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1. THE APPLICATION

On 8th April 2025, the Licensing Authority ('the Authority') received a valid application for a Full Variation to the premises licence in respect of the premises known as McDonald's, 312-314 North End Road, London, SW6 1NG, submitted by Shoosmiths LLP ('the Applicant'), on behalf of Smash Operations Limited T/A McDonald's (the Premises Licence Holder).

1.1 Current Hours of Operation

The premises has a licence which permits the following:

Provision of Late Night Refreshment (both Indoors and Outdoors):

Monday to Sunday 23:00 - 00:00

Opening Hours of the Premises:

Monday to Sunday 05:00 - 00:00

A copy of the premises licence and plan can be seen on pages **19-27** of this report.

1.2 Application Requested

The Applicant had originally applied for the following changes:

Provision of Late Night Refreshment (both Indoors and Outdoors):

Monday to Sunday 23:00 - 05:00

Proposed Opening Hours

Monday to Sunday 05:00 - 05:00

A copy of the application form can be seen on pages **30-48** of this report.

Following discussions with the Metropolitan Police, as well as agreeing to a number of additional conditions (shown on pages **46-49** of this report) the Applicant has agreed to amend the applications hours to the following:

Provision of Late Night Refreshment (both Indoors and Outdoors):

Sunday to Thursday 05:00 to 01:00

Friday and Saturday 05:00 to 03:00 (with one SIA on duty from 00:00 to 03:00)

Proposed Opening Hours

Sunday to Thursday 05:00 to 01:00

Friday and Saturday 05:00 to 03:00

It is, therefore, these revised hours that the Sub-Committee are being asked to consider.

1.3 Applicant's Operating Schedule

The Applicant has completed the sections relevant to upholding the four licensing objectives as part of their variation application form. Again, a copy of the current premises licence conditions can be seen on pages **19-27** of this report.

2. BACKGROUND

The main entrance and exit access points to the site is located on North End 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 **43-45** of this report.

The site is relatively well connected bus-wise. It is also approximately 8 minutes' walk to Fulham Broadway Underground Station, 12 minutes' walk from West Brompton Overground Station and 14 minutes' walk to West Kensington Underground Station.

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

As part of the consultation process, the Licensing Section received 169 Representations, comprising 166 against and 3 in favour of the Application. No Representations were received from any of the Responsible Authorities.

The 166 Representations against the Application (which can be seen on pages **54-327** of this report), came from the following:

- 1 person (on behalf of the Fulham Society).
- 1 person (on behalf of the North End Road Action Group).
- 1 person (on behalf of the Crabtree Estate Residents Association).
- 2 persons (on behalf of the Seagrave Road Residents Group).
- 1 person (on behalf of the Fulham Island Residents Association).
- 1 person (on behalf of the Tournay Road Neighbourhood Watch Group).
- 1 person (on behalf of the Walham Green Ward Panel).
- 1 person (on behalf of the Vanston Place Management Company Limited).
- 1 person (on behalf of the Lillie Ward Safer Neighbourhood Panel).
- 1 person (on behalf of the Barclay Road Conservation Area Neighbourhood Watch).
- 1 person (on behalf of St John's Church, Fulham).
- 2 people (on behalf of (Epirus Road, Epirus Mews and Piedemont Walk Neighbourhood Watch Groups).
- 147 other individual members of the public.
- Councillor Lydia Painter (Lillie Ward Councillor).
- Councillor Trey Campbell-Simon (Walham Green Ward Councillor).
- Councillor Sharon Holder (Lillie Ward Councillor).
- Councillor Paul Alexander (Sands End Ward).
- Ben Coleman MP (Member of Parliament for Chelsea and Fulham).

The 3 Representations in support of the Application (which can be found on pages **328-331** of this report) all came from individual members of the public.

As mentioned above, the Met Police did not formally represent against the proposed application as a Responsible Authority. However, on 2 May 2025, they and the Applicant did agree on some reduced hours and additional conditions designed to help uphold the licensing objectives. Again, this agreement can be found in pages **46-49** of this report.

Following the close of the consultation period on 6 May 2025, the Applicant sent on 15 May 2025 further information to the Licensing Section on its dispersal policy. This document can be found on pages **50-53** of this report.

On 16 May 2025, all 166 Objectors were sent a copy of both the agreement, and dispersal policy, of 2 and 15 May 2025, respectively. All Objectors were asked to notify the Licensing Section in writing if these additional steps suitably mitigated their concerns to the extent that they wished to withdraw their Representation. Any updates in this regard will be provided by the lead Officer in due course, or at the very least, as part of their Sub-Committee Hearing presentation.

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”)

The following TENs have been applied for in the last twelve months in relation to the Premises:

From	To	Times	Activities	Date Granted
Saturday 30 November 2024	Sunday 1 December 2024	00:00 to 05:00	Provision of late night refreshment (for no more than 151 people)	15 November 2024 (subject to reduction in hours to 00:00 to 03:00 following discussions with the Met Police)
Saturday 7 December 2024	Sunday 8 December 2024	00:00 to 03:00	Provision of late night refreshment (for no more than 124 people)	19 November 2024
Saturday 14 December 2024	Sunday 15 December 2024	00:00 to 03:00	Provision of late night refreshment (for no more than 151 people)	19 November 2024

Saturday 21 December 2024	Tuesday 24 December 2025	00:00 to 03:00	Provision of late night refreshment (for no more than 151 people)	19 November 2024
Saturday 28 December 2024	Wednesday 1 January 2025	00:00 to 03:00	Provision of late night refreshment (for no more than 151 people)	19 November 2024

As Members will be aware, any licenced premises is entitled to seek an extension of any current granted hours by way of a TEN, subject to consultation with both the Met Police and the Council's Environmental Health Team. Any formal objections by either body to a Standard TEN (late TENs are automatically rejected) would have to be considered by a Licensing Sub-Committee.

5. POLICY CONSIDERATIONS

5.1 Section 2 pages 7 and 8 of the Statement of Licensing Policy ("SLP") states the 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 Authority has identified three key themes of the SLP and the Authority's approach to implementing it, as follows:

- 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 3 on pages 10 to 11 of the SLP state that, in relation to potential impact of an Application on a particular area, the following is expected:

- Where relevant Representations have been received by the Council, conditions attached to licences, certificates and Temporary Event Notices will be tailored to the individual style and characteristics of the premises and events concerned. They will relate to the licensing objectives and be restricted to matters within the control of individual licence holders;
- In making decisions on licensing applications and imposing conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.

5.3 Section 5 on pages 12 and 13 of the SLP states that to ensure the promotion of the four licensing objectives, the 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.

5.4 Section 7 pages 13 to 15 of the SLP states that operating schedules for premises licences are the key to ensuring compliance with the four licensing objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria:

- (i) Be precise and enforceable
- (ii) Be unambiguous
- (iii) Not duplicate other statutory provisions
- (iv) Be clear in what they intend to achieve, and
- (v) Be appropriate, proportionate and justifiable

Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

5.5 Policy 1 page 18 confirms that The Secretary of State's Guidance under Section 182 of the Act (the 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.'

The Authority notes the contents of these paragraphs from the Guidance and, in particular, the use of the word 'expected'. Licensing 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'.

5.6 Policy 2 page 20 of the SLP states that the Authority acknowledges that it is unique in the fact that it has three major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days, any premises in the vicinity of our football grounds will be expected to robustly deal with this issue in their operating schedule.

Where a relevant representation is made by the Police, another Responsible Authority, or 'other person' in respect of an application made by a licence holder, the Authority may apply enhanced "match day" conditions to ensure the Licensing Objectives are promoted. This may include, but is not limited to, the following conditions:

- a) Restriction of hours in the run up to and after 'Kick Off'
- b) Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
- c) Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding
- d) Conditions to prevent customers from drinking or taking alcohol out onto the street outside the premises on match days
- e) The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required to do so
- f) Having door supervisors on duty
- g) Having a Designated Premises Supervisor (DPS) / Personal Licence Holder on the premises
- h) Using display cabinets with shutters for alcohol
- i) Conditions to support the prevention of violence against women and girls and other vulnerable people on match days

Similar conditions may also be applied on 'victory day' or similar large crowd parades.

It has also been the experience of the Authority that at times it may be required to completely close 'off' and 'on' licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Authority and the Football Intelligence Unit will liaise with relevant premises operators at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred. However, review proceedings will necessarily follow when a Magistrates' Court has made a closure order under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under Section 84 of that Act.

5.7 Policy 3 page 21 and 22 of the SLP states that where there is a relevant Representation, the 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 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 Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol.

The SLP also suggests the following terminal hours in respect of late night refreshment:

- Town centres – Friday and Saturday 01:00;
Sunday 00:00.
- Mixed-use areas – Friday and Saturday 00:30;
Sunday 23:30.
- Residential areas – not considered appropriate.

Evidently, the Application (even with its amended hours) goes beyond the suggested hours listed above. However, it is ultimately the decision of the Sub-Committee whether the premises licence should be varied by this application and, if so, to what extent. Clearly, part of that consideration will be whether what the Applicant has supplied by way of their Application, as well as their agreement with the Met Police on additional conditions, suitably mitigates the concerns raised by those objecting to the application.

5.6 Policy 4 pages 22 and 23 of the SLP states that in determining an Application where there has been a relevant Representation, the 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 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.
- 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.
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco.
- 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 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 5 pages 24 to 26 of the SLP states where appropriate, the Authority will consider to what extent applications are aligned and show support for other council policies and strategies that support the four licensing objectives and key themes and principles in this SLP.

The council recognises that as part of implementing cultural strategies, account needs to be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.

The Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events.

Arrangements will be made for the licensing committee and other key stakeholders to receive, when appropriate, reports on the status and identified needs for a safe and accessible nighttime economy.

5.9 Policy 11 pages 30 and 31 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.

5.10 Policy 12 pages 30 and 31 of the SLP states that we are committed to the Regulators Code and supporting businesses.

- i.) We will work with businesses in our borough and provide the advice you need to help you comply with the law. This may be through meeting with you at your premises or at our offices, providing written advice in an email or letter or verbally over the telephone.
- ii.) We will usually confirm any technical/ legal advice in writing. For applicants and agents, we also offer a pre-application advice service. Further details about this service can be found on our website.
- iii.) We will attend pub watch meetings and work with local businesses, including the Hammersmith Business Improvement District (BID) and Fulham BID, to help facilitate the sharing of information and advice amongst licensees in our borough.
- iv.) We are continuously working to improve our online application process for a range of licence permissions. If you want to know what services are available or you want to make an application online, please check our website for further details.
- v.) We want to ensure that businesses comply with the law. Where this has not been possible through advice and education, we will carry out enforcement action in accordance with our enforcement policy and as part of our commitment to the Regulators Code.
- vi.) We want local businesses in our borough to thrive and survive. We recognise that the law can be complex at times and that despite trying to resolve issues through discussion in the first instance, enforcement will be necessary on some occasions. We also recognise that attitudes, circumstances and personnel often change over time.

Where enforcement action has been taken against a business in the past, relevant Responsible Authorities will be mindful of this when considering any new Applications. However, all new Applications e.g. variations to hours or licensable activities will be decided on their merits and the information provided to demonstrate promotion of the four licensing objectives. Where a premises licence or club premises certificate has previously been reviewed or the business has been prosecuted for licensing offences, licensees are advised to discuss any new/proposed changes with the Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

5.10 Policy 14 pages 32 to 33 of the SLP in relation to delivery services cites that these have increasingly fallen 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-led;
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Whilst Policy 14 addresses many alcohol-led issues, we are only dealing with late night refreshment in this case. Therefore, the Licensing Authority would only have 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 deliver; and,
- Possible public nuisance and anti-social behaviour (ASB) caused by delivery drivers collecting deliveries from the licensed premises.

In the case of a late night refreshment only, 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:

- 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 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:

- Robust measures in place to avoid the presence of weapons on their premises and should agree a protocol with the Authority and the police on the handling of weapons found on their premises.
- Conditions will, so far as possible, reflect local crime prevention strategies, and the Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.

The Police and the Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants/operators. As a result, the Authority and the Police have signed a Memorandum of Understanding. This document

provides an outline of how the Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.

It is recommended that applicants discuss the crime prevention procedures in their premises with the Authority and the Police before making a formal application. Licences for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

To assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

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:

- 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.
- **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
- **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- **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.
- **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).
- **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.
- **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.

5.10 Annex 1 page 37 and 38 of the SLP states the 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:

- 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 Authority will not normally include that limit as a licence condition.
- 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;
 - Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces

The Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to. the following:

- Checks on equipment at specified intervals, e.g. gas safety checks;
- Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
- 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;
- 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;
- The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
- The provision of air conditioning and ventilation;
- Measures to protect against overcrowding; and
- 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:

d) special effects - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.

- 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.
- 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.

- 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).
- overcrowding - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.
- 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.

5.11 Annex 1 pages 38 to 40 of the SLP in relation to the prevention of public nuisance states that the 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. This is expected to include:

- In considering an application, the Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour and any Public Spaces Protection Orders (PSPOs) in place.
- Licensing Authority will particularly consider the following matters where they are material to the individual application:
 - The proximity of residential accommodation;
 - The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
 - 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;
 - The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
 - 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;
 - The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
 - The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
 - The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
 - The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
 - The delivery and collection areas and delivery/collection times;
 - The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);

- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;

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:

- 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.
- 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.
- 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.
- 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 residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.
- 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.
- Odour – odour from cooking is a common source of complaint, particularly from restaurants and fast-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.
- 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.
- 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.

- Litter – for example, litter patrols for late night take-away premises.

5.12 Annex 1 pages 40 and 41 of the SLP in relation to the protection of children from harm states the 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. This is expected to include:

- The Licensing Authority will particularly consider whether:
 - There is entertainment or services of an adult nature commonly provided;
 - There have been convictions, Penalty Notices for Disorder (PND) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
 - There is a known association with drug taking or dealing.

6. DETERMINATION

6.1 In determining this Application, the Sub-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.

If the Committee is minded to grant the application, conditions may be attached to the licence to alleviate the concerns raised through the representations.