provided and noted that that not all times requested above had been made available, ascertaining a breach of condition 7 attached to the current premises licence.

On the 29th September 2023 a licence inspection was carried out. An inspection sheet was left as warning letter after observing 10 to 15 customers on the premises after 23:00 contrary to the opening hours specified on the premises licence.

5.2 Temporary Event Notice (“TENs”)

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

6. POLICY CONSIDERATIONS

- 6.1 It is the Council’s duty under the Licensing Act 2003 to determine the review 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.
- 6.2 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.
- 6.3 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (“the Guidance”) contains advice in paragraphs 11.16 to 11.28 in relation to the review of a premises licence. Paragraphs 11.16 to 11.28 of the revised guidance can be seen on pages **47-51** of this report.
- 6.4 The Council’s own SLP gives guidance concerning the review of a premises licence.
- 6.5 Policy 10 pages 28 and 29 of the SLP in relation to reviews states that the Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 5 of the SLP.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- (a) Take no further action.
- (b) Modify the conditions of the licence.
- (c) Exclude a licensable activity from the scope of the licence.
- (d) Remove the Designated Premises Supervisor.
- (e) Suspend the licence for a period not exceeding three months.
- (f) Revoke the licence.

- 6.6 Policy 11 pages 29 and 30 of the SLP states that in relation to the consideration of residents, 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.

Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Health to be successful.

6.7 Policy 16 pages 33 and 34 of the SLP in relation to the safety of women and girls in licensed settings states that 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.

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.

Implementing these measures, particularly for on-licence premises, providing training for staff to increase awareness and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

As part of the Government's and the Council's Violence Against Women and Girls Strategy, venues may also wish to consider boosting their security measures e.g. the recruitment and training of additional door security staff, particularly female staff.

The Council are proud supporters of the Women's Night Safety Charter, and we would like to encourage all our licensed premises to consider how you and your business can contribute to making your workplace and H&F a borough where all women feel confident and welcome whenever and wherever they happen to be. The Women's Night Safety Charter is a voluntary pledge to show you take women's safety seriously. By signing the Charter, you show your acknowledgement of the issue and that you're ready to get proactive in improving women's safety.

6.8 Annex 4 page 52 of the SLP in relation to the grounds for considering a review states that the Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- a) Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- b) Use of licensed premises for the sale and distribution of illegal firearms and the laundering of illegal firearms money;
- c) Evasion of copyright in respect of pirated or unlicensed films and music;
- d) Underage sales and consumption of alcohol;
- e) Use of a licensed premises contrary to any emergency legislation requesting its closure;
- f) Use of licensed premises for prostitution or the sale of unlawful pornography;
- g) Serious risks to children;
- h) Use of licensed premises for unlawful gaming and gambling;
- i) Use of licensed premises as a base for organised criminal activity;
- j) Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- k) Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
- l) The use of licensed premises for the sale of stolen goods;
- m) Incidents of disorder;
- n) Instances of public nuisance where warnings have been disregarded;
- o) Serious risks to public safety which the management is unable or unwilling to correct;
- p) Frequently operating outside permitted hours.
- q) There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

7. THE REVIEW HEARING

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) Take no further action.
- (b) Modify the conditions of the licence.
- (c) Exclude a licensable activity from the scope of the licence.
- (d) Remove the Designated Premises Supervisor.
- (e) Suspend the licence for a period not exceeding three months.
- (f) Revoke the licence.

Where the Committee takes a step mentioned in (b) or (c) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance

- public safety
- protection of children from harm

It must also have regard to its own SLP and the Guidance.

If the Committee is minded to amend the licence, conditions may be attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.