

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**LICENSING SUB-COMMITTEE – 16 MAY 2024**

**REPORT BY THE INTERIM DIRECTOR OF TRANSPORT AND  
REGULATORY SERVICES**

**APPLICATION BY EATBRIT ENTERPRISES LIMITED FOR THE  
GRANT OF A PREMISES LICENCE IN RESPECT OF MAYFAIR CHIPPY  
KNIGHTSBRIDGE, 138 BROMPTON ROAD, LONDON, SW3 1HY**

**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: Eatbrit Enterprises Limited

Premises: Mayfair Chippy Knightsbridge, 138 Brompton Road, London, SW3 1HY

**Previous Licence**

The premises previously operated as a teahouse that traded with a Premises Licence which lapsed in October 2021. The lapsed licence permitted the sale of alcohol for consumption both on and off the premises on the ground floor and basement.

**Application for a premises licence to be granted**

This application is for the grant of a new premises licence for the provision of late night refreshment and the sale by retail of alcohol off the premises for a restaurant consisting of basement, ground, first and second floors.

<b>Activity</b>	<i>Previous Activities</i>	<b>Proposed Activities</b>
<b>Sale by retail of alcohol-on and off the premises</b>	<i>Monday to Friday 10:00 to 23:00</i>  <i>Saturday 11:00 to 23:00</i>  <i>Sunday 12:00 to 22:30</i>	Monday to Thursday 08:00 to 23:00  Friday to Saturday 08:00 to 23:30  Sunday 08:00 to 22:30
<b>Late night refreshment-indoors and outdoors</b>		Monday to Thursday 23:00 to 23:30  Friday to Saturday 23:00 to 24:00
<b>Hours open to the public</b>	<i>Monday to Saturday 10:00 to 23:30</i>  <i>Sunday 10:00 to 23:00</i>	Monday to Thursday 08:00 to 23:30  Friday to Saturday 08:00 to 24:00  Sunday 08:00 to 23:00

A copy of the previous licence is attached as Appendix A and the current application is attached as Appendix B.

A plan of the premises is attached as Appendix C.

**Designated premises supervisor:** Jamie Jones

**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)**

Applicant has stated 'Not to be added as conditions.

This is an application for a new Premises Licence for the Mayfair Chippy

Knightsbridge.

The Mayfair chippy currently trades on South Audley Street, its original site in Mayfair and a similar operation is proposed here.

It is (as its name suggests) a traditional British food led premises with a selection of seafood but with the signature dish being traditional good quality fish and chips.

The background

The premises were previously licensed and traded as il Baretto, but that licence is no longer in force.

This is an application for similar hours but slightly longer than the previous licence which was a converted old Justices licence relatively free of conditions.

The application for slightly longer hours is not significant in this busy area and is within policy guidelines.

In addition, there are a number of conditions which were on the previous licence to promote the prevention of public nuisance and more up to date conditions (for example CCTV and limited off sales) to promote other licensing objectives.

The operation of the premises

The premises are on four floors, with the principal trading area on the ground floor.

There are on the first floor and second floor small private dining areas.

A condition is offered that all customers on the ground floor who are consuming alcohol must be seated.

There is greater flexibility sought for the relatively small private dining areas.

There will be deliveries and there is on a plan a separate entrance route for these; two good quality and respected delivery operators will be used, and the condition is offered in relation to this.

Deliveries are made from the existing site, and it is the applicant's experience that employees who are used are well trained and aware of the importance of minimising any noise disruption as much as possible.

The applicant is happy to discuss the application during the consultation period.'

## **b) The prevention of crime and disorder**

The applicant states that 'There shall be CCTV in operation at the premises and;

- a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- c) all recordings shall be stored for a minimum period of 31 days with date and time stamping.
- d) recordings shall be made available immediately upon the request of a Police or Licensing officer throughout the preceding 31-day period.
- e) the CCTV system shall be maintained according to the current Home Office specification for premises of this type.
- f) should the equipment become faulty then the Metropolitan Police will be notified by e mail and all reasonable efforts made to have any fault rectified within 24 hours.

## **c) Public safety**

Off sales of alcohol only with a substantial meal.

On the ground floor only, alcohol will only be consumed by customers who are seated.

## **d) The prevention of public nuisance**

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV repaired within 24hrs
- (f) any refusal of the sale of alcohol (g)any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i)any other relevant incidents to be recorded.

The premises will liaise with their delivery providers so as to minimise noise and distribution to any local residents.

The Premises Licence Holder shall ensure that no music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring dwellings.

The Premises Licence Holder shall ensure that no noise or vibration associated with the operation of plant at the Premises shall give rise to a nuisance to the occupiers of neighbouring properties.

The Premises Licence Holder shall ensure that clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

**e) The protection of children from harm**

Applicant has stated 'A 'Challenge 21' age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 21 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 12 months.

Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry.'

**B. RELEVANT REPRESENTATIONS**

**Responsible authorities:**

Noise & Nuisance Mr Matthew McIlroy has submitted a representation on behalf the Council's Noise and Nuisance team on the grounds of the prevention of public nuisance.

Mr McIlroy is concerned that the applicant has not provided sufficient detail on how they intend to manage the odour controls through the change in cooking operation.

The premises is positioned lower than other premises in the surrounding area and backs onto residential dwellings, creating a higher risk of odour nuisance for residents.

Mr Mcllroy acknowledges that in an attempt to mitigate the risk of odours, the applicant has provided details of charcoal filtration, however, Mr Mcllroy believes with the type of cooking proposed, there is a likelihood that further mitigation is likely to be required.

Mr Mcllroy has therefore suggested the following conditions:

The Premises shall not operate under the terms of this premises licence until the premises licence holder has: -

- a. Carried out an odour risk assessment with the Risk Assessment for odour derived from the latest EMAQ guidance to ensure there is no nuisance to local residents from odour and fumes emitted from the ventilation and extraction system.
- b. Due regard has been had to any recommended mitigation arising from the assessment;
- c. The assessment report and the odour risk assessment has been submitted to and approved in writing by the Director of Environmental Health, and

Once approved in writing by the Director of Environmental Health the ventilation and extraction system and ducting shall be correctly installed, operated, maintained and regularly serviced all in accordance with the manufacturer's instructions throughout the life of the plant.

Mr Mcllroy and the applicant have agreed on the following conditions:

- a. No smells generated from the cooking process at the premises shall give rise to nuisance to occupiers of neighbouring properties.
- b. Rubbish including bottles or cans shall not be deposited outside the premises between 00:00 and 07:00 the following day.
- c. Rubbish shall not be deposited at the rear of the premises.

A copy of Mr Mcllroy's representation is attached as Appendix D.

Fire Authority Mr Tom Simpson-Goodall has submitted a representation on behalf of the London Fire Brigade on the grounds of public safety.

Mr Simpson-Goodall is concerned that the applicant has failed to provide sufficient information for the Fire Authority to give full consideration to whether public safety concerns have been adequately addressed.

The concerns include:

- a. Means of escape (Ground Floor)
- b. Basement use-Plans missing room context
- c. Fire Resisting Construction
- d. Distance of Travel (Horizontal)
- e. Extent of Licensable Area (Outside/Kitchen)

A copy of the representation is attached as Appendix E.

## **C. OTHER INFORMATION**

### **Complaints**

At the time of writing the report no noise 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**

There are no planning restrictions or conditions which the Sub Committee should be aware of. A copy of the Planning officer's comments are attached as Appendix F.

## **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 G and H 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 Brompton and Hans Town ward. On the north side of Brompton Road, near its junction with Montpelier Street. Brompton Road is a busy commercial area, whilst the streets to the rear are largely residential. A map of the area is attached as Appendix I and a list of licensed premises within the vicinity is attached as Appendix J.

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  
INTERIM DIRECTOR OF TRANSPORT 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.