

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	56
1.1. Application Requested	56
1.2. Applicants Operating Schedule	56-57
2. BACKGROUND	58
3. CONSULTATION	58
3.1 Relevant Representations	58
4. OTHER INFORMATION	58-59
4.1 Enforcement History	58-59
4.2 Temporary Event Notices (“TENs”)	59
5. POLICY CONSIDERATIONS	59-68
6. DETERMINATION	68-69

APPENDICES

Application Form, Plan and Statement	70-75
Conditions Agreed with the Police	76-77
Additional Correspondence Regarding Hours	78-80
Location Map	81
Representations	82-163
Planning (Responsible Authority) Objection	164
Additional Objector Comments	165-176
Licensing Enforcement Letter to Premises	177-180

1. THE APPLICATION:

On 1 April 2025, the Licensing Authority received a valid application for a new premises licence in respect of the premises known as Kaspas Desserts – 385 North End Road, London SW6 1NP (“the Premises”), submitted Kaspas Fulham Limited (“the Applicant”).

1.1 Application Requested:

The Applicant originally applied for a new premises licence for the following activities:

Late Night Refreshment (Indoors and Outdoors):

Monday	23:00 to 05:00.
Tuesday:	23:00 to 02:00.
Wednesday to Sunday:	23:00 to 02:00

Hours Open to the Public:

Monday to Sunday:	11:00 to 05:00.
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A copy of the original application form and proposed premises plan can be seen on pages **70 to 75** of this report. The Applicant makes clear that no patrons will be outside after 23:00.

Following discussions with the Police, on pages **76 to 77** of this report, the Applicant agreed to revise down their late night refreshment activities down to 03:00 hours every day and opening hours to the public to 00:00 every day. However, since the Applicant originally sought late night refreshment until 02:00 hours on Tuesday on their application form (and only 2:00 on Tuesday has ever been publicly consulted on), this means that the terminal hour requested for late night refreshment on Tuesday must remain at 02:00. Members will note that this point was picked up again by the Licensing Officer and relayed to both the Police and the Applicant, as shown in pages **78 to 80** of this report.

Consequently, the Applicant’s revised proposed hours which the Sub-Committee are now being asked to take a view on are as follows:

Late Night Refreshment (Indoors and Outdoors):

Monday	23:00 to 03:00.
Tuesday:	23:00 to 02:00
Wednesday to Sunday:	23:00 to 03:00

Hours Open to the Public:

Monday to Sunday:	11:00 to 00:00.
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1.2 Applicants Operating Schedule:

Members will note, from the application form, that the Applicant’s form does not contain any steps explaining how they would promote the licensing objectives in the event their application is granted. However, following agreement with the Police, details of which again can be found at Pages **78 to 80**, the Applicant has agreed the following additional conditions in the event the Sub-Committee are minded to grant the licence:

1. The premises shall install and maintain a comprehensive CCTV system.

- a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.***
- b) The CCTV system shall continually record whilst the premises is open for licensable activities.***
- c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.***
- d) Viewing of recordings shall be made available with the absolute minimum of delay upon the request of Police or authorised council officer throughout the entire 31-day period.***
- e) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.***

2. Prominent, clear, and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises quietly.

3. A daily incident log shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police or the Fire Service which shall record the following:

- (a) all crimes reported to the venue***
- (b) all ejection of patrons***
- (c) any complaints received***
- (d) any incidents of disorder***
- (e) any incidents of disorder***
- (f) any faults in the CCTV system***

4. There shall be no members of the public permitted on the premises after 00:00hrs Sunday to Saturday where late night refreshment shall be supplied by delivery only thereafter.

5. Notices shall be prominently displayed at all exits used by delivery drivers requesting them to respect the needs of local residents and leave the area quietly.

6. A notice shall be displayed by the front door stating the restaurant opening hours and that all orders after 00:00hrs Sunday – Saturday must be phoned through /ordered online and will be supplied by delivery only.

7. 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.

2. BACKGROUND

The main access to the proposed premises is located on North End Road and is intended to operate as a café and late night refreshment provider for seated patrons (inside) and for those ordering by way of delivery companies. The immediate area around the application site presents a mix of commercial and residential in surrounding streets. A map showing the location of the premises can be seen on page **81** of this report, with the list of neighbouring premises to follow in due course.

There are several options for transport away from the area, including buses and taxis which run from in and around the area. Of nearby Underground Stations, Fulham Broadway and West Brompton are around 10 and 11 minutes away, respectively.

3. CONSULTATION

A public notice was displayed at the premises for over the required 28 days, due to the need to clarify details on the premises licence plan. 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 43 representations objecting to the application, as follows:

- Barclay Road Conservation Area Neighbourhood Watch Group.
- Tournay Road Neighbourhood Watch Group.
- Walham Green Ward Panel.
- Vanston Place Management Company Limited.
- Fulham Island Residents Association.
- Epirus Rd, Epirus Mews and Piedmonte Walk Neighbourhood Watch Groups.
- Seagrave Road Residents Group.
- 44 other individual residential objections.
- 1 objection from Councillor Paynter (Lillie Ward).
- 1 objection from Planning (as a Responsible Authority).

All of the original representations received during the original consultation period can be seen at pages **82 to 163** of this report.

Some additional comments have been made by objectors since the close of the consultation and following receipt of the agreement between the Police and the Applicant. These can be found at pages **165 to 176** of this report.

4. OTHER INFORMATION:

4.1 Enforcement History:

Following reports of unlicensed activity taking place on 2 February 2025, and subsequent contact with other council officers prior to 1 April 2025, the Licensing

Enforcement Team issued a warning letter to the Applicant on 30 April 2025. As Members will note, whilst the letter postdates this Application, the Applicant has been informed throughout the process that they cannot provide late night refreshment between 23:00 to 05:00 unless a valid licence is in place. This correspondence can be found at pages **177 to 180** of this report.

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.

5.4 Policy 1 page 18 confirms that The Secretary of State's Guidance (the Guidance), <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>, 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 pages 20 to 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	Monday to Thursday: 01:00. Friday to Saturday: 01:30. Sunday: 00:00.	Monday to Thursday: 00:00. Friday to Saturday: 01:00. Sunday: 23:00.	Friday to Saturday: 23:00. Sunday: 22:00.
Late night refreshment premises (take-aways)	Friday to Saturday: 01:00. Sunday: 00:00.	Friday to Saturday: 00:30. Sunday: 23:30.	Not considered appropriate.

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. Annex 1 pages 32 to 33 of the SLP recognises that delivery services 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 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 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:

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.

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 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).

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.

q) 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 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:

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

5.11 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.

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.**
- b) 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.**
- 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 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;**
 - v. The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;**

- vi. The provision of air conditioning and ventilation;**
- vii. Measures to protect against overcrowding; and viii. 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:

- 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
- f) 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.
- 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.

5.12 Annex 1 pages 40 to 41 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) (<https://www.lbhf.gov.uk/crime/community-safety-unit/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;
- 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;
- xiv. The siting of external lighting, including security lighting that is installed inappropriately;
- xv. The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- 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:

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 noisesensitive 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 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

5.13 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 – if applicable) 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;

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.