

From: Licensing HF: H&F

Sent: 30 April 2024 13:04

To: kaspasfulham@gmail.com

Subject: PLEASE READ | WARNING LETTER Kaspa's Desserts 385 North End Road
London SW6 1NP

Importance: High

Dear Mr Muhammad,

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.

LICENSING ACT 2003

Premises Name: Kaspa's Desserts

Premises Address: 385 North End Road London SW6 1NP

Premises Operator: Mr Muhammad

I write further to my visit to the above premises on 24th of April 2024 and our telephone conversation today 30th April 2024..

Attached please find warning letter together with schedule of contravention. In the schedule you will see the below links:

- Temporary Event Notices (TENS):
<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/temporary-event-notice>
- Application for a Premises Licence [https://lbhf-self.achieveservice.com/service/Premises licence new grant application](https://lbhf-self.achieveservice.com/service/Premises%20licence%20new%20grant%20application)
- Guidance for Premises Licence application:
[https://www.lbhf.gov.uk/sites/default/files/section_attachments/guidance_for_applicants - grant of a premises licence ver.2.pdf](https://www.lbhf.gov.uk/sites/default/files/section_attachments/guidance_for_applicants_-_grant_of_a_premises_licence_ver.2.pdf)
- Pool of conditions <https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/premises-licences/local-pool-licence-conditions>

Please be advised that the premises should not be providing late night refreshment between 23:00-05:00 unless it is operating under a TEN or a premises licence.

Kindly contact me should you require further information or assistance.

Kind regards,

Sophia Barrett

Licensing Enforcement Officer

The Economy Department

Hammersmith & Fulham Council

Direct Line: 020 8753 1240

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Web: www.lbhf.gov.uk



Mr Muhammad Kaspa's Desserts 385 North End Road London SW6 1NP	DATE: 30 April 2024
	When telephoning please ask for the Licensing Section. E-mail: licensing@lbhf.gov.uk

Dear Mr Muhammad,

LICENSING ACT 2003

Premises Name: Kaspa's Desserts

Premises Address: 385 North End Road London SW6 1NP

Premises Operator: Mr Muhammad

My name is Sophia Barrett, and I am a Licensing Enforcement Officer for Hammersmith and Fulham Council.

I write further to our visit at the above premises on 24th April 2024 and our telephone call today, 30th April 2024. During the visit, you provided your contact details which we tried to obtain on numerous occasions prior to the visit.

The Council, as the Licensing Authority, is the relevant authority for the issuing of Premises Licences in accordance with the provisions of the Licensing Act 2003.

As discussed, Council Officers observed that Kaspa's Desserts located at 385 North End Road London SW6 1NP was trading on the 2nd of February 2024 at 00:05hrs. with about six persons waiting on their orders. They also observed that the premises advertise that it is opened until midnight.

According to our records, the above premises does not hold a Premises Licence. You are therefore not allowed to provide late night refreshment between 23:00-05:00

You have admitted that you are the premises operator and that you have been providing late night refreshment after 23:00. This constitutes a contravention of the legislation. The contravention is listed on the enclosed schedule and you will need to ensure that appropriate steps be taken to remedy the situation immediately.

As such, the Council is issuing this warning letter and may consider further formal action should evidence of similar contraventions be found at a future date.

Yours faithfully

Sophia Barrett

Licensing Enforcement Officer

Schedule of Contraventions **Licensing Act 2003**

Mr Muhammad - 385 North End Road London SW6 1NP

Licensing Act Section 136 - Unauthorised Licensable Activities

(1) A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine or to both.

At a recent premises observation, Officers found the following:

- **On the 2nd of February 2024, Council Officers observed that Kaspas Desserts located at 385 North End Road London SW6 1NP was trading at 00:05hrs.**

By admission, Mr Muhammad agreed that the premises was opened on the 2nd of February 2024 at 00:05hrs for the provision of late night refreshment.

Required Actions:

1. There should be no provision of late night refreshment for consumption on the premises or for delivery from the premises between 23:00-05:00 unless the premises is operating under a Temporary Event Notice (TEN).

TENs are submitted by premises users to the licensing team, giving notice of what the user intends to do. Under the Licensing Act 2003, only the responsible authorities (Police and the Noise and Nuisance team) can object to a TEN. They have three working days to object, starting the day after they are served with the TEN. If an objection is received from the responsible authorities, the TEN can go to a committee hearing and a decision is made there. When submitting a TEN, you are required to give ten clear working days' notice and for a late notice at least five clear working days' notice. Please note the date does not include the day the TEN was received or the date of the event. Also, for a late TEN, if the responsible authorities object, you cannot appeal. Please see link to information and the form for TENS.

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/temporary-event-notices>

2. Should you wish to provide any licensable activities on a permanent basis. You will need to submit an **application for the grant of a premises licence**.

Licensable activities are:

1. Provision of late night refreshment (provision and sale of hot food/drinks **between 23:00 to 05:00**). Under (LA03) hot food is explained as:

- (a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- (b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

2. Provision of regulated entertainment (e.g., live/recorded music)

3. Sale of alcohol

Please see link below to the premises licence application form, together with guidance notes and pool of conditions:

[https://lbhf-self.achieveservice.com/service/Premises licence new grant application](https://lbhf-self.achieveservice.com/service/Premises%20licence%20new%20grant%20application)

[https://www.lbhf.gov.uk/sites/default/files/section_attachments/guidance for applicants - grant of a premises licence ver.2.pdf](https://www.lbhf.gov.uk/sites/default/files/section_attachments/guidance_for_applicants_-_grant_of_a_premises_licence_ver.2.pdf)

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/premises-licences/local-pool-licence-conditions>

3. Amend your online platform which states you are opened until 00:00 to make it clear that licensable activities cease at 23:00.

The offence of providing licensable activities at 385 North End Road London SW6 1NP without a premises licence or under the operation of a TEN **must cease immediately.**