

Licensing Sub-Committee

Supplementary Agenda A

Tuesday 26 September 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 Paul Alexander (Vice-Chair) Councillor Florian Chevoppe-Verdier	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: 22 September 2023

Licensing Sub-Committee Supplementary Agenda A

26 September 2023

Item

4. PAPA JOHNS PIZZA, 63 WALHAM GROVE LONDON SW6 1QR -
ADDITIONAL INFORMATION FROM RESIDENT 1

Pages

3 - 24

PAPA JOHN 63 Walham Grove
License Application: 2023/01216/LAPR – Hearing 26th September 2023

SECTION 1

LOCATION - Pages 2-4 is to visually assist with the showing:

- Premises location on Corner of Walham Grove & North End Road
- Domination of Papa John delivery scooters on Walham Grove road and its proximity to resident homes on Walham Grove and its conservation area
- Continued litter and refuse problems – photos taken by resident in July 2023.

PAPA JOHN 63 Walham Grove Premises Location



PAPA JOHN 63 Walham Grove

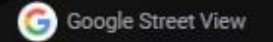
Delivery scooters that dominate the motor bike section on Walham Grove

63 walham grove sw6



63 Walham Grove

London, England



Oct 2020

See more dates



PAPA JOHN 63 Walham Grove

Walham Grove Resident Photos July 17th & Sept 19th: drivers continue to dump leaflets, driver delivery slips, drink cans as well as recent commercial waste breaches



PAPA JOHN 63 Walham Grove
License Application: 2023/01216/LAPR – Hearing 26th September 2023

SECTION 2

SECTION 2: Licensing Objectives - Public Safety & Prevention of Crime & Disorder

Local Met Police Designated Crime & Disorder hotspot – Kris Cardwell MET Police Licensing Officer LBH&F

“The premises is located in an area of very high anti-social behaviour and is a crime hot spot. I am of the opinion that these later hours of licensable activity would likely increase crime and disorder in the area. I visited the premises yesterday and there appears to be a residential property directly above the premises. It is also situated at the end of a residential street and is the gathering place for a number of delivery riders who park their vehicles directly opposite the premises. These later hours of licensable activity would undoubtedly create general issues that may disrupt local residents”. Quoted from Papa Johns Feb 14th 2023 licensing hearing when requesting 2am license

Latest Crime Map in the Area: Pages 6 & 7

- Crimes stats for 12 months (Jul 2022 - Jun 2023) provided by Police.UK - UK’s national police crime database
- Anti-social behaviour exceeds national average and Violence and Sexual Offences is very prevalent
- Recent News Article June 2023 highlighting criminal activity on Walham Grove

The following interactive crime maps have been taken off <https://www.adt.co.uk/crime-in-my-area> - these statistics are provided by Police.UK - UK's national police crime database. (Jul 2022 - Jun 2023)

Crime within 1 mile of: SW6 1QR Rainsborough Square, London, United Kingdom

Last 12 months

Data period (months):

3 6 12

SW6 1QR



+ Add another postcode to compare

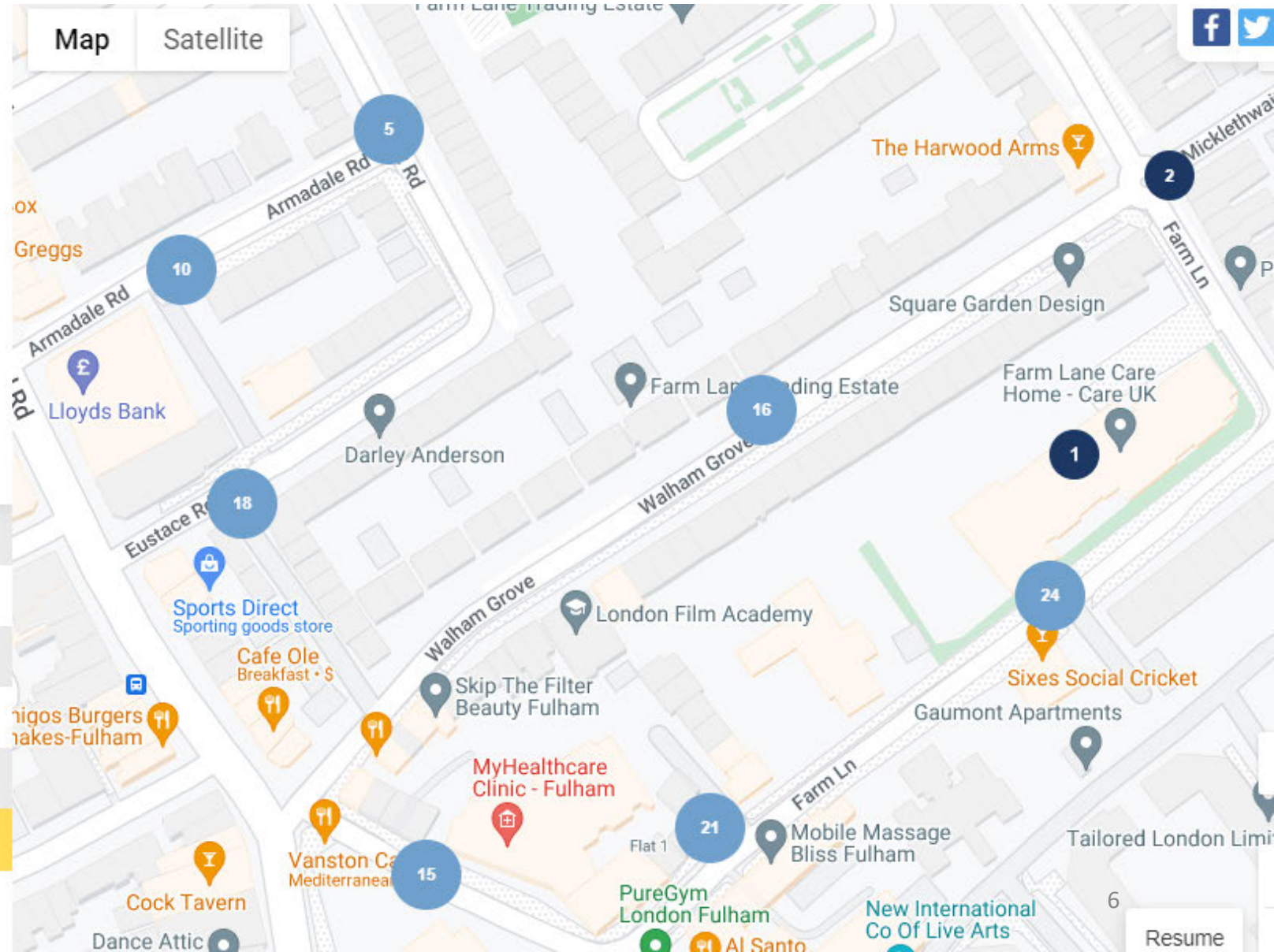
Crime within 1 mile of:

SW6 1QR

National avg. (i)

Anti-social behaviour	35	25	×
Burglary	16	7	×
Possession of weapons	4	1	×
Violence and sexual offences	49	56	×
Criminal damage and arson	8	13	×
Total	200	161	

[View all crimes](#)



Walham Grove Residents 'Live in Fear' of Criminals



Page 9

Residents complain of noise and congestion on Walham Grove. Picture: Google Streetview

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.

Walham Grove Taproom Licence Application Blocked

Residents Unhappy About Swimming Pig Licence Application

Residents Raise Funds To Fight Stamford Bridge Live Music Plans

Undercover on a Crackdown on

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."

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

PAPA JOHN 63 Walham Grove
License Application: 2023/01216/LAPR – Hearing 26th September 2023

SECTION 3

Papa Johns applied for 2am later hours only 6 months ago which was rejected by the committee – Below are key points taken from the 14th February 2023 license hearing decision letter that relate to tonight’s hearing:

21. The Committee took into account the fact that the Applicant will use their delivery drivers as well as drivers from third party companies. It was the Committee’s considered opinion that it will 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. In accordance with policy 14 of the statement of licensing policy, it was the Committee’s considered opinion that imposition of these conditions referred at paragraph 19 above would not be sufficient

23. The Committee took into account the fact that there is a condition in the existing licence for the Applicant to undertake regular litter patrols around the external area of the premises. At the hearing the objectors stated that the Applicant is not making efforts to reduce the noise and litter caused by their customers and delivery drivers to deal with possible public

Its pertinent to note at the last 14th February license hearing (2022/01816/LAPR) there were 17 local resident objections – For today’s application (2023/01216/LAPR) there are 50 objections.



Law Enforcement Team

Hammersmith & Fulham Council
Town Hall, King Street
Hammersmith
London W6 9JU

Please ask for: Mohammed Basith
Reference: 9553921
Email: icaseworkinformation@lbhf.gov.uk
Date: 17 August 2023

[REDACTED]

Freedom of Information Act 2000

I can confirm that the information requested is held by London Borough of Hammersmith and Fulham. I have enclosed copies of the information that is being released to you.

The Law Enforcement Teams dedicated ward officers have carried out regular patrols in this area and in general, has not seen a great deal of refuse in this area. The LET officer has previously issued FPNs to the residents of the flat beside Papa Johns, but it was only on the 17th of July 2023 that he found refuse bags outside specifically relating to Papa Johns. The LET officer issued a FPN for a commercial waste receptacle breach. This was followed up with a Section 34 Notice of the EPA 1990, and the business have subsequently supplied their waste contract details.

On 1st August 2023 one FPN was issued by the Nighs LET officer for incorrect presentation of commercial waste which resulted in a further FPN.

Aug 8 2023 email excerpt

[REDACTED]

I was hurrying to a meeting as I saw, outside Pappa Johns, two men in uniform, inspecting the usual pile of rubbish covering the pavement. One was taking notes and the other photographing with his smart 'phone. Their uniforms were similar to police uniforms but, as I recall it, their hatbands were red and white, checkered. This is normally a sign of the City Police but in this case were probably some type of community police.

As I passed by, I called out "I hope you are going to have a strong word with them. It happens almost every night." One them replied "We've done more than that, we've fined them £600."

-
I hope this is of some assistance,

NAME WITHHELD but available if needed by Sub-Committee

Papa Johns has its own delivery drivers and also uses Third Party delivery companies by the Big Three.

 69 open restaurants match "Papa Johns" [Remove this filter](#) Sorted by Best match



Papa Johns - Fulham

★ 2.20/5 (3)
Pizza · American · Deals



🕒 25 - 40 mins
📦 Delivery £2.49 · Min. order £14.99
🍕 Free item with selected orders

Page 12



Search Papa John's - Fulham


← Back



Papa John's - Fulham

15 - 30 min · Pizza · Italian · American

0.30 miles away · Closes at 23:00 · £7.00 minimum · £0.99 delivery

 Info
Map, allergens and hygiene rating >

★ 4.6 Excellent >
See all 500 reviews

Uber Eats

Lowest delivery fee option



Papa John's Pizza (Fulham)

4.4

🕒 • £0.29 Delivery Fee • 10-25 min

RISK ASSESMENT – STATEMENT OF LICENSING POLICY

Licensing Objective: Prevention of Nuisance

The applicant cannot control delivery drivers when offsite. As previously noted by residents and in press, anti-social behaviour has been experienced by residents associated with delivery drivers. Objections include concerns about crime, speeding drivers, vehicles mounting the pavement, engines left running, loud arguments, and kerbside waste etc.

Constant background noise during majority of the late evening is having an impact on overall health, increasing levels of stress and frustration which is totally unacceptable.

Residents are genuinely concerned about the “Creep” of opening hours & extended delivery hours i.e. if one is allowed - they all will. In no time at all there could be multiple late-night outlets driving higher and higher volumes of business dependant on dispatch riders speeding around Fulham with greater levels of noise and disruption.

LBH&F Statement of Licensing policy 2022-27 – POLICY 1: LOCAL AREA RISK ASSESSMENTS. States “Applicants are expected to undertake a local area risk assessment as part of any licensing application”.

What Risk Assessment has Papa John’s premises made on the impact on residents?

RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT Prevention of Nuisance

Licensing Objective: Prevention of Nuisance

Recent Licensing Appeal (Sept 2021) in Highbury Camden Magistrates Court Establishes nuisance at the point of delivery; Judge Newman decides:

117. “I accept that deliveries after 23:00 are likely to be to residential addresses and there is a risk of noise at the delivery point. As pointed out, where premises comprise blocks of flats, the sound of the main doorbell to 20 one flat can be audible in another. Doors opening and closing and conversation at the point of delivery is also capable of disturbing neighbours late at night.

118. “....When a delivery is made, it is not possible to manage the situation...

140. “The responsible authorities are unable effectively to monitor couriers in a delivery only model...”

No Delivery Driver can be controlled at the point of delivery whether that be Papa Johns employed delivery drivers or third party deliver drivers (Deliveroo, Uber Eats, Just Eats etc).

Source: https://ftbchambers.searswebdevelopment.com/images/uploads/documents/Shoaib_LBC.pdf

RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

SECTION 4 – Licensing Objective: Prevention of Nuisance & Protection of Children from harm

Sleep Deprivation (Residential Amenity & Well Being) – London Borough Research:

- Page 14 – Recent research from Dec 2022 found Hammersmith & Fulham to be the worst ‘sleep deprived London Borough’, which is significant considering it has the least number of residents against other boroughs.
- Page 15 & 16– **Licensing Objective ‘Protection of children from harm’** – These pages highlight the serious health consequences of sleep deprivation on Children. Many families live in the surrounding residential streets, which is demonstrated by the high number of schools in the immediate area as shown on page 16.

Residential Amenity – Rights to Quiet Enjoyment:

- Page 17 - Hampstead & Garden Properties v Diomedous [1968] – High Court Judgement
- Page 18 - The Mayor’s London Plan 2021 Policy GG3 ‘Creating a healthy city’ – denotes “local authorities are accordingly responsible for planning and public health”.



THE MOST SLEEP-DISTURBED LONDON BOROUGH



Local authority			
1 Hammersmith & Fulham Borough Council	183,200	10,141	5,536
2 Newham Borough Council	351,100	14,753	4,202
3 Lambeth Borough Council	317,600	12,017	3,784
4 Barking & Dagenham Council	218,900	7,685	3,511
5 Camden Borough Council	210,100	6,122	2,914
6 Wandsworth Borough Council	327,500	6,137	1,874
7 Merton Borough Council	215,200	2,725	1,266
8 Greenwich Borough Council	289,100	3,595	1,244
9 Enfield Borough Council	330,000	4,017	1,217
9 Haringey Borough Council	264,200	3,215	1,217

KEY : Population Noise complaints Noise complaints per 100,000 people

SURROUNDING RESIDENTIAL STREETS WITH FAMILIES

Licensing Objective – Protecting Children from Harm

Children – 2022 Lancet Research finds Insufficient Sleep = unnecessary mental health & behaviour issues:

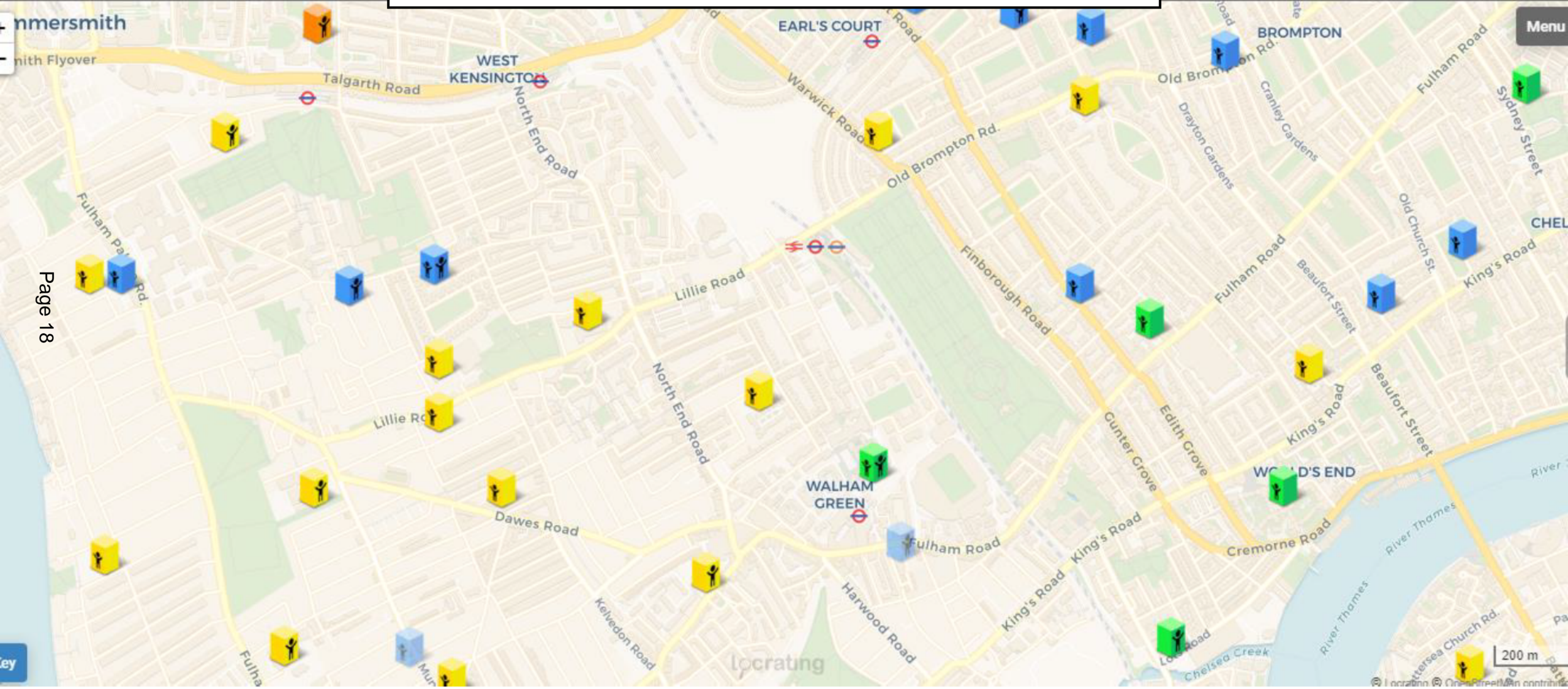
The researchers identified more than 4,000 ABCD participants, ages 9 or 10, who generally got nine or more hours of sleep per day, according to their parents. This group was compared to a similar number of age-matched children who typically got less than the recommended nine hours of sleep. The research team carefully matched the two groups based on some key factors that can confound study results. These factors included sex, household income, body mass index, and puberty status. Participants were assessed and followed over a two-year period. Results appeared in *Lancet Child & Adolescent Health* on July 29, 2022.

The researchers found that children in the insufficient sleep group at the start of the study had more mental health and behavioral challenges than those who got sufficient sleep. These included impulsivity, stress, depression, anxiety, aggressive behavior, and thinking problems. The children with insufficient sleep also had impaired cognitive functions such as decision making, conflict solving, working memory, and learning. Differences between the groups persisted at the two-year follow-up.

SOURCE:

<https://www.nih.gov/news-events/nih-research-matters/children-s-sleep-linked-brain-development#:~:text=The%20researchers%20found%20that%20children,aggressive%20behavior%2C%20and%20thinking%20problems.>

Schools in the immediate Area



RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

Hampstead & Garden Properties v Diomedous [1968] – High Court Judgement relevant to Papa Johns application:

The Courts have long recognised the rights of householders to the quiet enjoyment of their homes, now found in Article 8 of the European Convention on Human Rights. In *Hampstead & Garden Properties v Diomedous* [1968], Mr Justice Megarry was dealing with music from a restaurant but he said – “It is the home rather than the meal table which must prevail. A home in which sleep is possible is a necessity whereas loud music as an accompaniment is for those who enjoy it, a luxury.”

The Judge’s comment is no less pertinent to the loud noise and disturbance caused by vehicles, motorbikes, electric vehicles and drivers talking and shouting whilst they wait and deliver food at delivery point from Papa Johns 63 Walham Grove.

The Residents throughout Fulham have an entitlement to live in their homes without sleep disruption caused by a very substantial increase in delivery activities taking place during the most sensitive hours of the late evening when most people and particularly children are sleeping.

RESIDENTIAL AMENITY & RIGHTS OF ENJOYMENT

Encouraging 'Late night' food delivery only creates more Nuisance problems in London's most sleep deprived borough – Hammersmith & Fulham.

It also goes against The Mayor's London Plan 2021 of "Creating a Healthy City":

Residential Amenity - is based on The Mayor's London Plan 2021 Policy (link below) GG3 'Creating a healthy city' outlines how those involved in....must ensure the wider determinants of health are addressed in an integrated and coordinated way. It sets out the need for a systematic approach to improving the mental and physical health of all Londoners and reducing health inequalities. Creating a healthy city 1.3.1 The mental and physical health of Londoners is, to a large extent, determined by the environment in which they live.

london.gov.uk/sites/default/files/the_london_plan_2021.pdf – (See pages 33 & 34 of pdf)

CONCLUSION:

Fulham Residents do not need increased late-night nuisance caused by food delivery businesses and therefore implore the Licensing Committee to reject this application outright.

Appendix

Includes:

- Decision letter of rejection for a 2am license for Papa Johns hearing of 14th February 2023
- Copy of Kris Cardwells (MET Police Licensing Officer LBH&F) email stating Papa Johns premises being 'High Crime & Disorder hotspot' submitted for 14th February 2023 license hearing

The London Borough of Hammersmith and Fulham

Decision of the Licensing Sub-Committee ("the Committee")

14 February 2023

Papa Johns Pizza, 63 Walham Grove London SW6 1QR. ("the Premises")

The Committee considered an application for a variation of the premises licence, to amend the licensable hours for the provision of late night refreshment 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 and the promotion of the four licensing objectives, to reject the whole Application.

Procedural Matters

1. On 4 November 2022, DFSI M25 LTD ("the Applicant") submitted the Application for the variation of the premises licence to amend the existing hours for the provision of late night refreshment.

2. The Premises currently benefits from a premises licence for the following:

Provision of late night refreshment – indoors only

Monday to Sunday 23:00 - 23:30

The opening hours the Premises is open to the public is as follows:

Monday to Sunday 23:00-23:30

3. The Applicant initially requested to vary the licensable hours and the opening hours of the Premises as follows:

Provision of late night refreshment – indoors and outdoors

Monday to Sunday 23:00 - 02:00

Hours open to the public

Monday to Sunday 11:00 - 02:00

4. On the 01 December 2022, following correspondence received from the Metropolitan Police, the Applicant agreed to reduce the proposed licensable hours and add four extra conditions to their licence if granted as follows:

Provision of late night refreshment - Both Indoors and Outdoors

Sunday- Thursday 23:00 - 00:00

Friday and Saturday 23:00 - 00:30

Hours open to the public

Sunday-Thursday 11:00 - 00:00

Friday and Saturday 11:00 - 00:30

Conditions proposed by Police to be added to the existing Licence and agreed by Applicant;

1. Signs shall be prominently displayed 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 hours, 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 bicycles.

The Committee considered the Application with changes proposed by the Police, referred to above, which were agreed by the Applicant.

5. The Licensing Authority received one representation from Cllr Ben Coleman, objecting to the full variation of the Licence on the grounds of the prevention of public nuisance and the prevention of crime and disorder. Cllr Coleman attended the hearing.
6. The Licensing Authority received fifteen representations from local residents objecting to the full variation application on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. ██████████ attended the hearing.
7. The Applicant attended the hearing, and was represented by ██████████, Operations Director, ██████████ HR Head of People and ██████████ Marketing Manager.
8. A Supplementary Agenda containing additional information from a local resident, ██████████ was published and circulated to all parties on 13 February 2022. This additional information related to the opening hours of the Premises and crime reports related to incidents near the Premises.
9. A further Supplementary Agenda A, containing further additional information from ██████████ was published and circulated to all interested parties a few hours before the hearing. The information related to various screenshots of the opening hours of the Premises and reviews from customers.
10. At the hearing Licensing Officer Ms Lorna McKenna confirmed that there has been previous enforcement action against the Premises. On the 27 October 2022, a warning letter was issued in response to a failed test purchase undertaken on the 21 October 2022 ascertaining unauthorised late night refreshment. Ms McKenna clarified that since then, no other warnings have been issued against the Premises. She confirmed that various test purchases were undertaken on the Premises on 25 November 2022, 26 November 2022 and 27 January 2023 by the Licensing Enforcement Team and the Premises have passed all of them.

Reasons

11. In making its decision the Committee has considered all relevant sections of its SLP and the Guidance as well as local knowledge.
12. 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 four licensing objectives.
13. Cllr Coleman objected to the Application as he was concerned of the previous history and behaviour of the Applicant, the noise and nuisance caused to local residents by the delivery drivers, issues with litter and pollution associated with the Premises.
14. The local residents objected to the application as they were concerned that extending the hours of licensable activities will increase crime and disorder, in particular from gangs and criminal groups who operate in this area. They were also concerned of the noise and nuisance caused late at night by customers consuming food in their cars with their engines running, litter associated with the Premises as well as noise and nuisance caused by delivery drivers loitering in the area. The local residents were also concerned about the enforcement history and breaches of the licencing hours. They asked the Committee to refuse the Application in its entirety. In the event that the Committee was minded to grant the Application, the local residents requested for the variation of the licence to be granted for a time limited period only in order to establish how the Applicant will operate with the extended hours.
15. The Committee took into account the concerns of the objectors regarding the high level of crime and anti-social behaviour in the area. The objectors provided police crime reference numbers related to various incidents that had taken place immediately outside the Premises, where people and delivery drivers have been caught fighting and arguing. Another issue for residents is the supply of drugs in the area from criminal groups which in various occasions have taken place in front of the Premises.
16. The Committee heard that the Applicant is willing to provide more training to their employees to deal with difficult customers and any conflict arising in the Premises. The Committee took into account the fact that the high level of crime and anti-social behaviour in the area is not related directly with the Premises. However, it was the Committee's considered opinion that if granting the Application, the Premises will attract customers to such a degree that will increase the noise, nuisance and anti-social behaviour late at night in this problematic area. This will also have a negative impact on the licencing objectives of the prevention of crime and disorder and the prevention of public nuisance.
17. The Committee also took into account the fact that the existing licence has a condition requiring the Applicant to provide training to all staff to understand the four licensing objectives as well as a CCTV condition. However based on the concerns of the objectors, the Committee was not satisfied that the Applicant was ready to operate the Premises in a way which would promote the four licensing objectives, and in particular the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
18. The Committee took into account the objectors' concerns regarding noise and nuisance generated by vehicles and delivery drivers late at night which will affect their sleep, and in particular their children's sleep. The Committee heard that in order to deal with this issue the Applicant was willing to provide electric vehicles to their own drivers as well as training on how to behave when collecting and dispersing orders from the Premises.
19. When considering the options available to it in determining the Application, the Committee noted that the Applicant had agreed in advance of the hearing to four conditions with the Metropolitan Police as referred at paragraph 4 above. The four conditions related to signs displayed at the Premises asking customers to respect neighbours, notices displayed at all exits used by delivery drivers requesting them to respect the local residents and leave the area quietly, drivers to wait inside after 23:00 and written instructions to be given to drivers to use their vehicles in a responsible manner and encourage them to use quieter vehicles such as bicycles. At the hearing the Applicant also agreed to add a further condition requiring their own delivery drivers to use electric vehicles.
20. The imposition of conditions 1-3 referred at paragraph 4 above would help to deal with some of the concerns raised by objectors in relation to the impact of another premises being permitted to provide late night refreshment. However, the Committee noted that the existing licence has already a condition requiring the Applicant to display notices at the Premises requesting customers to leave the premises quietly and that local residents were still suffering from noise and nuisance associated with the Premises. It was the Committee's considered opinion that the imposition of these three conditions would not be sufficient to deal with the objectors' concerns and will not promote the licensing objective of the prevention of public nuisance.
21. The Committee took into account the fact that the Applicant will use their delivery drivers as well as drivers from third party companies. It was the Committee's considered opinion that it will 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. In accordance with policy 14 of the statement of licensing policy, it was the Committee's considered opinion that imposition of these conditions referred at paragraph 19 above 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 the prevention of public nuisance.
22. The Committee took into account the residents' concerns regarding litter associated with the Premises. The Committee heard that local residents are already suffering from litter and noise created by customers eating the pizzas in their vehicles with the engine running in their cars, litter caused by delivery drivers who smoke in front of the Premises as well as from the commercial waste which is left on the main road.
23. The Committee took into account the fact that there is a condition in the existing licence for the Applicant to undertake regular litter patrols around the external area of the premises. At the hearing the objectors stated that the Applicant is not making efforts to reduce the noise and litter caused by their customers and delivery drivers.
24. At the hearing M [redacted] confirmed that it is very difficult to control noise generated by people eating pizzas in their cars with engines running and loud music. In accordance with policy 11 of the statement of the licensing policy, it was the Committee's considered opinion that the Applicant was not willing to take extra steps to deal with the concerns raised by local residents regarding this issue and that granting this Application would create more pollution, noise and nuisance to local residents and will have a negative impact on the licensing objective of the prevention of public nuisance.
25. The Committee took into account the objectors' concerns regarding the hours the Premises has been operating, the enforcement history, the fact that the closing time for the Premises on its website is advertised as 03:00, and that based on the reviews left by customers it seemed that the Premises has been operating outside their licensable hours, in breach of the licence.
26. At the hearing [redacted] reassured the Committee that they do not operate past 23:00, and their ordering system does not allow any orders to be made after 23:00 whether online or for walk in customers. The Committee heard that the Applicant would take measures to amend the opening hours on their website.

27. The Committee noted the fact that there was no evidence to link the time the reviews were made with the time that the orders were placed. However, it took into account the enforcement history of the Premises and the fact that in one occasion the Premises was found to be in breach of the licence as referred at paragraph 10 above.
28. Policy 3 of the Council's statement of licensing policy suggests closing time for provision of late night refreshment in mixed use areas on Mondays to Thursdays to 00:00, Fridays to Saturdays to 00:30 and Sundays 23:30. However it was the Committee's considered opinion that if granted, the licensed activity was likely to result in an increase in public nuisance and anti-social behaviour, caused by customers and delivery drivers collecting deliveries from the Premises. It was the Committee's considered opinion that this would have an adverse impact on local residents, and the promotion of the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.
29. Taking into account all the above, it was the Committee's considered opinion that granting this Application will attract customers to such a degree that it will have an adverse impact on the surrounding area. This will have a negative impact on local residents and the licensing objectives. The Committee considered it appropriate and proportionate to refuse the Application, as it would undermine the four licensing objectives and in particular, the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.
30. 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.

Licensing Sub-Committee
14 February 2023

From: Cardwell Kris J - AW-CU

Sent: 18 November 2022 12:33

To: [REDACTED]

Subject: 2022/01816/LAPR:- Papa Johns Pizza 63 Walham Grove London SW6 1QR
Good Afternoon [REDACTED],

My name is Kris Cardwell, I am one of two Police Licensing Officers that cover the Borough of Hammersmith and Fulham, the other is my colleague Nicole Sondh. I can confirm that the Metropolitan Police are in receipt of the premises licence application for Papa John's Pizza 63 Walham Grove London SW6 1QR as detailed below:-

Licensable activity to vary:

The provision of late night refreshment - Both Indoors and Outdoors Mondays to Sundays between the hours of 23:00 to 02:00

Proposed Opening Hours:

Mondays to Sundays between the hours of 11:00 to 02:00

Current licensable activity:

**The provision of late night refreshment - Indoors Only
Mondays to Sundays between the hours of 23:00 to 23:30**

Having read the application, I have concerns about the hours of licensable activity applied for. The premises is located in an area of very high anti-social behaviour and is a crime hot spot. I am of the opinion that these later hours of licensable activity would likely increase crime and disorder in the area.

I visited the premises yesterday and there appears to be a residential property directly above the premises. It is also situated at the end of a residential street and is the gathering place for a number of delivery riders who park their vehicles directly opposite the premises. These later hours of licensable activity would undoubtedly create general issues that may disrupt local residents. I have copied in Noise and Nuisance Officers from the Local Authority for any comment.

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