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## 1. THE APPLICATION:

On 10 June 2025, the Licensing Authority received a valid Full Variation application (“the Application”) in respect of the premises known as The Green – 172-174 Uxbridge Road, London, W12 7JP, submitted by The Stonegate Group (“the Applicant”), on behalf of The Craft Union Pub Company Ltd (“the Premises Licence Holder”).

### 1.1 Application Requested:

Members will note, from **Appendix 1**, that the premises currently has allowance for the following activities:

#### Exhibition of Films and Playing of Recorded Music (Indoors Only):

Monday to Thursday:	08:00 to 00:00
Friday and Saturday:	08:00 to 01:00
Sunday:	08:00 to 00:00

#### Provision of Late Night Refreshment (Indoors Only):

Monday to Thursday:	23:00 to 00:00
Friday and Saturday:	23:00 to 01:00
Sunday:	23:00 to 00:00

#### Sale of Alcohol (Consumption On and Off the Premises):

Monday to Thursday:	08:00 to 00:00
Friday and Saturday:	08:00 to 01:00
Sunday:	08:00 to 00:00

#### Hours Open To The Public:

Monday to Thursday:	07:00 to 00:30
Friday and Saturday:	07:00 to 01:30
Sunday:	07:00 to 00:30

The Full Variation Application, shown in **Appendix 2**, originally sought to make the following changes to the licence:

#### Increase in Exhibition of Films and Playing of Recorded Music (Indoors Only) to:

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

#### Increase of Provision of Late Night Refreshment (Indoors Only) to:

Monday to Thursday:	23:00 to 01:00
Friday and Saturday:	23:00 to 03:00
Sunday:	23:00 to 01:00

#### Increase of Sale of Alcohol (Consumption On and Off the Premises) to:

Monday to Thursday:	08:00 to 01:00
Friday and Saturday:	08:00 to 03:00

Sunday: 08:00 to 01:00

Increase of Hours Open To The Public to:

Monday to Thursday: 07:00 to 01:30

Friday and Saturday: 07:00 to 03:30

Sunday: 07:00 to 01:30

Amendment of Condition 14 to read:

14. Children under 16 years of age shall not be allowed on the premises after 22:00 hours daily.

Removal of the Following Conditions:

19. Alcohol shall not be served before 11am on Saturdays when QPR play at home.

23. There shall be no admission of new customers to the premises after midnight.

Since the Application has gone into consultation, however, the Applicant has confirmed that it has been further revised as follows:

**Exhibition of Films and Playing of Recorded Music (Indoors Only):**

**Monday to Thursday: 08:00 to 00:00**

**Friday and Saturday: 08:00 to 02:00**

**Sunday: 08:00 to 00:00**

**Provision of Late Night Refreshment (Indoors Only):**

**Monday to Thursday: 23:00 to 00:00**

**Friday and Saturday: 23:00 to 02:00**

**Sunday: 23:00 to 00:00**

**Sale of Alcohol (Consumption On and Off the Premises):**

**Monday to Thursday: 08:00 to 00:00**

**Friday and Saturday: 08:00 to 02:00**

**Sunday: 08:00 to 00:00**

**Hours Open To The Public:**

**Monday to Thursday: 07:00 to 00:30**

**Friday and Saturday: 07:00 to 02:30**

**Sunday: 07:00 to 00:30**

**Amendment of Conditions 14, 19 and 23, as follows:**

**14. Children under 16 years of age shall not be allowed on the premises after 21:00 hours daily.**

**19. Alcohol shall not be served before 11:00 on Saturdays when Queens Park Rangers (QPR) (male first team) play at home and the kick-off time is 15:00 or anytime thereafter. Also, alcohol shall not be served before 10:00 on Saturdays**

***when QPR (male first team) play at home and the kick-off time is between 12:30 and 14:59.***

***23. There shall be no admission of new customers to the premises after 01:00.***

It is these final changes listed above that the Sub-Committee are asked to consider in this case.

Members should also be aware that, in addition to this Full Variation, the Applicant has submitted an entirely separate Minor Variation application to alter the internal seating layout at the premises. This has been validated by the Licensing Team, and has been put into 14 day consultation as per the provisions of the Licensing Act 2003 (the Act). Members should be aware that

## **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. Following discussions with the Police and the Council's Environmental Protection Team, shown in **Appendix 3 and 4**, the Applicant agreed to adopt the additional following conditions in the event the Full Variation is granted:

- ***On Friday and Saturday nights when the premises intends to operate for the sale of alcohol beyond 01:00, a minimum of 2 SIA registered Door Supervisors shall be on duty at the premises from 21:00.***
- ***There shall be no new entry or re-entry to the premises after 01:00.***
- ***Children must be accompanied by a responsible adult at all times that they are on the premises.***

## **2. BACKGROUND:**

The main access to the proposed premises is located on Uxbridge Road and, as mentioned, operates as a pub under an existing licence. The immediate area around the application site is a mix of commercial and residential. A map showing the location of the premises and neighbouring licensed premises can be seen in **Appendix 5**.

There are several options for transport away from the area, including buses and taxis which run from in and around the area. The closest Overground and Underground Station within close proximity of the application site is Shepherd's Bush Market (Central Line), approximately 2 minutes away. Shepherd's Bush (Overground) and Shepherd's Bush (Central Line) are both around 6 minutes' away. Furthermore, Goldhawk Road and Wood Lane Stations (both Hammersmith and City and Circle Lines) are approximately 8 and 9 minutes' walk away, respectively.

## **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 35 representations (opposing the Application), as follows:

- 33 residential objectors (1 of which withdrew before the end of the consultation period).
- Environmental Protection Team (as a Responsible Authority).
- Councillor Umeh (Shepherds Bush Green Ward).

In addition, 4 representations (supporting the Application) were also received. All valid representations can be found at **Appendix 6**.

Following this, the Applicant requested that a letter was cascaded to all Objectors and this can be found at **Appendix 7**. At the time of writing this report, this had generated some responses and these can be found at **Appendix 8**. Any further comments made by any of the objectors, along with any other application-related updates, will be provided to the Sub-Committee in advance of the Hearing.

Members should note that one more residential objector has subsequently withdrawn their representation. This leaves 31 residential Objectors and Councillor Umeh in objection to the Application.

## 4. OTHER INFORMATION:

### 4.1 Enforcement History:

The Premises has been subject to the following enforcement incidents:

- On 18 and 26 May 2023, Environmental Protection Officers witnessed loud music emanating from the premises, which resulted in a warning letter being issued on 16 June 2023.
- On 15 July 2025, an allegation was received from a complainant that the Premises was operating outside their permitted hours. No enforcement action was taken, but the Premises was advised of the allegation and reminded of their obligations under their licence. One of the Licensing Enforcement Team will undertake an inspection of the premises in due course to ensure overall compliance.

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

Application Received	TEN Type Requested (Standard or Late)	Activities Requested	Dates and Times Requested	Outcome
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2 December 2024	Standard TEN	The Sale of Alcohol (on the premises only)	Saturday 21 to Sunday 22 December 2024; 11:00 to 02:00	Granted
		The Provision of Regulated Entertainment (for no more than 151 people)	Saturday 21 to Sunday 22 December 2024; 23:00 to 03:00	
7 June 2023	Standard TEN	The Sale of Alcohol (on and off the premises).	Friday 22 December 2023; 00:00 to 01:00	Granted
		The Provision of Late Night Refreshment (on the premises)		
		The Provision of Regulated Entertainment (for no more than 150 people).		

There is no indication from any of the Responsible Authorities that these TENs caused any adverse issues.

## 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](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 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:

<b>Type of premises</b>	<b>Town centres</b>	<b>Mixed use areas</b>	<b>Residential areas</b>
Public houses, bars or other drinking establishments	Friday to Saturday: 02:30 Monday to Thursday: 01:00 Sunday – 00:00	Friday to Saturday: 01:00 Monday to Thursday: 00:00 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** Policy 15 on page 30 of the SLP relates to drink spiking and licensees and licence applicants are encouraged to establish a clear approach to preventing, identifying and addressing drink spiking in their operating schedules. This should include, but is not limited to:

- Training for door and bar staff to identify where drink spiking may be taking place, how to respond to any reported or observed instances of drink spiking, and how to report to Police.
- Offering drink spiking preventative measures, such as drink covers, serving drinks direct to customers (not leaving these unattended before being provided to customers), and keeping an eye on or clearing drinks left unattended.
- Providing customers with information on keeping safe from drink spiking.
- Operating schemes such as 'Ask for Angela' to encourage customers to seek help if they suspect drink spiking has occurred.
- Requiring the production of a drink spiking risk assessment and procedure for dealing with any such incidents.
- Displaying posters in visible locations at the premises to explain what to do in the event of a spiking incident / what a spiked drink looks like.

**5.10** Policy 16 on pages 33 to 34 of the SLP concerns the safety of women and girls in licenced setting and the Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff,
- d) Require presence of CCTV, or to introduce entry searches for example. Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

This would include, but is not limited to the 'Ask for Angela' programme, Welfare and Vulnerability Engagement' training package (WAVE) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls. The Licensing Authority would also encourage off licensed premises to take part in the Ask for Angela scheme in an effort to increase the visible promotion of the

scheme in all licensed premises across the borough. Implementing these measures, particularly for on-licence premises, providing training for staff to increase awareness and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

**5.11** 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.
- e) Measures to demonstrate compliance Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- f) Robust measures in place to avoid the presence of weapons on their premises and should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- g) Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.
- h) Crime and disorder in the vicinity of the premises: this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
- j) CCTV - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.

- k) dispersal procedures - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- l) dealing with and reporting crime and disorder - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- m) door staff - considering whether the premises employs 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.
- o) excessive drinking - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- p) local schemes – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- q) prevention of theft - using bag hooks and signage to warn customers of pickpockets and bag snatchers.

**5.12** 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.
  - vi. Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
  - vii. Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
  - viii. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be

diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;

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

x. The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;

xi. The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;

xii. The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;

xiii. The delivery and collection areas and delivery/collection times;

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.

m) 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 breakout 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.

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.

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## **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.
- 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.