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## 1. THE APPLICATION

On the 6<sup>th</sup> February 2025, the Licensing Authority received a valid application for a variation to premises licence in respect of the premises known as Wendy' 563 Fulham Road, London, SW6 1ES submitted by GH Burgers Ltd ('the applicant').

### 1.1 Current Hours of Operation

The premises currently benefit from a premises licence which permits the following:

#### Playing of Recorded Music -Indoors Only

Monday	12:00 - 00:30
Tuesday	12:00 - 00:30
Wednesday	12:00 - 00:30
Thursday	12:00 - 00:30
Friday	12:00 - 00:30
Saturday	12:00 - 00:30
Sunday	11:00 - 23:30

Non-Standard Timings and Seasonal Variations: From the end of permitted hours on New Year's Eve until 02:00 on New Year's Day.

#### Late Night Refreshment -Indoors Only

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

Non-Standard Timings and Seasonal Variations: From the end of permitted hours on New Year's Eve until 02:00 on New Year's Day.

#### Sale of Alcohol On and Off the Premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	11:00 - 23:00

Non-Standard Timings and Seasonal Variations: From the end of permitted hours on New Year's Eve until 02:00 on New Year's Day.

#### Opening Hours of the Premises:

Monday	12:00 - 00:30
Tuesday	12:00 - 00:30
Wednesday	12:00 - 00:30
Thursday	12:00 - 00:30
Friday	12:00 - 00:30
Saturday	12:00 - 00:30
Sunday	11:00 - 23:30

Non-Standard Timings and Seasonal Variations: From the end of permitted hours on New Year's Eve until 02:00 on New Year's Day.

A copy of the current premises licence and plan can be seen on pages **18-29** this report.

## **1.2 Application Requested**

The applicant has applied to remove the sale of alcohol both on and off the premises, amend the premises plans, amend the opening hours and increase the hours for late-night refreshment both indoors and outdoors as follows:

### Late Night Refreshment - Both Indoors and Outdoors

Mondays to Sundays 23:00 - 05:00

### Proposed Opening Hours

Mondays to Sundays 07:00 - 05:00

A copy of the application form and updated plans can be seen on pages **30-42** of this report.

On the 28<sup>th</sup> February 2025, following correspondence with the Police Licensing team, the applicant agreed to amend the opening times and hours for late-night refreshment both indoors and outdoors, and add 8 further conditions to the licence if granted, as follows:

### Late Night Refreshment - Both Indoors and Outdoors

Sunday to Thursday 23:00 - 01:00

Friday and Saturday 23:00 - 03:00

### Opening Hours

Sunday to Thursday 07:00 - 01:00

Friday and Saturday 07:00- 03:00

### Agreed Additional Conditions:

1. On a Friday and Saturday, a minimum of 1 SIA licensed door supervisor shall be on duty at the premises during the hours of 00:30 - 03:00.

2. The Licence Holder shall risk assess the requirement for SIA to be employed at the premises on any other days.

3.The premises shall operate a dispersal policy on a Friday and Saturday which shall be available to licensing officers following a request and all door staff shall be trained in its implementation.

4. An incident record shall be maintained by the Licence Holder / Manager that details incidents that occur in or in the immediate vicinity of the premises. This shall include any incidents of disorder, seizures of drugs or offensive weapons, any faults in the CCTV system, and ejections from the premises as a minimum. This record will be made available to the Police or the Local Authority upon request.

5. The basement floor of the premises shall be closed to customers / members of the public from 23:00 every day.

6. Public Wi-Fi inside the premises shall be switched off between the hours of 00:00-01:00 Sunday to Thursday and between the hours of 00:00-03:00 Friday and Saturday.

7. Background music played inside the premises shall be of a classical genre between the hours of 00:00-01:00 Sunday to Thursday and between the hours of 00:00-03:00 Friday and Saturday.

8. The Premises shall have a policy to ensure the welfare and safeguarding of vulnerable patrons. 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 the incident log. This policy shall be made available to police or authorised officers of the Licensing Authority upon request.

A copy of the agreement and correspondence can be seen on pages **42-47** of this report.

On the 14<sup>th</sup> March 2025, following correspondence with the Environmental Protection team, the applicant agreed to amend the opening times to the premises as follows:

Opening Hours

Sunday to Thursday	08:00 - 01:00
Friday and Saturday	08:00- 03:00

A copy of the agreement and correspondence can be seen on pages **48-53** of this report.

### **1.3 Applicants Operating Schedule**

The applicant has not proposed any additional steps to promote the four licensing objectives if the application is granted. A copy of the current conditions can be seen on pages **20-23** of this report.

## **2. BACKGROUND**

The main access to the premises is located on Fulham Road. 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 **54-61** of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Fulham Road area. Fulham Broadway tube station is a 1-minute walk away, Parsons Green tube station is a 13-minute walk away and West Brompton tube station is a 17-minute walk away.

## **3. CONSULTATION**

A public notice was displayed at the premises for 28 days. The application was advertised in a local circular and all statutory consultees were notified as required by the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

### **3.1. Relevant Representations**

The licensing section received twelve representations (copies of which can be seen on pages **62-86** of this report) objecting to the licence application. Those choosing to comment on the application were as follows:

- The Barclay Road Conservation Area Neighbourhood Watch ("Barclay Road Residents").
- The Vanston Place Management Company.
- The Co-Chair of Walham Green Ward Panel
- The Secretary of the Fulham Island Residents Association ("FIRA").
- Eight individual representations from other local residents,

On 12<sup>th</sup> March 2025, the Licensing Team sent an email to all objectors with the reduction of hours mentioned in section 1.2 of the report. However, (as Members will see from the associated correspondence in pages **87-90** of this report), none of the representations have been withdrawn at this stage. This essentially leaves Members to decide whether what the applicant has volunteered, and then subsequently agreed with the Police, reasonably and suitably mitigates any outstanding concerns in this case.

On 21<sup>st</sup> March 2025, the Licensing Team sent an email to all objectors from the applicant with a response to the objections. A copy of the correspondence can be seen on pages **91-96** of this report.

## **4. OTHER INFORMATION**

### **4.1 Enforcement History**

There have not been any warnings, simple cautions or prosecutions given in respect of the premises during the past three years.

## **4.2 Temporary Event Notices (“TENs”)**

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

## **5. POLICY CONSIDERATIONS**

**5.1** Section 2 pages 7-8 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 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.

**5.3** Policy 1 pages 18 of the SLP states that applicants are expected to undertake a local area risk assessment as part of any licensing application.

The Secretary of State’s Guidance (the Guidance) relating to the Licensing Act 2003 (the Act) 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.'

The Licensing Authority notes the contents of these paragraphs from the Guidance and, in particular, the use of the word 'expected'. Licence applications that do not in any way address the contents of these paragraphs in their operating schedules may be returned to the applicant as 'incomplete'.

**5.4** 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:



<b>Type of premises</b>	<b>Town centres</b>	<b>Mixed use areas</b>	<b>Residential areas</b>
Late night refreshment premises (Takeaways)	Fri – Sat 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Not considered Appropriate

**5.5** 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:

- 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.

**5.6** Policy 11 pages 29 to 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 nighttime 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.

**5.7** Policy 13 pages 31 and 32 of the SLP in relation to alignment with planning states that despite Licensing and Planning being under different legislation, the Licensing Authority will ensure that the licensing regime is in line with the planning regime in Hammersmith & Fulham as far as is possible.

The local planning authority has powers to control opening times of all new establishments seeking planning permission, where harm might occur. A link to the Planning web page to make a planning application, to find out about planning rules and policy and our regeneration projects, can be found at <https://www.lbhf.gov.uk/planning>.

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.

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

**5.8** Policy 14 pages 32 and 33 of the SLP states that the Licensing Authority expects licence applications for delivery services, which include late night refreshment after 11pm or the delivery of alcohol, to consider how to reduce public nuisance related to delivery vehicles, ensure the security of premises and delivery drivers and to protect children.

Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services, these tend to fall into three groups:

- Premium specialist product mail-order type services;
- Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and,
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Act or the Guidance in any way differently from other licensed premises they do provide their own unique

circumstances that need to be addressed. In particular the Licensing Authority has concerns with the potential for the following:

- The safety of delivery drivers at the point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and,
- Possible public nuisance and anti-social behaviour (ASB) caused by delivery drivers collecting deliveries from the licensed premises.

The Licensing Authority is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- Alcohol shall only be delivered to a residential or business address and not to a public place.
- Appropriate security will be in place at the premises as agreed with Police.
- Measures for minimising noise and disturbance and anti-social behaviour (ASB) caused by the dispatch of deliveries to be identified in the operating schedule. In particular applicants are expected to consider the use of electric vehicles to minimise air pollution and noise. The Licensing Authority expects that applicants will make arrangements for all deliveries after 8 pm to be made using electric vehicles or non-motorised vehicles i.e. bicycles.
- A requirement for a specific delivery collection area to be made clear to any third-party delivery service. This area may not be directly outside the licensed premises to take account of any residential accommodation close by or obstructing the pavement/highways.

**5.9** <sup>[OBJ]</sup>Policy 16 pages 33 and 34 of the SLP in relation to the safety of women and girls in a licensed setting states the Licensing Authority expects licence applications to specifically include measures to ensure the safety of women and girls in licensed premises.

The Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff,
- d) Require presence of CCTV, or to introduce entry searches for example.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

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.

**5.10** 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:

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 enough 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.

**5.9** Annex 1 pages 37 to 38 of the SLP in relation to the prevention of public safety states that the Licensing Authority 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.

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 use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
- v. The provision of air conditioning and ventilation;

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.

**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.

**5.10** Annex 1 pages 38 to 40 of the SLP in relation to the prevention of public nuisance states that the Licensing Authority will particularly consider the following matters where they are material to the individual application:

- ii. The proximity of residential accommodation;
- iii. The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- 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.
- 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;
- xv. The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- xviii. The generation of odour, e.g. from the preparation of food;
- 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.

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 fast[1]food 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.

p) **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.

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

**5.11** Annex 1 page 40 of the SLP in relation to the protection of children from harm, states that the Licensing Authority will require operating plans to specify 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. 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 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 SLP and the Guidance.