

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