



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

**The Royal Borough of
Kensington and Chelsea**

c/o. Governance Services
First Floor (Purple Zone)
Kensington Town Hall
Hornton Street
London W8 7NX

[Licensing-
governance@rbkc.gov.uk](mailto:Licensing-governance@rbkc.gov.uk)

Wednesday, 12 February
2025

NOTICE OF LICENSING HEARING

Under sections 9(2) and 183(1) of the Licensing Act 2003 ("Act") and the Licensing Act 2003 (Hearings) Regulations 2005 (S.I.2005/44)

Please note the timings for hearings are only a guide and there is a possibility of delay if earlier cases take longer than scheduled.

Dear Sir/Madam,

**Re. NOTTING HILL FISH SHOP SUSHI LIMITED, GROUND FLOOR, 118
TALBOT ROAD, LONDON, W11 1JR (Colville Ward)**

Application for a Grant of a Premises Licence

The licensing authority considers that relevant representations have been made concerning the above application and therefore gives you notice of the hearing which will be held before a Licensing Sub-Committee of three elected Councillors to determine whether the application should be granted and, if so, what conditions should be attached to the Licence.

This hearing will be held in public on **Thursday, 27 February 2025 at 10.00 am** on **Microsoft Teams** and the procedure to be followed is set out in the procedure document enclosed with this letter, which we would ask you to read carefully.

At the hearing all parties are entitled to address the Licensing Sub-Committee and be assisted or represented by any person. That person may or may not be legally qualified. It is recommended that the Applicant attends the hearing, even if they choose to be represented. Other parties who have made representations are also invited to attend to support their representations. Please note, a party will not normally be allowed to question another party, unless they have first requested and been given express permission to do so by the Licensing Sub-Committee.

WHAT YOU NEED TO DO NOW

You must send the following information to Governance Services at licensing-governance@rbkc.gov.uk to reach the licensing authority no later than **12 noon three working days** before the day of the hearing. You must confirm the following:

1. Whether you consider it is unnecessary to have a hearing. If you do, a hearing will only be dispensed with if all the other parties, including the licensing authority, agree with you.
2. Whether you intend to attend the hearing and if so, whether you intend to be represented. If you intend to be represented, please provide the name and address of the person who will be representing you.
3. Whether it is your intention or that of your representative to call any witnesses. If you intend to call witnesses, please provide:
 - the person's name.
 - a brief description of the point or points with which the witness (es) may be able to assist the Licensing Sub-Committee.
 - a request to allow the witness to speak at the hearing.

If you have any specific requirements regarding these papers or your participation in the hearing, please contact Governance Services by email on: licensing-governance@rbkc.gov.uk

DECLARATIONS OF INTEREST

Any Member of the Committee, or any other Member present in the meeting room, who has a disclosable pecuniary interest in a matter to be considered at the meeting is reminded to disclose the interest to the meeting and to leave the room while any discussion or vote on the matter takes place.

Members are also reminded that if they have any other significant interest in a matter to be considered at the meeting, which they feel should be declared in the public interest, such interests should be declared to the meeting. In such circumstances Members should consider whether their continued participation, in the matter relating to the interest, would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests, or whether they should leave the room while any discussion or vote on the matter takes place.

LATE AMENDMENTS

Applicants must immediately notify both licensing-governance@rbkc.gov.uk and licensing@rbkc.gov.uk if they are seeking to make any amendments to their application. This must be done in sufficient time prior to the hearing to inform all parties of any changes to the application.

WITHDRAWAL OF REPRESENTATIONS

A party who wishes to withdraw their representation may do so by advising the Governance Services Section by email to licensing-governance@rbkc.gov.uk no

later than 24 hours before the day the hearing is due to take place. In order to avoid unnecessary time and costs being wasted, parties are encouraged to advise the Governance Services Section if they wish to withdraw their representation as soon as they have reached that decision.

GENERAL INFORMATION

Documentary Evidence

All documentary evidence in support of the application or the representation (as the case may be) should have been served with the application or the relevant representation. Generally **the licensing authority will not consider documentary evidence which has been served late.** However, it **may** exercise its discretion to consider late evidence depending upon the merits of the case, **provided that evidence has been served in advance and in sufficient time before the date of the hearing** on the Governance Services section of the Licensing Authority, the Applicant and any other parties to the application, of whom they are aware. The person serving the late evidence should ensure they have sufficient extra copies of that evidence available for the hearing.

You may only produce additional documentary evidence at the hearing itself with **the consent of all parties** attending the hearing, in which case you should supply sufficient copies of that evidence so that it can be circulated to all the other parties. Please be aware that there is a risk the other parties may not consent, in which case your additional documentary evidence may be inadmissible.

You should attempt to describe your case as fully as possible on paper because the time given for oral evidence at the hearing itself is limited, as described in the enclosed procedure note.

Failure to attend the Hearing

If you do not attend the hearing then the Licensing Sub-Committee has the discretion to proceed and to hear the application in your absence, in which case it will consider the application/ representations (as the case may be) and any papers you have submitted. The Licensing Sub-Committee may decide that it is in the public interest to adjourn the hearing to another date, in which case it will, without unreasonable delay, notify the parties of the date, time and place to which the hearing has been adjourned. However, the Licensing Sub-Committee is only likely to adjourn the case if there are justified reasons for an adjournment. It will not be able to adjourn the hearing if to do so would prevent the application from being determined within the time limits prescribed by the Act or the Regulations.

Governance Services Section

The quorum is two Councillors. (Part 5 10.2)

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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

LICENSING SUB-COMMITTEE – 27 FEBRUARY 2025

REPORT BY THE DIRECTOR OF HIGHWAY AND REGULATORY SERVICES

APPLICATION BY NOTTING HILL FISH SHOP SUSHI LIMITED FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF NOTTING HILL FISH SHOP SUSHI LIMITED, GROUND FLOOR, 118 TALBOT ROAD, LONDON, W11 1JR

INTRODUCTION

The purpose of this report is to consider the application for the grant of a premises licence

FOR DECISION

Applicants for the grant of a premises licence are required to notify the public of the application by means of a notice exhibited at the premises for a period of not less than 28 consecutive days and a public notice in a local newspaper within 10 working days, commencing the day after the application is made to the Licensing Authority. Unless the application is submitted via an on-line facility, the applicant must also serve a copy of the application to each of the Responsible Authorities. Where the application is submitted via an on-line facility the licensing authority is responsible for notifying these authorities. The applicant and/or licensing authority has complied with these requirements.

The Council must take into account any relevant representations to the grant of the licence. Where representations are made to an application, the applicants are recommended to attend an oral hearing, even if they choose to be represented by counsel, a solicitor, or some other authorised person. The individuals and/or bodies who have made representations are also invited to attend to support the contents of their representations.

A. THE APPLICATION

Applicant: Notting Hill Fish Shop Sushi Limited

Premises: Notting Hill Fish Shop Sushi Limited, Ground Floor, 118 Talbot Road, London, W11 1JR

Application for a premises licence to be granted

This application is for the grant of a new premises licence for the sale by retail of alcohol on and off the premises which comprises the lower ground

and ground floor, including the forecourt. The restaurant is located on the ground floor, whilst the lower ground floor will be used for storage and back of house activities.

Activity	Proposed Hours
Sale by retail of alcohol-on and off the premises	Monday to Sunday 12:00 to 23:00
Hours open to the public	Monday to Sunday 10:00 to 23:30

A copy of the current application is attached as Appendix A.

A plan of the premises is attached as Appendix B.

Designated premises supervisor: Mr Thomas Wright

Steps volunteered by the applicant to promote licensing objectives:

Applicant's statement and proposed steps to promote the licensing objectives

a) General - all four licensing objectives (b, c, d, e)

The applicant states that the activities to be authorised under the license will contribute to leisure activity, culture, and economy of the Borough. The applicant will ensure that there are trained and competent staff present on the premises at all times.

b) The prevention of crime and disorder

It will only be a 12-seater restaurant so every person entering the premises will be easily identifiable.

There will be a a CCTV system that will record inside and outside of the restaurant at all times. This will also be remotely monitored overnight by the applicant's Security company. All recordings will be stored for a minimum of 30 days.

There will be an incident log in place, detailing any incidents, which will be continually reviewed.

c) Public safety

The electrical installation, mechanical installation and fire safety measures will be regularly inspected and maintained and in full working order.

First aid equipment will be always present on site.

The designated escape route for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

d) The prevention of public nuisance

Customers will have to order food to sit in, it will not be operated as a bar. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Regular waste disposal collections will be scheduled and deliveries co-ordinated to minimise disruptions.

e) The protection of children from harm

The DPS will ensure that staff members are trained on the "Think 25" policy. Only approved photographic ID is accepted. Anyone who appears to be under the age of 25 will be challenged to provide ID. If the customer is unable to provide identification then no sale is made. If it is known that a customer intends to purchase alcohol to provide to minors, then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by the authorities as requested.

B. RELEVANT REPRESENTATIONS

Noise & Nuisance Mr Keith Mehaffy has submitted a representation on behalf of the Environmental Health Noise & Nuisance Team on the grounds of public nuisance.

Mr Mehaffy has concerns that the premises are situated below residential dwellings and there is potential for sounds generated in the operation of the premises to impact on the occupation of the residents.

The premises has a basement which the applicant intends to use for back of house, storage, and toilet facilities. However, as the basement is identified on the plan as part of the licensed area it could potentially be used for licensable activities in the future. Mr Mehaffy has highlighted the importance of ensuring there is no access to the rear external courtyard by customers.

The immediate forecourt is included on the plans as part of the licensed area, and in addition, the applicant has advised that he intends to apply for a Summertime Terrace within the parking bays outside the premises.

If the Committee is minded to grant a licence Mr Mehaffy has proposed the following conditions:

1. The sale and supply of alcohol to the front forecourt and front external terrace shall cease at 21:30 and external areas shall be cleared by 22:00.
2. The premises shall close, and all patrons to have left the premises, no later than 30 minutes after the end of the permitted hours for the sale by retail of alcohol on the premises.
3. No smells generated from the cooking processes at the Premises, shall give rise to nuisance to occupiers of neighbouring properties.
4. No noise or vibration associated with the operation of the building services plant at the premises shall give rise to a nuisance to the occupiers of the neighbouring properties.
5. The Premises shall not be used under the terms of this licence until they have been insulated to prevent the transmission of excessive airborne or impact sound to neighbouring residential dwellings. The insulation works shall be installed in accordance with details submitted to and approved in writing by the Council's Director of Highways and Regulatory Services and shall thereafter be maintained to the same standard.
6. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of residents and to leave the premises and area quietly.
7. The front external forecourt shall close to the public between 22:00 and 08:00 hours.
8. The sale and supply of alcohol on the premises, front forecourt, and front external terrace. shall be to customers seated at tables by waiter/waitress service.
9. Apart from alcohol to be consumed on the front external terrace, no alcohol or other drink shall be taken from the premises in an open container.

10. Rubbish including bottles or cans shall not be deposited outside the premises, refuse collections and deliveries shall not take place between 23:00 hours and 07:00 hours.

11. A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, and made available on request to an authorised Officer of the Council or the Police, which will record the following:

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents or disorder
- e. all seizures of drugs and offensive weapons
- f. any faults in the CCTV system [or searching equipment or scanning equipment] repaired within 24 hours
- g. any refusal of sale of alcohol
- h. any visit by a relevant authority or emergency service
- i. any lost property found or handed to staff at the premises
- j. any other relevant incidents to be recorded

12. Any dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint during the operation of the licence, which shall be provided to the Licensing Authority and local residents' associations. Any change to the number shall be notified to the Licensing Authority and to local residents' associations within 7 days of the change.

A copy of Mr Mehaffy's representation is attached as Appendix C.

Other parties:

The licensing authority has received three representations opposing the application. The contents of the representations can be summarised as follows: -

- Residents are already subjected to noise disturbance from other premises operating late hours on Talbot Road. The addition on another alcohol venue would add to the already unbearable levels of nuisance, rubbish, noise, and anti-social behaviour.
- Permitting the late sales of alcohol poses a risk to public safety as a result of nuisance and crime and disorder from patrons who might be drunk and disorderly.
- The addition of more licences threatens to turn the location into a food and beverage entertainment area.
- No provisions have been made for security outside the premises.
- The addition of any more nightlife in the area will be detrimental and could result in change of character and loss of enjoyment for residents in the vicinity.

Copies of the representations are attached as Appendix D.

C. OTHER INFORMATION

Complaints

At the time of writing the report no noise/nuisance complaints had been received in the preceding 24 months.

Temporary Event Notices and Non Standard Times

No Temporary Events Notices have been submitted in the past 12 months.

Planning Consent

The planning department has not made a formal representation in connection with this application but as an informative for the Sub Committee the planning department has noted that the planning application PP/25/00235, which relates to the installation of various equipment to control noise and odour levels, is still under review.

A copy of the planning officer's email is attached as Appendix E.

D. OBSERVATIONS

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) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them.
- (c) Refuse to specify a person in the licence as the designated premises supervisor.
- (d) Reject the whole or part of the application.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- **the prevention of crime and disorder**
- **the prevention of public nuisance**
- **public safety**
- **protection of children from harm**

It must also have regard to its own Statement of Licensing Policy and the Secretary of State's Guidance. The relevant paragraphs of the Secretary of State's Guidance and the authority's Statement of Licensing Policy are attached as Appendix F and G respectively.

If the Committee is minded to grant the licence, conditions may be attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.

The premises are located in Colville ward. The venue is located on a parade of mixed commercial and residential properties on Talbot Road. Commercial units being ground floor with residential above. A map of the area and list of objectors is attached as Appendix H. A list of licensed premises within the vicinity of the premises is attached as Appendix I.

This application is for the grant of a premises licence under section 17 of the Licensing Act 2003.

The Decision of the Licensing Sub Committee is Requested

ANDREW BURTON
DIRECTOR OF HIGHWAYS AND REGULATORY SERVICES

Background Papers used in the preparation of this Report:

Licensing files

Officer Contact:

Any person wishing to inspect the above documents should contact Miss S Dyball, Directorate of Environmental Health, telephone 020 7341 5711

Application for a premises licence to be granted under the Licensing Act 2003



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Licensing Team, Royal Borough of Kensington and Chelsea - please visit our website www.rbkc.gov.uk for our current postal address or contact us on Telephone: 020 7341 5152 email: licensing@rbkc.gov.uk

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Notting Hill Fish Shop Sushi Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Ground Floor and Basement, 118 Talbot Road			
Post town	London	Postcode	W11 1JR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

- Please state whether you are applying for a premises licence as
- Please tick as appropriate
- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Notting Hill Fish Shop Sushi Ltd
Address	1A Stanley Gardens, London, W11 2ND
Registered number (where applicable)	15962084
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	02
2	2	02
5		

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises will operate as a Japanese restaurant, with a sushi counter serving raw dishes as well as hot food. Beer, wine and sake will be supplied as an ancillary to the food. The ground floor will be used for the restaurant, with the basement to be used for storage and back of house activities.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) We will apply for a pavement licence so food and alcohol can be served directly outside the premises so would like the license to cover this. We will also apply for a Summertime Terrace on the highway in the parking bays outside 118 Talbot Road, so again would like the licence to cover this.		
Mon	12:00	23:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) N/A		
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Thomas Wright	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	N/A <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	10:00	23:30	
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	23:30	
Sat	10:00	23:30	
Sun	10:00	23:30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The activities to be authorised under the license will contribute to leisure activity, culture and economy of the Borough. The applicant will ensure that there are trained and competent staff present on the premises at all times.

b) The prevention of crime and disorder

It will only be a 12-seater restaurant so every person entering the premises will be easily identifiable.

We will have a CCTV system that will record inside and outside of the restaurant at all times. This will also be remotely monitored overnight by our Security company. All recordings will be stored for a minimum of 30 days.

There will be an incident log in place, detailing any incidents, which will be continually reviewed.

c) Public safety

The electrical installation, mechanical installation and fire safety measures will be regularly inspected and maintained and in full working order. First aid equipment will be always present on site.

The designated escape route for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

d) The prevention of public nuisance

Customers will have to order food to sit in with us, it will not be operated as a bar. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Regular waste disposal collections will be scheduled and deliveries co-ordinated to minimise disruptions.

e) The protection of children from harm

The DPS will ensure that staff members are trained on the THINK 25 policy. Only approved photographic ID is accepted. Anyone who appears to be under the age of 25 will be challenged to provide ID. If the customer is unable to provide identification then no sale is made. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by the authorities as requested.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.

- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	T.Wright
Date	06/01/2025

Capacity	Operations Director
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For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

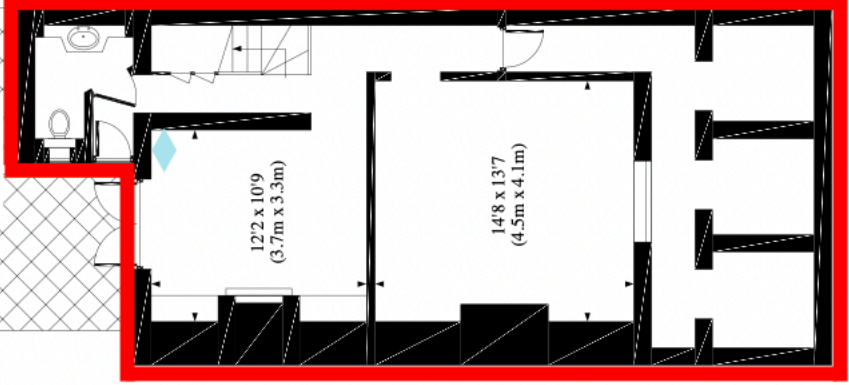
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

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LOWER GROUND FLOOR



GROUND FLOOR

-  FIRE SUPPRESSION
-  CUSTOMER SEATING
-  KITCHEN
-  LICENSABLE AREA
-  DRY POWDER/WET CHEMICAL FIRE EXTINGUISHERS AND BLANKETS



APPENDIX B

DRY POWDER/WET CHEMICAL FIRE EXTINGUISHERS AND BLANKETS

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Memorandum

DATE: January 15, 2025
TO: Paul Phelan Licensing
FROM: Keith Mehaffy extension 5702
RE: Application for the grant of a premises licence at
118 Talbot Road London W11. REFERENCE
25/355190.

I am in receipt of the application for the Grant of a Premises Licence consisting of the basement floor, ground floor and forecourt area. Permission sought:

Sale of alcohol both on and of the premises:
Monday to Sunday: 12:00 - 23:00

Hours open to the public:
Monday to Sunday: 10:00 - 23:30

Applicant has stated the premises shall "...operate as a Japanese restaurant..."

The premises are located directly below a residential dwelling in the first and upper floors of the building and there is potential for sounds generated in the operation of the premises to impact on the occupation of these residents especially in the early morning prior to opening of the premises.

The licensed area on the plans shows the basement, ground floor and an external terraced area on the premises. The intention is to also apply for an external terrace and to enable alcohol to be consumed in this external area, outside the proposed licensed area. This will result in alcohol being consumed in this external terraced area as an off sale. The basement is to be used for back of house, storage and toilet facilities. It is to be licensed within the licensed area of the premises and could be used in the future. It is therefore important to ensure that there is no access to the rear external courtyard by customers.

In addition to this alcohol sales for consumption on the premises, front forecourt and external terrace, should be restricted to patrons seated at tables by waiter/waitress service. The sale and supply of alcohol to the front forecourt and front external terrace, should cease at 21:30 for these external areas to be cleared by 22:00 hours.

I am making this representation under the prevention of public nuisance key objective and in addition to the conditions attached to the application I would suggest the following conditions are also considered: -

1. The premises shall close, and all patrons to have left the premises, no later than 30 minutes after the end of the permitted hours for the sale by retail of alcohol on the premises.

2. No smells generated from the cooking processes at the Premises, shall give rise to nuisance to occupiers of neighbouring properties.
3. No Noise or vibration associated with the operation of the building services plant at the premises shall give rise to a nuisance to the occupiers of the neighbouring properties.
4. The Premises shall not be used under the terms of this licence until they have been insulated to prevent the transmission of excessive airborne or impact sound to neighbouring residential dwellings. The insulation works shall be installed in accordance with details submitted to and approved in writing by the Council's Director of Highways and Regulatory Services and shall thereafter be maintained to the same standard.
5. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of residents and to leave the premises and area quietly.
6. The front external forecourt shall close to the public between 22:00 and 08:00 hours.
7. The sale and supply of alcohol on the premises, front forecourt and front external terrace. shall be to customers seated at tables by waiter/waitress service.
8. Apart from alcohol to be consumed on the front external terrace, no alcohol or other drink shall be taken from the premises in an open container.
9. Rubbish including bottles or cans shall not be deposited outside the premises, refuse collections and deliveries shall not take place between 23:00 hours and 07:00 hours.
10. A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, and made available on request to an authorised Officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents or disorder
 - e. all seizures of drugs and offensive weapons
 - f. any faults in the CCTV system [or searching equipment or scanning equipment] repaired within 24 hours
 - g. any refusal of sale of alcohol
 - h. any visit by a relevant authority or emergency service.
 - i. Any lost property found or handed to staff at the premises
 - j. Any other relevant incidents to be recorded

11. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint during the operation of the licence, which shall be provided to the Licensing Authority and local residents' associations. Any change to the number shall be notified to the Licensing Authority and to local residents' associations within 7 days of the change.

I hope that this information is useful, please do not hesitate to contact me on the above telephone number should you wish to discuss this matter further.

Mr Keith Mehaffy
Principal Environmental Health Officer
Noise and Nuisance Team

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1.

From: licensing@rbkc.gov.uk <licensing@rbkc.gov.uk>

Sent: 13 January 2025 09:47

To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>;

Subject: Licensing - Website Objection:

Thank you for your representations, which have now been received.

Below is the record of your form submission

Objector Name: Terrie Tanaka

Postal Address: Lynton Road, NW6

Email Address:

Case number: LICPR/25/355190/01

Premises address: Ground Floor, 118 Talbot Road, LONDON, W11 1JR

Application Type: Grant of premises (S17)

Representations:

I object to council granting this licensing permission. Residents already suffer public nuisances during late hours on Talbot Road from the various restaurants and bars already on our road. The applicate states there will be a "sale of alcohol both on and off the premises from Monday to Sunday: 12:00 - 23:00", meaning alcohol can be taken off the premises, at late hours of the night during the entire week, which will mean potential public, commercial and residential nuisances. Crime and disorder can also take place as customers could be drunk and disorderly. There is no mention of security guards outside the premises when they are trading thus, apart from cameras, there is no one monitoring nuisances, crime and/or disorder from their patrons. Public safety is also at risk with their patrons under the influence of alcohol as they can be intimidating to the public. I believe this licence will negative impact residents and commercial tenants due to crime and disorder, public nuisances and public safety.

2.

From: licensing@rbkc.gov.uk <licensing@rbkc.gov.uk>

Sent: 13 January 2025 12:27

To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>;

Subject: Licensing - Website Objection:

Thank you for your representations, which have now been received.

Below is the record of your form submission

Objector Name: Hristo Mitchkovski

Postal Address: Talbot Road, W11

Email Address:

Case number: LICPR/25/355190/01

Premises address: Ground Floor, 118 Talbot Road, LONDON, W11 1JR

Application Type: Grant of premises (S17)

Representations:

Re: Application for the Grant of a Premises Licence consisting of the basement floor, ground floor and forecourt area. Permission sought: Sale of alcohol both on and of the premises from Monday to Sunday: 12:00 to 23:00

Case Number : LICPR/25/355190/01

Premises Address : Ground Floor, 118 Talbot Road, LONDON, W11 1JR

Dear Madam / Sir,

I would like to object to this application. I believe that it will make the following licensing objectives much harder to observe and enforce:

1. the prevention of crime and disorder
3. the prevention of public nuisance

Currently, there two venues with alcohol licenses in the area (The Globe @ 103 Talbot Road and Dorian @ 105-107 Talbot Road) and any more would add to the already often unbearable levels of nuisance, rubbish, noise and anti-social behaviour. This is primarily a residential area and adding more alcohol licenses threatens to turn it into a food and beverage/entertainment area, which is not in line with existing resident's interests and the local character. We have witnessed both of the other licensed premises Dorian and The Globe exceed their licenses and any addition to local nightlife will be detrimental and would lead to a change in character and loss of enjoyment to

those living in the immediate vicinity. The application states that “notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly”. However, such notices simply do not work; once alcohol is involved people become loud and rowdy, and residents pay with their sleep, by having to put up with the unsightliness of loose rubbish and rubbish bags on the street and potentially with having to put up with more serious occurrences of anti-social behaviour.

Furthermore, there is a clear tendency for businesses to first ask for a premises license, then an alcohol one, then to add outside seating. Once a license has been granted there is almost always inevitably the tendency to attempt to widen the scope of that license.

It is important for the Borough to consider that granting an increasing number of licenses to serve alcohol on the same stretch of the road inevitably changes the area’s character and leads to huge negative externalities for local residents while only benefiting venue owners.

Thank you very much for your consideration and for your understanding in weighing the arguments of concerned residents.

Kind regards,

Hristo Mitchkovski

3.

From: licensing@rbkc.gov.uk <licensing@rbkc.gov.uk>

Sent: 23 January 2025 16:17

To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>;

Subject: Licensing - Website Objection:

Thank you for your representations, which have now been received.

Below is the record of your form submission

Objector Name: Pauline Byres

Postal Address: Talbot Road, W11

Email Address:

Case number: LICPR/25/355190/01

Premises address: Ground Floor, 118 Talbot Road, LONDON, W11 1JR

Application Type: Grant of premises (S17)

Representations:

I wish to strongly object to this application on the following grounds:

Talbot Road does not need another venue with alcohol license. At present between The Globe and Dorians the noise level is unbearable - from the pavement outside the restaurant being power-washed at 7.30am every day, the diners on the forecourt showing no consideration of the local residents with the noise they create, the constant trucks delivering produce to the restaurant (starting at 5am), the two rubbish collections per day (I have a photo of the huge amount of rubbish directly outside Dorians on the street last Saturday which obviously attracts vermin). There is no one effectively 'monitoring the guests when they are outside the restaurant late in the evening so to have that potentially going on across the street as well is just totally unacceptable..

This is a residential street and another licensed restaurant with forecourt service will be increasingly detrimental and will cause further distress to the residents.

APPENDIX E

From: Soler, Diego: RBKC <Diego.Soler@rbkc.gov.uk>
Sent: 30 January 2025 17:10
To: Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>
Subject: Planning Obs - Ground Floor, 118 Talbot Road, London W11 1JR

Dear Licensing:

RE: Application for a Premises License – 118 Talbot Road, LONDON, W11 1JR

In line with my duties as a Planning Officer for the Royal Borough of Kensington and Chelsea, I have analysed and now understand both the planning history of the relevant parcel as well as the licensing application. The following information supplements that statement.

Regarding the property located at 118 Talbot Road, LONDON, W11 1JR, the successful planning application numbered as CL/24/06500 awarded the relevant applicant a Certificate of Lawful Existing Use or Development to operate as a dine-in Japanese restaurant with a 12-seater sushi counter surrounding an open kitchen on the ground floor. This outcome confirms that the restaurant has been designated a use class of 'E', which is a status granted through relevant policies. In light of such, Planning has **no objections** at this time. However, it should be noted that planning application PP/25/00235, which relates to the installation of various equipment to control noise and odour levels, is still under review. This is included to emphasise that the former declaration is neither final nor binding.

Additionally, in the future we will not hesitate to investigate and potentially take enforcement action if the restaurant on the premises is not operating under the certified use class, if any conditions are violated, or if other matters concerning public amenity are brought to our attention.

Thank you.

Sincerely,

Diego Soler

--

Diego Soler
Planning Officer (Enforcement)
Planning and Place
Royal Borough of Kensington and Chelsea

Town Hall, Hornton Street, London W8

www.rbkc.gov.uk

Twitter [@rbkc](https://twitter.com/rbkc)

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Extracts of the Secretary of State's Guidance

General Statement - ability for Licensing Authorities to depart from the Guidance

- 1.9 LEGAL STATUS:** Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.11 Section 5 of the Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before the authority carries out any licensing functions under the Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

EACH APPLICATION ON ITS OWN MERITS

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

14.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.

OTHER RELEVANT LEGISLATION

1.19 Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

CONDITIONS

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but

may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- should be written in a prescriptive format.

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.

14.12 Statements of policies should make clear that:

- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
- conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity

14.13 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

STEPS TO PROMOTE THE LICENSING OBJECTIVES

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However,

applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

- 8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.
- 8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.47 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.

- 8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the consideration given to the licensing objectives and any measures that are proposed to promote them

NEED ARGUMENT

- 14.19 There can be confusion about the difference between “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel, and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
- 14.42 The absence of a CIA (*cumulative impact assessment*) does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

LONGER LICENSING HOURS - GENERAL

- 14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 14.52 Statements of licensing policy should set out the licensing authority’s approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

EVIDENCE FROM OBJECTORS AT COMMITTEE

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.

CONDITIONS AND DECISIONS

- 9.39 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

DISCLOSURE OF PERSONAL DETAILS OF PERSONS MAKING REPRESENTATIONS

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

WITHDRAWAL OF REPRESENTATIONS

- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest

HOURS OF TRADING

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each

application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

PROPORTIONALITY CONDITIONS

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

CRIME AND DISORDER

- 2.1 **Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 **In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in

conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 **Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10).** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 **The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas** with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 **The prevention of crime includes the prevention of immigration crime** including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

PUBLIC NUISANCE

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 **Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 **Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 **Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

PROTECTION OF CHILDREN FROM HARM

- 2.22 **The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 **The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;

- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 **Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.

- 2.29 **Licensing authorities should give considerable weight to representations about child protection matters.** In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

DOOR SUPERVISION

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”)), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out

conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).

- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

GIVING REASONS FOR DECISIONS

- 13.10 It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

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EXTRACTS FROM THE STATEMENT OF LICENSING POLICY

Decisions of the Licensing Authority

- 2.1 The Licensing Act 2003 requires this Licensing Authority to carry out its various licensing functions so as to promote the following four licensing objectives:

- 1) **The prevention of crime and disorder**
- 2) **Public safety**
- 3) **The prevention of public nuisance**
- 4) **The protection of children from harm.**

Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four are of paramount importance at all times.

The Licensing Authority must base its decisions, in relation to determining applications and attaching any conditions to licences, on the promotion of these licensing objectives. The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, the Licensing Authority will give its reasons for doing so.

Conditions - Avoiding Duplication with other Legislation

- 2.4 In accordance with the Secretary of State's Guidance, the Licensing Authority will avoid duplication with other regulatory regimes, such as the Health and Safety at Work etc. Act 1974, as far as possible when considering licence applications and conditions attached to those licences.
- 2.5 As recommended in the Secretary of State's Guidance, when attaching conditions to premises licences the Licensing Committee will have regard to our local Community Safety Plan and relevant conditions will reflect this plan where possible e.g. the provision of closed circuit television cameras in certain places.

Any conditions that are attached to premises licences and club premises certificates will be appropriate and proportionate to the operation of the premises and be focused on matters that are within the control of individual licensees and others in possession of various authorisations.

The Licensing Authority will also avoid the use of 'standard conditions', as far as possible, and will tailor conditions to individual premises where relevant. The Licensing Authority will, however, also have 'pools' of conditions to draw from where they are relevant to individual premises. These conditions will be updated as necessary and are available on the Council's website.

This Statement of Licensing Policy recognises the Race Relations Act 1976. The Licensing Authority will have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.

Conditions re Live Music Applications

- 2.6 This Licensing Authority encourages cultural activities within the borough and is aware of the need to avoid measures that will deter live and recorded music late at night when determining what conditions should be placed on premises licences and club premises certificates - particularly those conditions that impose costs of a disproportionate nature. However, any adverse environmental impact that may arise from individual applications will also be taken into account when considering such applications. Where adverse environmental impacts arise due to the provision of live and recorded music between 08:00 and 23:00, and an appropriate application to review a premises licence has been received, the Licensing Authority will consider removing the exemption from licensing requirements and attach relevant conditions to the premises licence in order to minimise disturbance to neighbours.

Applications considered on their own merits

- 2.8 The Licensing Authority recognises the contribution of licensed premises to leisure activities, culture and the economy within the borough. The role of the Licensing Authority is to exercise its statutory powers with a view to promoting the licensing objectives, **and it will not impose restrictions on existing or proposed activities except where it is deemed appropriate and proportionate to do so.**

The Licensing Authority will have no discretion to refuse to grant, or to impose conditions on, applications for new premises licences and variations to existing licences in the absence of relevant representations. Where, however, relevant representations have been made, the Licensing Authority's discretion is engaged and it must take steps as are appropriate and proportionate to promote the licensing objectives. This may include refusal of the application or the attachment of conditions.

When this policy refers to the Licensing Authority's approach to the exercise of its decision-making powers, this refers to those cases where its discretion has been engaged by the receipt of relevant representations. Nothing in this policy prevents an applicant from applying for new or varied licences, and

each case will be considered on its own individual merits, having regard to the content of this policy.

This paragraph applies equally to the grant or variation of club premises certificates.

- 2.11 The Licensing Authority recognises the issues faced by the hospitality industry due to the Covid-19 pandemic and will apply this policy as flexibly as possible to support businesses during their recovery.

Council's duty under Article 8 of the European Convention on Human Rights

- 3.9 The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

“Other Persons”

- 6.1 The Act describes two “bodies” that may make representations to licence applications and may apply for an existing premises licence to be reviewed by the Licensing Authority, Responsible Authorities and “Other Persons”. A list of Responsible Authorities can be found in Appendix B
- 6.2 “Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, and must not be considered to be frivolous or vexatious. Additionally, any application to review a premises licence must not be repetitious.
- 6.3 This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely to ensure that it is valid and complies with the requirement of the Licensing Act 2003.

Staggered Closing Hours

- 8.2 Paragraph 3.1 of this policy states that the Royal Borough is the smallest of the London boroughs and is also one of the most densely populated local authority areas in this country. Although there are areas within the borough that are ‘hotspots’ of noise and disturbance related to licensed premises, there are very few areas where residents are not directly affected.

- 8.3 Because of the intense mix of residential and licensed premises within the Royal Borough, staggering closing hours of licensed premises throughout the night, rather than reducing any adverse effect on residents, may in fact disturb them continuously.
- 8.4 There are, comparatively, so many licensed premises in any given area within the Royal Borough that staggering closing hours could mean a continual disturbance to residents as customers left each of the premises. In fact, some residents of the Royal Borough frequently ask that the existing opening hours of licensed premises are reduced in order that the disturbance suffered occurs at an earlier hour rather than continuing on throughout the night, enabling them to get undisturbed sleep for longer periods.
- 8.5 The maps, attached as **Appendices C** and **D** to this Policy Statement, show the spread of disturbances linked to licensed premises and the consumption of alcohol. They also show that some residents already suffer noise and disturbance throughout the night, even though there are a significant number of late night licensed premises closing at different hours between midnight and 4am.

The Licensing Authority's view is that increasing staggered closing hours throughout the night could add to the adverse effect on residents, and any further increase in late night premises may produce an increase in noise and disturbance from customers of these premises.

- 8.7 Parking stress is higher in areas with evening uses such as pubs, clubs and restaurants. Past surveys have demonstrated that approximately 10 per cent of restaurant users drive to the premises. The stress on parking spaces within the Royal Borough is at such a high level now that any applicants for new licensed premises, particularly restaurants, would need to show how their customers would not add to existing parking issues within the borough, for example; have arrangements in place for a named taxi firm to pick up customers.
- 8.8 The Licensing Authority considers that the imposition of conditions on premises licences generally would not, by itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly, but licensees will have little or no control of their customers once they leave the close vicinity of the premises.

Residential dwellings are common above and next to most licensed premises. Generally, throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents. Many of the streets within this Licensing Authority area are narrow causing any noise to reverberate from building to building.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

- 8.9 Having taken all these matters into consideration, when dealing with applications for premises licences and club premises certificates this Licensing Authority will not, generally, grant such licences or certificates permitting premises to be open to the public or a section of the public beyond midnight when its discretion has been triggered by the receipt of relevant representations. This will also apply to variations of existing licences that would entail extending the terminal hour beyond midnight.

Because of the individual nature of the Royal Borough, even those areas designated as 'higher order town centres' within the Local Plan also have a high concentration of residential use. Indeed, many of the buildings within these areas are both residential and commercial in character.

However, as stated in paragraph 2.8 above, the Licensing Authority will consider each application on its own merits and take the individual circumstances into consideration when reaching its decision.

- 8.10 There are very few solely commercial areas within the Royal Borough (those that are have residential areas in close proximity) and, taking into account the level of existing noise complaints, the limited availability of late night public transport and police records of crime and disorder, it is appropriate to **generally limit opening hours to midnight** in order to maintain the balance between residential and commercial interests. The Licensing Authority will generally expect licensable activities to cease sufficiently before midnight to ensure the efficacy of such a limitation.

However, this is a general policy and does not automatically mean that all applications, when the discretion of the Licensing Authority is exercised on receipt of valid representations, will result in premises licences being granted until midnight or that no applications will be granted with a **terminal hour after midnight**. The Licensing Authority highlights the fact that each application will be considered on its own merits and **an individual application may result in a terminal hour** being set for either before or after midnight dependent on the particular circumstances of that application.

The Licensing Authority considers that, generally, a **terminal hour of 12 midnight will**, in this particular area, be a better method of promoting the two licensing objectives of the prevention of crime and disorder and the prevention of public nuisance, than extending terminal hours.

- 8.11 When reaching a decision on whether to grant or vary a licence or certificate **with a closing hour after midnight**, the Licensing Authority will have due regard to the ability contained within the Licensing Act 2003 for 'other persons' and 'responsible authorities' to apply for the licence to be reviewed if the premises operate in a manner that does not promote the licensing objectives.

- 8.12 The implications of noise and disturbance to residents will also be considered when applications are made to increase the capacity of venues operating after midnight, where there is already a maximum capacity set. In considering such applications, the Licensing Authority will have to consider the overall effect of any increase on the rights of residents to privacy and a family life.

Where increases in capacities are granted but it is considered that the increase will have an adverse impact on the environment, the Authority will consider the imposition of conditions to diminish or avoid the impact where its discretion is triggered through the receipt of valid representations. See chapter 14 for more details on capacities.

- 8.13 This policy recognises that in this particular borough, disturbance is likely to follow from late trading. Any exception to the policy is only likely to be applied where the applicant can demonstrate that the new, or extended, licence will not exacerbate the problem.

Consideration will always be given to the applicant's individual case. The Council will take into account any proposals that the applicant makes to minimise the risk of nuisance being caused by customers departing from the premises. However, it is unlikely that the mere fact the premises will be well managed, or that the applicant is of good character, or that the premises, or the capacity or the increase in hours applied for is small, will alone be sufficient to demonstrate that no exacerbation will occur.

Non Standard Timings and Seasonal Variations

- 8.15 Where an applicant for a premises licence anticipates that on 'special occasions', such as significant birthdays and Bank Holidays, there will be a demand to remain operating later than usual, the Licensing Authority suggests that the applicant specifies on the operating schedule how many occasions late openings would be anticipated and what control measures will be put in place to promote the licensing objectives.

The Licensing Authority will take into consideration the content of the operating schedule when reaching its decision where its discretion has been triggered through the receipt of relevant representations.

Late Night Refreshment

- 11.2 The Licensing Authority advises any applicants for a premises licence to sell hot food and non-alcoholic drink after midnight to give a detailed account of how they will promote the four licensing objectives and, in particular, the prevention of crime and disorder and the prevention of public nuisance. The Authority regards midnight generally as an appropriate terminal hour for the provision of licensable activities as stated in paragraphs 8.10 – 8.11 of this Statement of Licensing Policy. Applicants wishing to provide late night refreshment, particularly 'take-aways', should note the content of these paragraphs when making applications to trade after midnight.

- 11.3 As previously stated in this document, the proximity of residential properties to commercial premises throughout the Royal Borough demands that late night operators ensure any noise and disturbance caused by the operation of their business is either eradicated or kept to a minimal level.

This Licensing Authority will have due regard to any representations from 'responsible authorities' and 'other persons' to the grant or variation of a licence to provide hot food and hot drink to the public. It will also look particularly closely at any measures proposed by the applicant to promote the licensing objectives.

- 11.4 The Licensing Authority will pay due regard to paragraph 3.15 of the Secretary of State's Guidance which states that where late night refreshment is offered "...as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should not give rise to a need for significant additional conditions.

The key licensing objectives in connection with late night refreshment are the prevention of crime and disorder and public nuisance, and it is expected that both will normally have been adequately covered in the conditions relating to the other licensable activities on such premises".

Midnight closing – off sales

- 12.1 The Licensing Authority is aware that there are many small 'general stores' within its area that are permitted to sell alcohol for consumption off the premises and also trade until the early hours of the morning, if not for the whole 24 hours.

- 12.2 However, because of the particular nature of this borough, when an application is made to continue selling alcohol in shops after midnight to coincide with its normal hours of operation - and the discretion of the Licensing Authority has been triggered through the receipt of relevant representations - it is advisable that the applicant shows that this would not lead to crime and disorder issues, disturbances and noise nuisance.

It is also advisable for the applicant to provide measures by which the promotion of the licensing objectives will be achieved, particularly the prevention of crime and disorder and the prevention of public nuisance.

- 12.3 This Authority and the borough Police are particularly concerned with the adverse effects 'street drinkers' can cause and, in particular, anti-social behaviour. Where licence applications receive representations regarding this issue the Licensing Authority may impose licence conditions restricting the sale of cans and bottles of super strength lager/cider, i.e. 6% ABV or above, and/or restrictions on quantities, i.e. sales of single cans or bottles of lager/cider, and container sizes of particular alcoholic drinks.

- 12.4 Where off sales are permitted, operators should recognise their responsibility to ensure that litter discarded by 'street drinkers' in the vicinity of their premises is cleared away regularly.
- 12.5 The Licensing Authority recognises that the provisions of the Business and Planning Act 2020 allows
- fast-track pavement licence applications for the outdoor use of tables and chairs and other furniture for the consumption of alcohol and food
 - temporary permission for the sale of alcohol for consumption off the premises for most premises already licensed for the sale of alcohol on the premises, while the premises are open for the sale of alcohol for consumption on the premises or until 11pm, whichever is the earlier, and
 - the temporary suspension of any licence conditions on the current licence for the sale of alcohol for consumption on and off the premises which would prevent
 - off sales of alcohol being sold in an open container, or
 - restrict the times for off sales of alcohol for those premises already licensed for on and off sales of alcohol, at a time when they are open for the sale of alcohol for consumption on the premises - subject to a cut-off time of 11pm, or the closure time of an existing outdoor area, which is the earlier
 - off sales of alcohol by way of deliveries to buildings used for residential or business purposes,

as an important step to aid business recovery in the hospitality sector during the Covid-19 pandemic. These temporary measures are currently due to end on 30 September 2021, but could possibly be extended by the Secretary of State beyond that period.

Operators should continue to take appropriate steps to ensure that the increased use of forecourts and other outdoor areas does not cause unnecessary nuisance to local residents, as this could lead to a summary review of their premises licence and the temporary permission for off sales of alcohol being withdrawn.

13. Local Area Risk Assessments

- 13.1 The Secretary of State's Guidance states in paragraph 8.41 'In completing an operating schedule, applicants are expected to have regard to the Statement of Licensing Policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.'

- 13.2 The Guidance goes on to state that ‘Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants’ proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including 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.’
- 13.3 Paragraph 8.45 of the Guidance states that ‘The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local responsible authorities;
 - websites or publications by local voluntary schemes and initiatives; and
 - on-line mapping tools.’
- 13.4 Paragraph 8.47 of the Guidance states 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.’
- 13.5 This Authority notes the contents of these paragraphs from the Secretary of State’s Guidance and, in particular, the use of the word ‘expected’. Applications that do not in any way address the contents of these paragraphs may be returned to the applicant as ‘incomplete’.

The Licensing Objectives – Prevention of Crime and Disorder

- 14.3 In relation to ‘the prevention of crime and disorder’ this may, for example, be promoted by: employing registered door supervisors; ensuring staff have attained relevant BIIAB qualifications i.e. the Drugs Awareness Certificate, the Barperson’s National Certificate, the Professional Barperson’s Qualification; incorporating a search policy into the entry conditions of the

premises; the location and standard of any CCTV systems on the premises; and having sufficient trained staff on the premises.

Where the discretion of the Licensing Authority has been triggered by the receipt of relevant representations, conditions reflecting these examples are very likely to be attached to premises licences where premises are situated in crime and disorder hotspots or where they operate after midnight.

The Licensing Objectives – Public Safety

- 14.4 In relation to “public safety” this may, for example, be promoted by: ensuring that staff have the appropriate training; ensuring that safe capacity limits are set and that there is no overcrowding.

The Licensing Objectives – Prevention of Public Nuisance

- 14.5 In relation to ‘the prevention of public nuisance’ the Licensing Authority will take particular care to ensure that residents are not disturbed late at night. Where an application is made for a new licence and the Licensing Authority’s discretion is triggered through the receipt of relevant representations, the Authority will not grant the application unless satisfied that it will not create an unreasonable disturbance to local residents.

The Licensing Authority will take the same approach when it is considering an application for a variation to an existing licence. However, before refusing an application on these grounds the Authority will consider whether such disturbance may be avoided by the application of conditions.

The Licensing Authority expects applicants to give due consideration to implementing a dispersal policy to ensure disturbances to neighbouring residents are kept to a minimum. The dispersal policy should include, entry and exit points, waiting areas, smoking areas, assistance with taxi’s and local transport and re-admittance, along with others deemed appropriate for the premises’ location.

- 14.6 In the case of every premises licence application, where the Licensing Authority’s discretion has been triggered by the receipt of relevant representations, the Authority will consider whether: the sound from music and/or customers may escape from the premises; noise from ventilation and other mechanical plant is minimal; the timings of deliveries and collection of trade waste; steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect); arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents; and arrangements are made to minimise noise from taxis.

The Licensing Authority recognises that food and drink delivery services are becoming a growing trend and expects applicants to consider implementing a home delivery policy to minimise potential disturbance to neighbours from courier drivers collecting from their premises. Points to consider should be; where food will be collected from by the drivers, turning off engines whilst waiting outside the premises and drivers being able to use the premises facilities (toilets, waiting areas), along with others deemed appropriate for the premises' location.

Conditions may be imposed to satisfy these considerations, or when the Authority is concerned that conditions alone will not be enough to ensure the licensing objectives are promoted it may consider whether a particular application should be granted or not. The Authority will also consider whether applicants have made sufficient arrangements to ensure that any waste and bottles from the premises do not cause any detrimental environmental effect in the vicinity.

'Detrimental environmental effect' includes ensuring that the footway outside licensed premises is kept clean and any stains and grease caused as a result of the operation of individual premises are removed by regular cleaning at the operator's expense.

Where relevant, the Licensing Committee may place conditions on a Premises Licence to ensure waste and bottles are disposed of properly. The Authority appreciates that some, or all, of these issues may not be relevant to an individual application and has included them for the assistance of applicants.

The Licensing Objectives – Protection of Children from Harm

- 14.7 In relation to "the protection of children" this may, for example, be achieved by ensuring children are not admitted to premises on days when adult entertainment is provided, and that children are not admitted, or allowed to remain on, premises after a certain time.

Additionally, the use of "proof of age" cards complying with the Home Office approved Proof of Age Standards Scheme (PASS) is now standard good practice for operators to prevent under age sales and consumption of alcohol in their premises. Use of this scheme is recommended to operators although in exceptional circumstances it could be imposed as a condition on a premises licence.

Details of the PASS scheme can be found at: <http://www.pass-scheme.org.uk/> or by contacting any member of the Authority's Licensing or Trading Standards Teams.

Capacity conditions

15.2 The Licensing Authority accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting the following three licensing objectives:

the prevention of crime and disorder
public safety
the prevention of public nuisance

15.3 Therefore, where the discretion of the Licensing Authority is applied through the receipt of relevant representations, the Authority will consider setting a capacity condition where this may be beneficial in promoting the licensing objectives mention in paragraph 15.2.

Annual fees

24.4 Licence holders should note that in the event of a failure to pay the annual licence fee this Authority will suspend the licence in accordance with section 55A Licensing Act 2003.

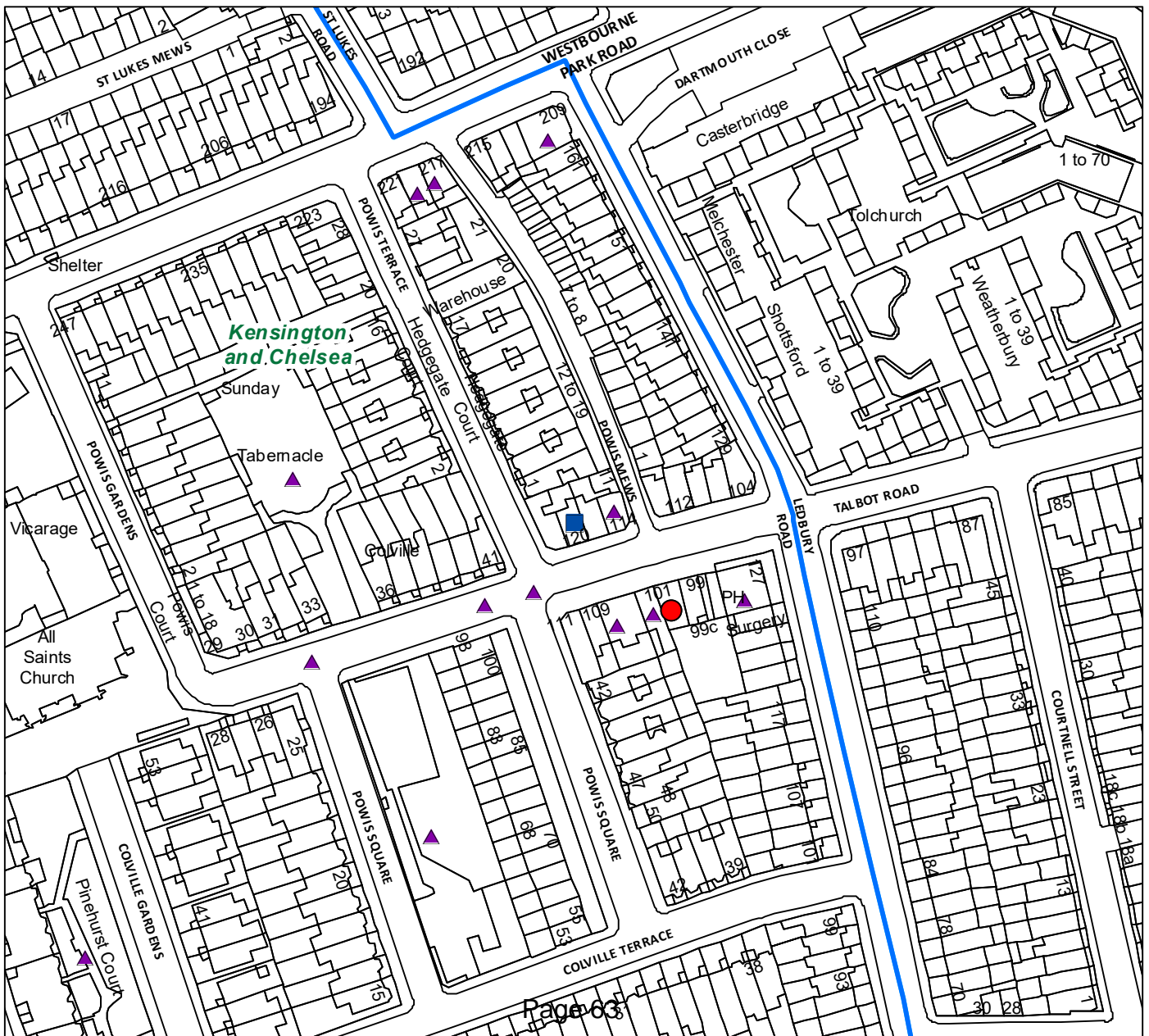
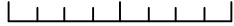
These extracts are not exhaustive and the Licensing Sub-Committee may wish to refer to the full copy of the Statement of Licensing Policy when considering its decision.

Notting Hill Fish Shop Sushi Limited - 118 Talbot Road, London, W11 1JR

Legend

- Premises
- ▲ Existing Licensed Premises
- Interested Parties Objectors
- Interested Parties Supporters
- Borough Boundary

0 12.5 25 50 Meters



Objector's List

Terrie Tanaka

Lynton Road, NW6

Hristo Mitchkovski

Talbot Road, W11

Pauline Byres

Talbot Road, W11

Committee Report - Neighbouring Premises

		1 Monday	2 Tuesday	3 Wednesday	4 Thursday	5 Friday	6 Saturday	7 Sunday				
Rampage Sound System	Colville Gardens Square, Colville Gardens, LONDON	Performance of live music - Indoors	12:00	19:00				12:00	19:00			
		Performance of dance - Outdoors	12:00	19:00					12:00	19:00		
		Playing of recorded music - Outdoors	12:00	19:00					12:00	19:00		
The Ledbury	Basement And Ground Floor, 127 Ledbury Road, LONDON, W11 2AQ	Provision of late night refreshments - Indoors	23:00	00:30	23:00	00:30	23:00	00:30	23:00	24:00		
		Regulated Entertainment for Private Use - Indoors										
		Playing of recorded music - Indoors										
Powis Square Stage & Bar System Site 05	Powis Square Gardens, Powis Square, LONDON	Sale by retail of alcohol - On and Off the Premises	10:00	24:00	10:00	24:00	10:00	24:00	11:00	24:00	12:00	23:30
		Performance of dance - Outdoors	12:00	19:00							12:00	19:00
		Performance of live music - Outdoors	12:00	19:00							12:00	19:00
		Sale by retail of alcohol - On and Off the Premises	12:00	19:00							12:00	19:00
		Playing of recorded music - Outdoors	12:00	19:00							12:00	19:00
		Entertainment similar to music or dance - Outdoors	12:00	19:00							12:00	19:00
Disco Hustlers Sound System	Street Record, Powis Square, LONDON	Performance of live music - Outdoors	12:00	19:00							12:00	19:00
		Performance of dance - Outdoors	12:00	19:00							12:00	19:00
		Playing of recorded music - Outdoors	12:00	19:00							12:00	19:00
		Entertainment similar to music or dance - Outdoors	12:00	19:00							12:00	19:00

Tabernacle	Tabernacle Community Centre, Powis Square, LONDON, W11 2AY	Entertainment similar to music or dance - Indoors	09:00	22:00	09:00	22:00	09:00	22:30	09:00	22:30	09:00	22:00	09:00	22:00
		Playing of recorded music - Indoors	09:00	22:00	09:00	22:00	09:00	22:30	09:00	22:30	09:00	22:00	09:00	22:00
		Provision of late night refreshments - Indoors						24:00						
		Performance of a play - Indoors	09:00	22:00	09:00	22:00	09:00	22:30	09:00	22:30	09:00	22:00	09:00	22:00
		Performance of live music - Indoors	09:00	22:00	09:00	22:00	09:00	22:30	09:00	22:30	09:00	22:00	09:00	22:00
		Performance of dance - Indoors	09:00	22:00	09:00	22:00	09:00	22:30	09:00	22:30	09:00	22:00	09:00	22:00
		Exhibition of a film - Indoors	09:00	22:00	09:00	22:00	09:00	22:30	09:00	22:30	09:00	22:00	09:00	22:00
		Sale by retail of alcohol - On the Premises	09:00	22:30	09:00	22:30	09:00	23:30	09:00	23:30	09:00	22:00	09:00	22:00
		Performance of dance - Outdoors	12:00	19:00								12:00	19:00	19:00
		Performance of live music - Outdoors	12:00	19:00								12:00	19:00	19:00
		Playing of recorded music - Outdoors	12:00	19:00								12:00	19:00	19:00
		Entertainment similar to music or dance - Outdoors	12:00	19:00								12:00	19:00	19:00
		Performance of dance - Outdoors	12:00	19:00								12:00	19:00	19:00
		Performance of live music - Outdoors	12:00	19:00								12:00	19:00	19:00
		Playing of recorded music - Outdoors	12:00	19:00								12:00	19:00	19:00
		Performance of live music - Indoors	10:00	02:30	10:00	02:30	10:00	02:30	10:00	02:30	10:00	02:30	11:00	22:30
		Performance of dance - Indoors	10:00	02:30	10:00	02:30	10:00	02:30	10:00	02:30	10:00	02:30	11:00	22:30
		Sale by retail of alcohol - On and Off the Premises	10:00	02:00	10:00	02:00	10:00	02:00	10:00	02:00	10:00	02:00	11:00	22:30

Disya
Jeneration
Sound System
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Gaz's Rockin'
Blues Sound
System

The Globe

The Globe	103 Talbot Road, LONDON, W11 2AT	Playing of recorded music - Indoors	10:00	02:30	10:00	02:30	10:00	02:30	10:00	02:30	11:00	02:30	12:00	22:30
		Provision of late night refreshments - Indoors	23:00	02:30	23:00	02:30	23:00	02:30	23:00	02:30	23:00	02:30		
		Entertainment similar to music or dance - Indoors	10:00	02:30	10:00	02:30	10:00	02:30	10:00	02:30	11:00	02:30	12:00	22:30
DORIAN	105-107 Talbot Road, LONDON, W11 2AT	Sale by retail of alcohol - On and Off the Premises	11:00	23:00	11:00	23:00	11:00	23:00	11:00	23:00	11:00	23:00	12:00	22:30
		Playing of recorded music - Indoors	08:30	23:00	08:30	23:00	08:30	23:00	08:30	23:00	08:30	23:00	09:00	22:30
OM Wines	114 Talbot Road, LONDON, W11 1JR	Playing of recorded music - Indoors												
		Sale by retail of alcohol - Off the Premises	08:00	23:00	08:00	23:00	08:00	23:00	08:00	23:00	08:00	23:00	10:00	22:30
Caractere	209 Westbourne Park Road, LONDON, W11 1EA	Sale by retail of alcohol - On and Off the Premises Ground Floor Only	10:00	24:00	10:00	24:00	10:00	24:00	10:00	24:00	10:00	24:00	10:00	23:30
		Regulated entertainment for private use limited to the performance of live music, recorded music, dance, and anything of a similar description at any time, whilst the private use is taking place. Unrestricted hours. Ground Floor Only												
		Provision of late night refreshments - Indoors Ground Floor Only	23:00	00:30	23:00	00:30	23:00	00:30	23:00	00:30	23:00	00:30	23:00	24:00
		Playing of recorded music - Indoors Ground Floor Only	10:00	00:30	10:00	00:30	10:00	00:30	10:00	00:30	10:00	00:30	10:00	24:00
Usman Supermarket	217 Westbourne Park Road, LONDON, W11 1EA	Playing of recorded music - Indoors												
		Sale by retail of alcohol - Off the Premises	08:00	23:00	08:00	23:00	08:00	23:00	08:00	23:00	08:00	23:00	10:00	22:30

The Butter Bakery	219 Westbourne Park Road, LONDON, W11 1EA	Sale by retail of alcohol - Off the Premises	10:00	22:00	10:00	22:00	10:00	22:00	10:00	22:00	10:00	22:00	10:00	22:00	10:00	22:00
		Sale by retail of alcohol - On the Premises	10:00	21:30	10:00	21:30	10:00	21:30	10:00	21:30	10:00	21:30	10:00	21:30	10:00	21:30

The permitted hours for Recorded Music and Regulated Entertainment for Private Use are unrestricted unless otherwise stated