

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	63
1.1. Application Requested	63
1.2. Applicant's Operating Schedule	63
2. BACKGROUND	63-64
3. CONSULTATION	64
3.1 Relevant Representations	64
4. OTHER INFORMATION	64
4.1 Enforcement History	64
4.2 Temporary Event Notices ("TENs")	64
5. POLICY CONSIDERATIONS	64-73
6. DETERMINATION	73
 <u>APPENDICES</u>	
Copy of Application Form and Plan	74-82
Map Showing Location of Premises and Neighbouring Premises	83-86
Copy of Public Representations Received	87-119
Copy of Met Police (Responsible Authority) Representation	120-125

1. THE APPLICATION:

On 14 April 2025, the Licensing Authority received a valid application ("the Application") for a new premises licence in respect of the premises known as Fishy Delishy – 11 Fulham Broadway London SW6 1AA, submitted by Mr Deniz Erdogan, on behalf of Mr Murat Akkaya ("the Applicant").

1.1 Application Requested:

As Members will note from pages **74 to 82** of this report, the Applicant originally applied for a premises licence to cover the following activities:

Supply of Alcohol (On and Off the Premises):

Monday	11:00 to 01:00.
Tuesday to Sunday:	11:00 to 01:30.

Late Night Refreshment (On and Off the Premises):

Monday to Sunday	23:00 to 01:30.
------------------	-----------------

Hours Open To The Public:

Monday to Saturday:	11:00 to 01:30.
Sunday:	12:00 to 01:30.

Following discussions with the Met Police (further below), however, the Applicant confirmed on 1 July 2025 that they would be removing their request for late night refreshment and reducing their hours of proposed activity as follows:

Supply of Alcohol (On and Off the Premises):

Monday to Sunday:	11:00 to 23:00.
-------------------	------------------------

Hours Open to the Public:

Monday to Saturday:	11:00 to 23:00.
Sunday:	12:00 to 23:00.

It is, therefore, these revised hours that the Sub-Committee are required to consider in this case.

1.2 Applicant's Operating Schedule:

As can be seen from their original application, the Applicant originally proposed a number of steps to promote the four licensing objectives if the application is granted. The Applicant and the Police are currently finalising some additional conditions and, once these have been finalised, these will be circulated to all parties.

2. BACKGROUND:

The main access to the proposed premises is located on Fulham Broadway and it intends to operate as a takeaway and restaurant. The immediate area around the application site presents a mix of residential dwellings as well as commercial units. A map showing the location of the premises and neighbouring licensed premises can be seen on pages **83 to 86** of this report.

There are several options for transport away from the area, including buses and taxis which run from in and around the area. Fulham Broadway Underground Station is 1 minutes' walk away, Parsons Green Underground Station is a 15 minute walk away and West Brompton Overground Station is an 18 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 originally received 19 representations (copies of which can be seen on pages **87-125** of this report) all objecting to the licence application. These were comprised as follows:

- Representative of Vanston Place Management Company Limited.
- Representative of Tournay Road Neighbourhood Watch Group.
- Representative of Seagrave Road Residents Group.
- Representative of Fulham Island Residents Association.
- Representative of Barclay Road Conservation Area Neighbourhood Watch.
- Representative of Walham Green Ward Panel.
- 11 other individual residents.
- Metropolitan Police (as a Responsible Authority).
- Councillor Lydia Painter (Lillie Ward).

Members will note that these representations were received before the Applicant agreed to remove late night refreshment and reduce their other proposed hours. Once the Applicant and Police have concluded their discussions on additional operating conditions, this will be cascaded to all parties to establish if there is a need for a Hearing in this case or not. Further updates on this will be issued to all parties in due course.

4. OTHER INFORMATION:

4.1 Enforcement History:

This section is not applicable, owing to this being a new premises licence application.

4.2 Temporary Event Notices ("TENs"):

This section is not applicable, owing to this being a new premises licence application and no TENs have been submitted prior to this application.

5. POLICY CONSIDERATIONS:

5.1 Section 2 pages 7 and 8 of the Statement of Licensing Policy ("SLP"), which can be found at https://www.lbhf.gov.uk/sites/default/files/section_attachments/lbhf-statement-

[of-licensing-policy-2022-2027-150722.pdf](#), 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 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 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 Licensing 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.

For sales of alcohol for consumption off the premises – applicants in respect of off licences and other premises selling alcohol for consumption off the premises may need to consider whether:

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures in place necessary to prevent underage sales.
- there are measures in place necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

5.4 Policy 1 page 18 confirms that The Secretary of State's Guidance (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 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'.

5.5 Policy 3 page 21 and 22 of the SLP states that where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- a) Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- b) Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;

- c) Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- d) Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder, anti-social behaviour (ASB), nuisance and vehicle emissions;
- e) Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application, the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol.

To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

Type of premises	Town centres	Mixed use areas	Residential areas
Restaurants and Cafes	Fri – Sat 01:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00

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 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 ie 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
- 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 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 pages 29 and 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.

5.8 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 Licensing Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

5.9 Policy 14 on pages 32 to 33 of the SLP refer to delivery services taking the form of:

- 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 Licensing Act 2003 or in the s182 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:

- Age verification at both purchase point and delivery point;
- 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.

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:

- A standard age verification check shall be undertaken on entering the website. • A signature at the point of delivery must be obtained. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and not to a public place.
- Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".

- Any delivery driver or third-party courier will be required to have appropriate age verification training, particularly they will be required to have training in refusal of supply where age verification is not provided.
- A refusals log will be maintained for deliveries.
- 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

5.10 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:

- 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.
- 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.

5.11 Annex 1 page 37 and 38 of the SLP states 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.

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.

5.12 Annex 1 pages 37 to 28 of the SLP in relation to public safety states 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.

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.

5.13 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.

This is expected to include:

a) In considering an application, the Licensing 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.

b) 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.

ix. The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;

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;

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:

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.

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

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

a) The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the Act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where there are concerns about child sexual exploitation. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:

- i. At certain times of the day;
- ii. When certain licensable activities are taking place;
- iii. Under certain ages, e.g. 16 or 18; iv. Unless accompanied by an adult

b) The Licensing Authority will particularly consider whether:

vi. There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;

c) The sale of alcohol to a minor is a criminal offence and Trading Standards officers will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Act permits the use of children under the age of 18 to undertake test purchases when they have been directed to do so by a duly authorised officer.

d) Where a sale of alcohol has been made on the same premises to a minor on two or more different occasions within a period of three months the premises licence could be suspended for a defined period.

g) The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in

those limited circumstances permitted by the Act. The Council's Trading Standards officers have a role to play in the protection of children from harm, and proof of age schemes, and are able to provide advice in relation to measures that can be taken to help prevent the sale of alcohol to underage children. Potential licence holders should also be aware of the Proof of Age London (PAL) Scheme hosted by Southwark Council.

i) Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. The Council will expect premises only to accept current passports, driving licences or documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of-age cards as endorsed by the Home Office. More information can be found on The Proof of Age Standards Scheme (PASS) website.

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.