

Licensing Sub-Committee

Supplementary Agenda

Wednesday 5 July 2023 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

MEMBERSHIP

Administration:	Opposition:
Councillor Mercy Umeh (Chair) Councillor Wesley Harcourt	Councillor Dominic Stanton

CONTACT OFFICER: Charles Francis
Committee Co-ordinator
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Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Date Issued: 03 July 2023

Licensing Sub-Committee Supplementary Agenda

5 July 2023

Item

4. MORLEY'S FULHAM, 308 - 310 NORTH END ROAD, LONDON, SW6 1NQ. - ADDITIONAL INFORMATION FROM OBJECTORS

Pages

3 - 22

Agenda Item 4

From: [Licensing HF: H&F](#)
To: [Mckenna Lorna: H&F](#); [Layug Karen: H&F](#)
Subject: FW: 2023/00740/LAPR - Morley's Fulham, 308 - 310 North End Road London SW6 1NQ
Date: 28 June 2023 10:13:19
Attachments: [image001.png](#)
[image005.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image015.png](#)

From: [REDACTED]
Sent: Wednesday, June 28, 2023 10:07 AM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: [REDACTED]

Subject: Re: 2023/00740/LAPR - Morley's Fulham, 308 - 310 North End Road London SW6 1NQ

Dear Karen

Please enter the following press article into the bundle for this hearing. The relevant section is highlighted in red and this is the link:

<https://www.fulhamsw6.com/#!pages/fulhamsw6:info:ldrscrim003>

June 13, 2023

Locals say street plagued by antisocial behaviour and drug dealing

Residents of a street close to Chelsea FC's stadium claim antisocial behaviour and drug dealing are rife, and criminals disguising themselves as food delivery drivers are dumping narcotics in their gardens

Walham Grove in Fulham may look like your typical London street but residents say they live in fear they could be targeted by dangerous criminals simply for objecting to it happening on their doorstep

One resident, who did not want to be identified, said a dealer threatened to break into his house and kill him after trying to move him off his front steps

The man's wife told us, "They were arranging coins on our doorstep, we could see them from inside. So, my husband opened the door and asked if they were dealers and then told them to leave the premises

"The man got up and said 'I will come into your house. I will break in, I will torture you and I will kill you' and then they left."

Dealers are known to hide in front gardens to avoid police, according to residents. Another resident claimed dealers dump packages in front bushes for users to "Uber in" and fish them out

Being wedged between Chelsea's Stamford Bridge stadium and the busy North End Road with its fast food shops and pubs makes Walham Grove a prime spot for match-day punters to drink

The road has been described as a 'public loo' on match days with residents often complaining about punters peeing in their garden or dumping empty beer cans and half-eaten food

This has meant the street has become somewhat of a haven for rats and other pests, one resident said. But while those issues typically occur on match days, drug dealing and antisocial behaviour are an everyday occurrence, residents claim

He said "When there is dealing going on, people stand much closer than when you're having a conversation. When you see someone standing close to someone else that's because they don't want to be seen handling something."

He slammed what he claimed was the police's 'light-hand' approach to drug dealers. He said "It appears that if people are caught with drugs you're then let off with a caution, unless you've got a large amount. It's almost like there's no jeopardy."

However the Met Police said it's cracking down on dealing, and targeting those higher up the chain, and in some cases vulnerable children who are recruited as dealers are supported to get help rather than being criminalised

According to the Sentencing Council, sentences for drug supply range from a community order or fine to life imprisonment depending on the amounts and circumstances. The government last year announced a 10-year strategy for tackling drug use and supply, which aims to crack down on County Lines, introduce new penalties for recreational drug users, and provide support for people trying to come off drugs

In Walham Grove, it has been claimed dealers are sometimes dressing up as food delivery drivers to hide their criminal activity and make it look like they have a legitimate reason to be hanging around

Meanwhile, businesses on North End Road say the local McDonald's has become a hotbed of antisocial behaviour

Javad Tabej, 50, who works at nearby Al Baydar grocers, said "I have seen delivery drivers fight with each other, swearing and yelling."

Aga Sznura, 47, a store manager at the charity Royal Trinity Hospice, said teens often kick off outside McDonald's in the evening. She said she's never witnessed any drug dealing

Dispute this, residents claim many of the take-away shops are attracting the wrong crowd and are worried their plans to stay open will turn the area into a "Soho lite"

One resident said "The problem we have is there are too many shops trying to stay open into the early hours."

She still remembers finding Salim Coulter's dead body near her home. The woman, who does not want to be identified, said "There was a loud bang so I came out and then I saw a big crowd around the Jerk shop and when I walked up, I saw him there, dead next to the car."

Coulter, a 24-year-old trainee gas engineer and drug dealer, was shot dead in Walham Grove on November 5, 2016 in front of his friend after having had a meal with them. He had been dining at Jerky's Jamaican restaurant when he was shot in the head by a man in a hoodie at point-blank range as he returned to his friend's car

Two years later, Omar Hutson was found guilty of Coulter's murder and sentenced to life in prison

McDonald's said it wouldn't comment but pointed out that it was one of a number of businesses experiencing antisocial behaviour issues in the surrounding area

They say this is being committed by one or two groups of teenagers and that Fulham McDonald's has been proactively working with the Police and Fulham B D (Business Improvement District) to try to resolve these issues

In the interim, the restaurant has introduced a temporary security presence to help maintain a family-friendly atmosphere and staff have also reached out to the local neighbourhood teams to see what else can be done

Hammersmith and Fulham council's deputy leader Ben Coleman, who represents the ward, said drug dealing is a challenge all councils across the capital face and that he would be speaking with the council's Law Enforcement Team (LET) to step up patrols in the area

He acknowledged past problems with McDonald's on North End Road and vowed to work with the local manager to tackle ABS and litter issues

He said the council was fully committed to turning North End Road into a more attractive place to shop but urged traders to engage with residents more often

Mr Coleman said "I think it's very important for any business that wants to trade on or near North End Road to understand the area it is in and to take the trouble to talk to residents and in the submission that they make, to show they've addressed residents' concerns

"From experience, that isn't always the case and inevitably that means a great deal of time can be wasted."

He added "Don't just come to an area like a spaceship and drop yourself down and ignore the fact there are local people living in residential roads nearby, who could be affected by what you're doing

"Anyone who takes a sort of spaceship approach on North End Road or the roads off it and doesn't choose to engage with the residents is probably not doing themselves any favours." He said the council would access late-night licence applications on a case-by-case basis

The Met Police said it made more than 200 arrests and seized over one million pounds worth of drugs during a week-long crackdown on County Lines gangs earlier this year

They said in several cases, vulnerable children were preyed on by offenders and used as a commodity, placing them into an incredibly dangerous environment. Instead of criminalising these children, officers work with Rescue and Response to ensure they are safeguarded and supported

Between Monday, 27 February and Sunday, 5 March officers seized 8.3kgs of Class A drugs and 37.6 kilograms Class B drugs, £652,214 in cash and five firearms and 51 weapons including knives, machetes and swords

Detective Superintendent Rick Sewart, Lead Responsible Officer for County Lines in the Met, said "The Met is committed to relentlessly pursue those responsible for County Lines drug supply, bringing them to justice for their abhorrent crimes."

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: [REDACTED]
To: [Licensing HF: H&F](#)
Subject: FW: 2023/00740 - Application for licence to sell alcohol and extend opening hours on Friday and Saturday nights at Morleys Fulham, 310 North End Road, Fulham, SW6 1NQ
Date: 29 June 2023 15:45:20

Dear Lorna

This was my original submission. I do understand that this is a large caseload but hope you don't mind rectifying the order as I think it might be important.

Many thanks

[REDACTED]

From: [REDACTED]
Sent: Thursday, May 25, 2023 8:55 PM
To: licensing@lbhf.gov.uk
Subject: 2023/00740 - Application for licence to sell alcohol and extend opening hours on Friday and Saturday nights at Morleys Fulham, 310 North End Road, Fulham, SW6 1NQ

To whom it may concern

I write to object to Application No: 2023/00740 to permit the sale of alcoholic drinks at Morleys, Fulham and also to the proposal to extend opening hours on Friday and Saturday evenings to 1am.

As a former Councillor who has served on a Licensing Committee I am well aware of the four objectives of Licensing:

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

It is my view that should Hammersmith and Fulham grant these applications, they will without doubt be undermining all four of these objectives.

My daughter lives in Haldane Road, within 100m of the existing McDonalds premises and the soon to open Morleys Chicken Shop. Over the three years that she has lived in this area, she has frequently complained about appalling litter in the street, tomato ketchup smeared on her car and low level anti social behaviour from youths who 'hang around' in Haldane Road whilst en route to or from McDonalds. This activity includes kicking balls about which bounce off houses and cars, intimidatory behaviour if politely asked to desist, rowdiness and damage to plants and property including deliberate keying of cars. She has witnessed youths stamping on Lime bikes, people eating McDonalds in private gardens and delivery drivers urinating in residents' doorways and blocking the road. When a neighbour asked youths to desist from this type of behaviour, she had razors and scissors posted through her letter box as an obvious and chilling threat. On several occasions my daughter has written to H&F Licensing requesting that they reconsider the McDonalds Licence and she has also asked McDonalds to litter pick the street every day. The current situation is just about acceptable but will worsen during the summer months. Here is an

extract from one of her letters:

Sent: 14 November 2022 17:22

To: Licensing HF: H&F <licensing@lbhf.gov.uk>; Planning External Inbox: H&F <Planning@lbhf.gov.uk>; Cleaner Greener: H&F <Cleaner.Greener@lbhf.gov.uk>; Trading Standards: H&F <Trading.Standards@lbhf.gov.uk>

Subject: Licensing Complaint - McDonalds North End Road, Fulham

To whom it may concern,

I am writing to make a formal complaint and request that the licensing be withdrawn from McDonalds on the North End Road.

This is for two reasons:

1) The immediate area is not suitable for an establishment with such high footfall, and this causes significant danger to pedestrians as they are often pushed off the pavement and onto the very busy North End road. The site also attracts extensive antisocial behaviour, with large numbers of youths congregating, fighting, and threatening customers and vandalising local property and infrastructure. For example, I witnessed these youths damaging public bikes as well as cars parked nearby. This behaviour and the number of people and delivery drivers results in the narrow pavements surrounding the venue being clogged, meaning those wishing to pass (often the elderly and unstable) are forced to step out onto the busy North End Road. This presents a significant danger, as evidenced by the tragic death of a pedestrian just up the North End Road a month or so ago. I am certain that this is something that should be avoided at all costs.

Therefore it is clear that McDonalds is already causing significant problems for local neighbours but does not have an alcohol licence and closes at 12am. If Morleys is granted an alcohol licence (which is not usual for their many London premises), it is likely that crowds will gather outside the shop and down Haldane Road, drinking and generally causing disturbance until well after midnight. On Friday and Saturday nights this will continue until 2 or 3 am.

Chicken shops have a history of violence and in November 2021 Jermaine Cools was murdered in a fight involving a number of people outside a West Croydon chicken shop. On 27th June 2022 armed police were deployed after a triple stabbing in a Poplar chicken shop whilst in November 2022 a 21 year old man was stabbed in a Haringey chicken shop. These outlets are notorious also for grooming young people to become drug couriers and it is very unlikely that a harassed server will be able to identify and inform police about children at risk (suggested as a condition by the local police liaison officer).

Sadiq Khan has stated that he would aim to prevent chicken shops from opening within 400m of a school. Fulham Primary School is sited in Halford Road which is almost opposite Haldane Road and this site is certainly within 200m of Morleys Fulham.

There is an Off Licence directly opposite Morleys called The Hair of the Dog and this should be adequate for the provision of alcohol in the area in addition to several pubs and night clubs along the North End Road and around Fulham Broadway.

If these additional licences are granted, it is likely that a chicken shop serving alcohol will attract crowds and that alcohol fuelled violence and antisocial behaviour will be a regular occurrence. The premises are relatively small so where will those eating chicken and drinking alcohol stand whilst consuming their purchases? As the North End Road pavement is narrow, they will drift into Haldane Rd depriving local residents of their right to peaceful occupation of their homes. This undermines the first three objectives of Licensing. Objective 4 will also be undermined because local children attending the shop will risk being influenced by customers who are drunk and may well be persuaded to consume alcohol, at a table or outside, which has been purchased by someone over the age of 18. This will render them susceptible to grooming both for sexual and drug related reasons.

I would therefore urge the Licensing Officer/Committee to restrict opening hours to match those of McDonalds (ie no later than midnight) and to refuse an alcohol licence for these premises. If these applications are granted, one can predict that the local police will routinely be in attendance, near neighbours will be terrorised and kept awake until after midnight every night, cars and property will be damaged and vulnerable young people drawn into drug related gang violence and sexual abuse. The Brunswick Club in Haldane Road offers sports and social activity for local young people. Unfortunately the person in charge has told us that parents believe their children are attending sports training or social sessions but frequently these children 'bunk off' and hang around the local streets and Takeaway shops.

There is no upside for local residents, social services, Environmental Health or police if this application is granted and an alcohol licence in a chicken shop is a recipe for disaster. This is not a NIMBY letter but a rational evaluation of historic facts and a reasonable extrapolation and prediction taken from this information. The obvious conclusion is that it would be totally irresponsible for H & F to grant an alcohol licence or extend opening hours until 1am.

Yours faithfully



From: [REDACTED]
To: [Licensing HF: H&F](mailto:licensing@lbhf.gov.uk)
Subject: FW: 2023/00740 - Application for licence to sell alcohol and extend opening hours on Friday and Saturday nights at Morleys Fulham, 310 North End Road, Fulham, SW6 1NQ
Date: 29 June 2023 15:46:09

Dear Lorna

This is the follow up letter which should be placed after the original.

Again many thanks

[REDACTED]

From: [REDACTED]
Sent: Sunday, May 28, 2023 11:38 AM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Subject: RE: 2023/00740 - Application for licence to sell alcohol and extend opening hours on Friday and Saturday nights at Morleys Fulham, 310 North End Road, Fulham, SW6 1NQ

Dear Lorna

Thank you for this information which does not alter my representation in any way. As stated previously, my daughter lives in Haldane Road within 100m of the Morleys shop and McDonalds on the opposite corner. I am a regular visitor to her house and usually have to pick up litter from her front garden and the street whilst I am there.

I would also like to emphasise that this objection is in no way racist. Our main fear is that Morleys Fulham will become the 'after party' location once pubs have closed at 11pm and particularly after Chelsea games despite the police conditions. Crowds of inebriated people will gather in Haldane Road to eat their takeaways and drink the accompanying alcohol until well after midnight thus preventing local residents, who have to get up early and go to work, from getting sufficient rest. At the very least there will be loud talking but more usually there will be shouting, music played from cars or portable devices and at worst, fighting and damage to surrounding property. It will be unpleasant and potentially dangerous to have to walk through this crowd late at night when returning from the tube station.

The applicant states they will ensure the safety of their workers and make sure everyone leaves the premises quietly but they do not indicate how they will control behaviour outside and the licence is for the consumption of food inside and outside.

They will have CCTV on the entrance but not in the side street and therefore they are denying responsibility for behaviour of customers who will generally (as this is a Takeaway) consume their purchases OUTSIDE.

As you may detect, I am extremely concerned about my daughter's personal safety and wellbeing if this application is granted.

Whilst I do not personally reside in Haldane Road, I feel that my representations are valid because this application directly affects my daughter and I am a frequent visitor to her house.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Licensing HF: H&F <licensing@lbhf.gov.uk>
Sent: Friday, May 26, 2023 1:10 PM
To: [REDACTED]
Subject: RE: 2023/00740 - Application for licence to sell alcohol and extend opening hours on Friday and Saturday nights at Morleys Fulham, 310 North End Road, Fulham, SW6 1NQ

Dear [REDACTED]

Licensing Act 2003

Premises Licence Number: 2023/00740/LAPR

Premises name: Morley's Fulham

Premises address: 308 - 310 North End Road London SW6 1NQ

Thank you for your email objecting to of the New Grant application for the above Premises Licence

Your representation is valid, however, can you please provide us with your full address. We require this information to ensure that the representations are not vexatious or frivolous. Additionally, the committee may give more weight to a representation as it indicates the proximity of the concerned party to the relevant premises.

Further details of the hearing including the Hearing Procedure will be sent in due course.

I have attached for your reference the following documents:

- a copy of the redacted application
- the floor plan of the premises
- pages 12 and 13 of the application (the operating schedule)
- agreed conditions and reduced hours from correspondence with the Police Licensing

Please let me know if the attached information changes your position of your representation.

Please note that a copy of your representation, including your name and your street name (but not house number), will be sent to the applicant and members of the licensing sub-committee.

Your representation without your name and address will be included with the papers for the Hearing, copies of which are available to the public. The Committee papers will also be published on our website which will also contain your representation.

From: [REDACTED]
To: [Mckenna Lorna: H&F](#)
Subject: Supplemental papers: Select Chicken LBHF Licensing Decision of 27 July 2022 ref:2023/00740/LAPR Morley's 308-310 North End Road.
Date: 29 June 2023 18:53:18
Attachments: [Selekt Chicken - Full Decision Letter.pdf](#)
[Public Space Pr Order alcohol LBHF.pdf](#)

Supplemental papers: Select Chicken LBHF Licensing Decision of 27 July 2022
ref:2023/00740/LAPR Morley's 308-310 North End Road.

Dear Licensing

If you publish a Supplemental before the weekend, please include this email and the attached PDF.

Attached is:

1. Select Chicken Decision 27 July 2022, 6-page PDF
referred in detail in an anonymised Representation (pages 103-110 of Agenda Pack) against 2023/00740/LAPR Morley's 308-310 North End Road.

I thought best to include it; easier for the Sub-Committee Members to refer to if necessary.

2. Public Space Protection Order regarding drinking alcohol in public in LBHF, 3-page PDF

This will be mentioned by a resident at some point during the hearing.

[REDACTED]

The London Borough of Hammersmith and Fulham

Decision of the Licensing Sub-Committee

27 July 2022

Selekt Chicken located at 349 North End Road London SW6 1NN (“the Premises”)

The Committee has considered an application for the grant of a premises licence for the provision of late night refreshment both indoors and outdoors under the Licensing Act 2003 (“the Application”).

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State’s Guidance (“Guidance”) and the Authority’s Statement of Licensing Policy (“SLP”).

In summary, the Committee has decided, after taking into account all of the individual circumstances of this case that it is appropriate for the promotion of the licensing objectives of prevention of crime and disorder and prevention of public nuisance to reject the Application.

Procedural Matters

1. On 17 May 2022 Mr Farhad Khan Niaz (the Applicant) submitted the Application for a new premises licence for the provision of late night refreshment as referred below:

The provision of late night refreshment – Both Indoors and Outdoors

Monday to Sunday 23:00 – 03:00

Hours open to public:

Monday to Sunday 10:00 – 03:00

2. The Metropolitan Police did not object to the Application however during the consultation period in order to promote the licensing objectives of prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety, they proposed that 6 conditions should be added to the Licence if the committee were minded to approved the application, as well as for the licensable hours and opening hours to be reduced, as referred at page 4 of the Committee report. The Applicant agreed to the Police proposed conditions as well as to amend the licensable hours and opening hours as follows:

The provision of late night refreshment - Both Indoors and Outdoors

Sunday to Wednesday 23:00 – 00:00

Thursday to Saturday 23:00 – 01:00

Hours open to public:

Sunday to Wednesday 10:00 – 00:00

Thursday to Saturday 10:00 – 01:00

3. The Committee considered the Application with amended hours and the additional conditions as suggested above.
4. One representation objecting to the Application was received from the Licensing Authority on the grounds of the prevention of crime and disorder and the prevention of public nuisance. However the Licensing Authority withdrew their objection following the agreement by the Applicant to reduce the licensable and opening hours as well as insertion of additional conditions as proposed by the Police.
5. One representation objecting to the Application was received from the Noise and Nuisance Department on the grounds of the prevention of public nuisance. However, the Noise and Nuisance Department withdrew their objection following the agreement by the Applicant to reduce the licensable and opening hours as well as insertion of additional conditions as proposed by the Police.
6. One representation objecting to the Application was received from Cllr Ben Coleman. He was concerned about the Premises' operating hours as well as noise and nuisance caused to local residents by delivery drivers. Cllr Coleman attended the hearing.
7. One representation objecting to the Application was received from Cllr Trey Campbell-Simon. He was also concerned about the noise associated with the delivery drivers and the operating hours. Cllr Campbell-Simon did not attend the hearing.

8. One representation objecting to the Application was received from Fulham Broadway Ward Panel on the grounds of prevention of public nuisance and prevention of crime and disorder. Sarah Chambers the Chair of Fulham Broadway Ward Panel attended the hearing.
9. One representation objecting to the Application was received from Fulham Ward Panel on the grounds of prevention of public nuisance and prevention of crime and disorder. Annabell Cottrell the Co-Chair of Fulham Ward Panel attended the hearing.
10. One representation objecting to the Application was received from Barclay Road Neighbourhood Watch on the grounds of prevention of public nuisance and prevention of crime and disorder. Charlotte Dexter attended the hearing on behalf of Barclay Road Neighbourhood Watch.
11. Eleven representations objecting to the Application were received by local residents on the grounds of prevention of public nuisance and prevention of crime and disorder. Mark Richardson, local resident attended the hearing. Three of local residents who objected to the Application agreed to be represented at the hearing by Ms Dexter.
12. The Applicant attended the hearing.
13. A supplementary agenda was published on 26 July 2022 with additional comments from local residents which was circulated to all interested parties

Reasons

14. In making its decision the Committee has taken into account all relevant sections of its SLP and the Guidance as well as local knowledge.
15. The Committee was mindful that Section 4 of the Licensing Act 2003 imposes a duty on the Licensing Authority, when carrying out its functions to determine the application with a view to promoting the licensing objectives.
16. The local residents objected to the Application on the grounds of prevention of public nuisance and prevention of crime and disorder. Although the Applicant agreed to reduce the hours for the provision of late night refreshment as proposed by the Metropolitan Police, the objectors were still concerned that the new amended hours from Sunday to Wednesday 23:00 – 00:00 and Thursday to Saturday 23:00 – 01:00 would create noise and nuisance to the local residents as well as anti-social behaviour associated with the premises operating late at night.
17. The Committee took into account the fact the Metropolitan Police suggested two conditions to be added to the licence if granted in order to promote the licensing objective of prevention of crime and disorder as follows:-
 1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities and;
 - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and

name of the person checking, shall be kept and made available to Police or authorised Council officers on request

- one camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering.

- shall cover any internal or external area of the premises where licensable activities take place.

- recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.

- footage shall be provided free of charge to Police or authorised council officer within 24 hours of a request.

- a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous

2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV

18. Although the Committee noted that these two conditions agreed by the Applicant would promote the licensing objective of prevention of crime and disorder they were not sufficient to deal with local residents' concerns regarding the disturbance caused as a result of the operating hours.

19. Although the Committee noted that Policy 3 of the Council's statement of licensing policy suggests closing time for provision of late night refreshment to 00:00 it was the Committee's considered opinion that if granted the licensed activity was likely to create more public nuisance and anti-social behaviour caused by customers and delivery drivers collecting deliveries from the licensed premises. It was the Committee's considered opinion that this would have an adverse impact on local residents and the promotion of licensing objective of prevention of public nuisance and prevention of crime and disorder.

20. The Committee took into account the objectors concerns regarding the noise and nuisance caused by delivery vehicles late at night as well as the noise created by delivery drivers who will congregate at the Premises waiting to collect food. The Committee heard that the area is already suffering from noise and nuisance caused by large numbers of delivery and dispatch motorbikes and that granting of this licence will have a negative impact and will add to the noise.

21. The Committee took into account the fact that Police proposed 4 conditions to be added to the Licence which would deal with the concerns of the objectors regarding the noise generated by delivery vehicles and drivers late at night as referred below. It also noted that the Licensing Authority and Noise and Nuisance Department withdrew their representations based on the Applicant's agreement to add these conditions to the Licence if granted. These conditions were:

1. Signs shall be prominently displayed in the outside area reminding patrons that there are residents living nearby and instructing them to respect neighbours and to conduct their behaviour accordingly.
2. Notices shall be prominently displayed at all exits used by delivery drivers requesting them to respect the needs of local residents and leave the area quietly
3. After 23:00, drivers shall wait inside the premises between deliveries/for deliveries

4. Delivery drivers/riders will be given clear, written instructions to use their vehicles in a responsible manner so as to not cause nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicle is parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers/riders to use quieter vehicles that are less likely to cause a nuisance such as bicycle
22. The Committee heard that the Applicant will use third party delivery drivers for distribution of take away orders . It was the Committee's considered opinion that condition 4 proposed by the Police as referred at paragraph 21 above was not appropriate or enforceable as it would not be possible for the Applicant to encourage third party companies to use bicycles or quieter vehicles or to give clear instructions to any third party delivery drivers to use their vehicle in a responsible manner.
23. The Committee took into account the objector's concerns that due to the size of the Premise it was impossible for the delivery drivers to wait inside the shop after 23:00 as suggested by the condition 3 proposed by the Police referred at paragraph 21 above. The Committee heard from the Applicant that after 23:00 they would use one side of the seated area only for delivery drivers who will wait to collect the orders, and the other side of the seated area will be reserved for walk in customers. The Applicant clarified that due to the nature of the business the delivery drivers were expected to stay inside the Premises only for one or two minutes.
24. However in accordance with policy 14 of the statement of licensing policy, it was the Committee's considered opinion that this condition would not be sufficient to deal with possible public nuisance and anti-social behaviour caused by delivery drivers collecting deliveries from the Premises and would not promote the licensing objective of prevention of public nuisance.
25. In relation to conditions 1 and 2 proposed by the Police as referred at paragraph 21 above, according to which the Applicant will display signs at the Premises asking patrons as well as delivery drivers to leave the area quietly and respect the neighbours, it was the Committee's considered opinion that it will be difficult for the Applicant to ensure that the customers and drivers will follow the rules. It was the Committee's considered opinion that this condition would not be sufficient to deal with the objectors concerns or promote the licensing objective of prevention of public nuisance.
26. Although it was noted that there has been no complaints against the Premises or any issue or concerns with the noise generated from the delivery drivers before 23:00 , it was the Committee's considered opinion that granting this licence will add to the noise and the operation of the Premises late at night will disturb the local residents. It was the Committee's considered opinion that this would have a negative impact on the promotion of prevention of public nuisance and prevention of crime and disorder.
27. The Committee took into account the objector's concerns that the Premises has been selling hot food after 23:00 without a licence. The Committee heard from the Licensing Officer Ms Karen Layug that a complaint was received at the Licensing Authority regarding this issue. The Committee heard that two test purchases were carried out at the Premises after 23:00 in June 2022 and July 2022 and in both occasions the Premise was closed after 23:00. The Committee decided not to put weight to this objection when reaching its decision.

28. Taking all the above into account, it was the Committee's considered opinion to reject the Application for the reasons set out in this letter.
29. If any of the parties are unhappy with the decision, they are entitled to appeal to the magistrates' court within 21 days from the date of notification of this decision. This determination does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

Licensing Sub-Committee
27 July 2022

Public Spaces Protection Order
LONDON BOROUGH OF HAMMERSMITH & FULHAM
Anti-Social Behaviour, Crime and Policing Act 2014

**London Borough of Hammersmith & Fulham Consumption of Alcohol Public
Spaces Protection Order 2020**

The Council of the London Borough of Hammersmith & Fulham, in exercise of its powers under sections 59, 63 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and all other enabling powers, hereby makes the following order:

1. This Order comes into force on 20 October 2020 and ends on 19 October 2023 unless extended by further Orders under the Council's statutory powers.
2. This Order applies to the public spaces described in Schedule 1 to this Order ("the restricted areas").
3. The Council is satisfied that the two conditions below have been met, in that -
 - i. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - ii. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

4. Restrictions

The effect of the Order is to impose the following prohibitions and/or requirements in the restricted areas at all times:

- (i) **Alcohol**
Persons in the restricted area detailed in Schedule 1 (1) of this Order will, on the request of a Police Officer, Police Community Support Officer or authorised person from the Council cease drinking alcohol and will dispose of or surrender any alcohol in their possession when asked to do so, unless subject to exemptions listed in Schedule 1 (2).

5. Penalty

Any person who without reasonable excuse continues consuming alcohol in the restricted area when asked to stop by a Police Officer, Police Community Support Officer or authorised person from the Council, or fails to surrender any alcohol in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised

person from the Council shall be liable on summary conviction to a fine not exceeding level 2 (currently £500) on the standard scale.

6. Fixed Penalty

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 14 days to pay the fixed penalty of £100 (or £60 if paid within 7 days), failing which they may be prosecuted.

7. Appeals


Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made, the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in whole. The High Court can uphold, quash or vary the Order.

This order shall remain in place until 19 October 2023.

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THE LONDON BOROUGH OF HAMMERSMITH)
AND FULHAM was affixed to this Deed in the)
presence of:-)


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The Officer duly authorised on behalf of the Council



Schedule 1

1. Restricted Areas

All areas of land which are open to the air and to which the public are entitled or permitted to have access (with or without payment) within the London Borough of Hammersmith & Fulham

2. Exemptions

Nothing in this Schedule shall apply to —

- (a) Premises authorised by a premises licence to be used for the supply of alcohol;
- (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) A place within the curtilage of premises within paragraph (a) or (b);
- (d) Premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115 of the Highways Act 1980 (highway related issues);
- (f) Council-operated licensed premises or land when the premises or land are being used for the supply of alcohol, or within 30 minutes of the end of the period during which the premises have been used for the supply of alcohol.

Bryony Gordon



MAD WORLD

An e-bike nearly killed me – this dangerous fad has to be stopped

I was nearly killed the other morning on my walk to the gym. There I was, imagining what unique hell the Crossfit instructor might come up with for that day's class (burpees three ways? Kettlebell swings?) when I came to a bottleneck of pedestrians trying to work their way around four bicycles that had been parked slap bang in the middle of the pavement outside McDonald's. A group of food delivery riders stood chatting on either side of the bikes, blocking much of the rest of the walkway as they waited to pick up their orders. Meanwhile, pedestrians like myself queued politely to get past, the riders seemingly oblivious to us.



Walking into trouble: e-bikes left on pavements are a pedestrian hazard

Then, just as it was my turn to navigate what remained of the pavement, one of the riders, clearly arguing with a colleague, lurched backwards suddenly, gesticulating wildly. To avoid being knocked over by him, I instinctively veered off the pavement and into the road, where a double-decker bus promptly passed half an inch from my head.

I felt the rush of air as it drove past me. The hairs on my arms stood up. A surge of adrenaline shot through me, as I became vaguely aware of a woman asking if I was OK. I nodded, and carried on my way, one of those “sliding doors” moments that could have ended very differently, were it not for a few, tiny millimetres.

Not a single one of the riders acknowledged what had happened. I suppose they would probably argue that I should have checked the road before I veered into it. Then again, I might counter-argue that as a pedestrian, I should be able to walk on a pavement that isn't blocked by numerous bicycles.

Still, it's no wonder the delivery riders feel entitled to use the pavements as their own personal bike parks – go to any city and you will struggle to walk more than 100 yards without having to dodge an e-bike dumped in the middle of the street. These bike rentals are all the rage right now, because they're quick, they're cheap, and they're environmentally friendly. But there are almost no proper docking stations – they are operated through apps – meaning that these chunky, clunky cycles are being left all over pedestrian walkways, with little consideration for anyone travelling around on something as old-fashioned as their own two feet.

I've taken to photographing particularly idiotic examples of bike parking and posting them on Instagram. As a result, people have started sending me snaps they have taken. The other day, a woman shared a photo of an e-bike that had been parked upside down on its handlebars. I'm sure whoever parked it this way thought it was terribly funny at the time (midnight, on the way back from the pub), but to the early morning commuters who come across these bulky bikes, they are rather more annoying.

What is an annoyance to me is downright dangerous to anyone who is disabled

Still, what is an annoyance to me is downright dangerous to anyone who is partially sighted or disabled. Recent research by Guide Dogs found that 97 per cent of people with visual impairments had encountered problems with street obstructions, citing a “dramatic” increase in the

number of rental e-bikes and e-scooters.

A report published this month by the Policy Exchange think tank found that the dumping of e-bikes had turned many pavements into no-go areas for the disabled. It said that the failure of government, councils and police to tackle the problem meant they had become a “significant safety risk” to the 20 per cent of people with disabilities.

Lord Shinkwin, a parliamentarian who is himself disabled, has said that discarded bikes have made cities “completely impassable” for wheelchair users. “At best it’s obstructive and

impassable” for wheelchair users. “At best it’s obstructive and at worst downright dangerous. The fact is they are larger and much heavier than a normal bicycle, making them impossible to move from a wheelchair.”

Meanwhile, the National Federation of the Blind of the UK found that on a trip to Newcastle earlier this year, dumped scooters were “creating dangerous trip hazards” for visually impaired, disabled and elderly people. Not only that, the scooters they found were often in such a state of disrepair that they also posed a danger to those riding them.

And yet precious little is done about any of this. Local authorities struggle to act against e-bike firms because there are no bylaws or regulations around them. The odd council has signed contracts with dockless-bike firms, forcing them to move poorly parked bikes and to penalise riders who abandon them on pavements. And in Westminster, they have started seizing dumped bikes.

“We’ve contacted the major dockless bike operators and made it clear that if they don’t remove their bikes the council will – and we’ll charge them for doing so,” said Cllr Paul Dimoldenberg. “Any money we raise will go towards improving cycling infrastructure on our streets.”

Argggghh! How about improving walking infrastructure on our streets? It’s as if, in the great war between motorists and cyclists, us pedestrians have been completely forgotten about. I am so sick of hearing drivers sitting on their bums, whinging about Ulez and bike lanes.

In the meantime, the citizens we should be looking after the most - the disabled and the elderly - are finding it increasingly

hard to get around towns and cities because greedy e-bike rental companies have seen a lovely big loophole in the market and exploited it. And everyone else is forced to take part in a complex obstacle course when all they set out to do was a few burpees at their local gym.