

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**LICENSING SUB-COMMITTEE – 6 JUNE 2024**

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

**APPLICATION BY SLOANE STREET AUCTION GALLERIES LIMITED FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF SLOANE STREET AUCTION GALLERIES, 166 FULHAM ROAD, LONDON, SW10 9PR**

**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: Sloane Street Auction Galleries Limited

Premises: Sloane Street Auction Galleries, 166 Fulham Road, London, SW10 9PR

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

This application is for the grant of a new premises licence for sale of alcohol on the premises which comprises a small café/bar/restaurant, the auction gallery and the front forecourt covering the basement and ground floor.

<b>Activity</b>	<b>Proposed hours</b>	
<b>Sale by retail of alcohol-on the premises</b>	Monday to Saturday	11:00 to 22:00
<b>Hours open to the public</b>	Monday to Saturday	08:00 to 22:30

A copy of the application is attached as Appendix A.

A plan of the premises is attached as Appendix B.

**Designated premises supervisor:** Mrs Natascha Nejman

**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 proposed the following conditions:

1. At all operating times the café will be monitored and run by competent staff who have been fully trained.
2. These staff will abide by the steps in place to prevent any crime and disorder (as outlined by the licensing conditions).
3. All staff will have undergone relevant training which will be recorded and kept at the premises. This training will include, but not be limited to, sale of alcohol, how to manage drunkenness and underage persons.

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

4. Premises benefit from CCTV that has been installed and is working (with recordings stored for an appropriate period). The entrance is covered by this CCTV and there is a sticker on the door warning of CCTV in operation.
5. staff will be fully trained for relevant possible situations, and an incident log and refusals log will be kept at the premises (all incidents will be reported to police).
6. Strict challenge 25 policy.
7. Any disruptive/drunk/anti-social behaved customers will be asked to leave the premises.
8. Strict anti-drug policy - police will be called if any activity is suspected.
9. Police will be able to always access CCTV upon request. All cameras are out of customer reach near the ceiling. They have full view of all customers' head and shoulders for identification purposes, should a crime be committed.

**c) Public safety**

10. The premises will be fully compliant with all the relevant legislation.
11. There will be an age verification system in place to ensure that no alcohol is served to minors.
12. Fully compliant first aid kit at premises.
13. Any health and safety incidents logged.

14. Fire exits marked (fire extinguishers located in café).
15. Smoke alarms tested regularly.
16. Emergency exit is never blocked and easily accessible.
17. Free drinking water available.

**d) The prevention of public nuisance**

18. The premises are small, and they will be food-led offering high end food and wine (there will be no draught beer), with a modest selection of spirits.
19. Seating is provided throughout and there will be no vertical drinking.
20. Alcohol sale will be refused to people who are drunk and disorderly.
21. No irresponsible drinks promotions will be offered to customers.
22. Strict anti-drugs policy, any drug activity will be immediately reported to police and recorded.

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

23. Strict challenge 25 policy at the premises, with refusal of alcohol sale to individuals unable to produce a valid form of photographic ID (e.g. photo card driving licences, passports, or proof of age cards bearing the PASS hologram) proving they are over 18. Young children (under 16) must be accompanied by a responsible adult (18 and over) on the premises.
24. Log kept of alcohol sale refusals at the premises.
25. Staff will be fully trained in all aspects of licensing law including the prevention of sales to underage children.

**Conditions agreed with RBKC Noise & Nuisance on 25.04.24:**

26. Deliveries to the premises shall not take place between 23:00 and 08:00 the following day.
27. Rubbish including bottles or cans shall not be deposited outside the premises between 23:00 and 08:00 a.m. the following day.
28. Refuse collections shall not take place between 23:00 and 8:00 a.m. the following day.
29. 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.
30. No smells generated from the cooking processes at the Premises, shall give rise to nuisance to occupiers of neighbouring properties.

31. Alcohol shall only be sold by waiter or waitress service for consumption by customers seated at tables.

**Conditions agreed with Police on 08.05.24:**

32. On days when Chelsea Football Club are playing at home or on days when a Chelsea victory parade takes place, any bottled beer sold for consumption on the forecourt or in the café shall be decanted into polycarbonates three hours before the advertised kick off time until three hours after the match has been completed.

33. On days when Chelsea Football Club are playing at home or on days when a Chelsea victory parade takes place, a conflict management trained member of staff shall be on duty for three hours before the advertised kick off time until three hours after the match has been completed.

34. Sale and consumption of alcohol within the auction rooms shall be ancillary to the use of the premises as an auction house or any private pre-booked functions.

35. Within 2 months of the premises operating under this Premises Licence, a Dispersal and External Management Plan ('the Plan') shall be submitted to the Royal Borough of Kensington and Chelsea's Environmental Health Department, Licensing Authority, Police for consultation. The Plan shall detail the procedures, management controls and practical steps including all measures to control any noise generated by patrons entering or leaving the Premises, parking arrangements or smoking outside that will be taken to ensure that public nuisance does not arise at any time when licensable activities are taking place on the Premises. The Premises Licence Holder shall have due regard to any recommendations of the Licensing Authority, Police, and Environmental Health. Once the revised Plan has been finalised, the Premises Licence Holder shall implement and comply with the Plan at all times. A copy of the revised Plan shall be sent to the Licensing Authority, Environmental Health, and Police, within 5 working days of it being revised. Any further amendments to the Plan shall be submitted to the Licensing Authority within 28 days of the revision.

**B. RELEVANT REPRESENTATIONS**

The licensing authority has received one representation opposing the application from Bolton local residents' associations. The contents of the representations can be summarised as follows: -

- Residents have concerns that the proposed opening hours and additional day of operations (*Currently Monday to Friday but proposed operation is from Monday to Saturday*) will negatively impact residents living in close proximity to the premises.
- Permitting the sale of alcohol from 11:00 to 22:00 is extreme.
- The applicant has not provided an adequate operating procedure highlighting how they will ensure compliant, neighbourly, and safe operations.

- There is concern that the space has not been adequately defined and a more detailed and management plan is required to suit the unique circumstances of the premises and maintain reasonable neighbourly living conditions.
- If the Committee is minded to grant the application, residents have recommended that:
  - Ongoing community meetings will be required given the close proximity of residential apartments on Fulham Road.
  - The Dispersal and Management Plan are in place before the premises licence is granted as this is the first time the premises has been licensed and residents are concerned that the significant change in trading hours requires a robust plan in place.

A copy of the representation and operator's response to this objection are attached as Appendix C.

### **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**

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

#### **Planning Consent**

Planning have confirmed that the applicant's proposal is in accordance with the planning history of the site and as such Planning have no objections to this proposal.

### **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 D and E

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 Redcliffe ward on the north side of Fulham Road situated between Gilston Road and Cavaye Place. The area is a mixture of commercial and residential properties. A map of the area is attached as Appendix F. A list of licensed premises within the vicinity of the premises is attached as Appendix G.

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