

Licensing Sub-Committee

Supplementary Agenda A

Wednesday 6 December 2023 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition:
Councillor Paul Alexander (Vice-Chair) Councillor Bora Kwon	Councillor Dominic Stanton

CONTACT OFFICER: Amrita White
Committee Co-ordinator
Governance and Scrutiny
E-mail: Amrita.White@lbhf.gov.uk

Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: youtube.com/hammersmithandfulham

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

Date Issued: 04 December 2023

Licensing Sub-Committee Agenda

6 December 2023

<u>Item</u>		<u>Pages</u>
4.1	NORTH END FOOD & WINE, 228 NORTH END ROAD, LONDON, W14 9NU - CORRESPONDENCE BETWEEN APPLICANT & REPRESENTOR	3 - 15

From: [REDACTED]
Sent: Monday, December 4, 2023 12:45 PM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>; [REDACTED]
Subject: RE: Dec 4 clarifications Re: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Dear [REDACTED]

Further to our phone conversation last week, the main concern for the neighbours was the deliveries taking place on North End Road, as the licensing team has already pointed out you cannot enforce a condition where all you totally ban all sorts of deliveries from the premises, but the following condition can be enforced in accordance to the licensing act “**No alcohol deliveries shall be made from the premises**” In our phone conversation there was no talk of the alcohol hours being reduced, I find it rather strange that why this is being suggested when this was never part of the conversation.

However, having spoken to the applicant he wants to work alongside the neighbours and is willing to amend the alcohol hours to the following; Monday – Sunday: 09:00 – 23:00.

Kind Regards

Manpreet S Kapoor BA (Hons)

Licensing Consultant, Personal Licence Courses UK Ltd

From: Licensing HF: H&F <licensing@lbhf.gov.uk>
Sent: Monday, December 4, 2023 10:50 AM
To: [REDACTED]; [REDACTED]; [REDACTED] >; Licensing HF: H&F <licensing@lbhf.gov.uk>; [REDACTED]
Subject: RE: Dec 4 clarifications Re: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Hi [REDACTED]

Just clarify the point regarding the condition to do with alcohol deliveries, the condition proposed of ‘**No alcohol deliveries shall be made from the premises**’ is enforceable.

This conditions means that no alcohol sales can made via delivery from the premises at any time. The applicant would therefore not need to specify a time if they are not doing any delivery of alcohol from the premises.

Kind regards

Lorna McKenna

Licensing Compliance Officer

From: [REDACTED]
Sent: Monday, December 4, 2023 9:01 AM
To: m.kapoor personalllicencecourses

>; Licensing HF: H&F <licensing@lbhf.gov.uk>; [REDACTED]

Cc: Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: Dec 4 clarifications Re: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine
228 North End Road London W14 9NU

Dear Mr Kapoor

Thank you for your response. I think there is some misunderstanding regarding explanations from the H&F Licensing Authority.

1) As we understand it, the Licensing Authority explained to you that the Condition you suggested is not enforceable. You suggested:

"No alcohol deliveries shall be made from the premises"

The Condition, they explained, must incorporate some hours for alcohol delivery; this so that the Licensing Authority is responsible for alcohol deliveries and thus other hours may be excluded. Thus, we suggested and the Licensing Authority approved the suggested wording:

1. ***Alcohol deliveries shall only be made from the premises between the hours of 11am - 8pm Monday – Sunday.***

These hours also seem reasonable and proportionate to residents for alcohol sales from the specific address, as we are concerned about the public safety issues surrounding early morning sales of alcohol, locally, from small shops on corners of main roads such as North End Road and densely residential areas. Thus, the Licensing Authority gave this wording:

The sale of alcohol - Off the premises only

Mondays to Sundays between the hours of 11:00 to 22:00.

As well, to protect your own staff, let alone project a clear visual signal as to hours when alcohol may be sold from the shop to customers in the shop for drinking off the premises, shutters over alcohol shelves and refrigerators are helpful, especially in densely residential areas. So, would ask you to reconsider such a helpful suggestion for the community. Only two weeks ago the Licensing Sub-Committee added such reasonable and proportionate Conditions on a license, after only a small discussion.

Thus, the legal wording supplied by the Licensing Authority's is:

All display units for alcohol shall have lockable shutters. The Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol, and shall not be unlocked again whilst the premises is open until the start of the permitted hours on the following day.

As other interested parties, namely residents, our goal is to work with you. So, in our view there are indeed choices that will serve both your business purposes as well as the needs of the community in promoting the four licensing objectives.

We hope this clears up why the wording is set out as is and that you will be minded to accept it.

Thank you.

[REDACTED]

On Dec 1, 2023, at 22:41, m.kapoor.personallicencecourses wrote:

Dear Lorna

Having discussed with the applicant, we are happy to accept the previous condition which was suggested "No alcohol deliveries shall be made from the premises"

We will not be accepting the new proposed measures offered by [REDACTED], where she has asked a reduction in the alcohol sales hours, the hours we applied are within the Police suggested hours along with the conditions which police have accepted and not objected to.

We have no choice but to go to a committee to determine the outcome of the application.

Kind Regards

Manpreet Kapoor

From: [REDACTED]
Sent: Friday, December 1, 2023 9:12 AM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: [REDACTED]
Subject: To Manpreet from CD Re: Further 1:13 30th Nov Re: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Manpreet
Good morning, Friday 9:09 GMT
These are Conditions to protect the Applicant and public. Our local convenience store the end of North End Road has been 'attacked' several times with a gang of three coming in and pushing themselves behind the counter to take alcohol. It is rough out there, especially in the Met Police Crime Hot Spot of North End Road.

[REDACTED]

From: "Licensing HF: H&F" <licensing@lbhf.gov.uk>
Date: 01/12/2023 08:53 (GMT+00:00)
To: "info.personallicencecourses
Cc: [REDACTED]
Subject: RE: Further 1:13 30th Nov Re: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Hi Manpreet,

Following on from the email below and [REDACTED] suggestions, please can you confirm if your client agrees to amend their application to reduce the licensable hours and add the following conditions as follows:

The sale of alcohol - Off the premises only

Mondays to Sundays between the hours of 11:00 to 22:00.

Conditions

1. ***Alcohol deliveries shall only be made from the premises between the hours of 11am - 8pm Monday – Sunday.***
2. ***All display units for alcohol shall have lockable shutters. The Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol, and shall not be unlocked again whilst the premises is open until the start of the permitted hours on the following day.***

Condition 2 would mean that no alcohol can be on display or accessible to members of the public outside the permitted hours of the sale of alcohol.

Please can you confirm if the applicant would agree to make the above amendments, or if not?

Kind regards

Lorna McKenna

Licensing Compliance Officer

From: [REDACTED]
Sent: Thursday, November 30, 2023 7:15 PM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: m.kapoor personalllicencecourses.com
Subject: Further 1:13 30th Nov Re: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Lorna

The point is that the later the deliveries the more crime, ASB, noise nuisance, emission pollution nuisance, as well as public safety issues etc.

As well, we believe alcohol sales should not start before 11am to promote public safety in an area that attracts much street crime.

so, having now spoken to Adrian Overton, it seems that we need to agree to the language you suggested below in your 13:42 email 30 Nov, adding in the start and end time, so

“ Alcohol deliveries shall only be made from the premises between the hours of 11am - 8pm Monday – Sunday.”

and

Hours for alcohol sales 11am -22:00. Shutters to be closed and locked when alcohol is not being sold etc. all alcohol behind shutters, thus no stacking of bottles on the shop floor as a promotion, no alcohol in the windows etc.

I believe that others who made Reps will agree with this and withdraw their Reps.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, November 30, 2023 2:27 PM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: m.kapoor personalllicencecourses.com [REDACTED]
Subject: No deliveries of anything after 8pm. Re: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Lorna

In this crucial crime hot spot we need NO deliveries from 8pm. No deliveries of anything. Pls come up with the wording that clearly neither residents nor the Applicant know how to write. Too many emails back and forth and I spoke to the Applicant two hours ago to agree all this but it is still too confusing.

Lic Auth needs to suggest how to write it. No deliveries of anything from this shop after 8pm.

This means dumping the initial proposed condition of 'no deliveries of alcohol'. Applicant must dump this idea so that the Condition covers 'licensable activities' if I understand this correctly.

We will then withdraw.

[REDACTED]

[REDACTED]

On Nov 30, 2023, at 13:42, Licensing HF: H&F <licensing@lbhf.gov.uk> wrote:

Hi Manpreet,

I would suggest amending a condition to read the following:

Alcohol deliveries shall only be made from the premises between the hours of XX - 8pm Monday – Sunday.

I would suggest having a time that deliveries start from to be clear on the times alcohol deliveries are taking place from the premises.

Kind regards

Lorna McKenna

Licensing Compliance Officer

From: m.kapoor.personalllicencecourses.com [REDACTED]
Sent: Thursday, November 30, 2023 12:38 PM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: [REDACTED]
Subject: RE: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Dear Lorna

I am happy to amend the condition to read the following so it falls inline with the licensing act, ***“No alcohol deliveries shall be made from the premises after 8pm Monday – Sunday”.***

Kind Regards

Manpreet S Kapoor BA (Hons)

Licensing Consultant, Personal Licence Courses UK Ltd

From: Licensing HF: H&F <licensing@lbhf.gov.uk>
Sent: Thursday, November 30, 2023 12:32 PM
To: m.kapoor.personalllicencecourses
Cc: ; Overton Adrian: H&F [REDACTED]
Subject: RE: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Hi Manpreet,

Thank you for your email.

I understand that you are keen and happy to have this condition, however we would be unable to add as a condition to the licence because 'deliveries of any sorts' does not relate to licensable activities.

The original proposed condition of **No alcohol deliveries shall be made from the premises** can be added to the licence as it is enforceable under the Licensing Act 2003.

As I discussed with you this morning, if we remove the sale of alcohol from the premises, then a premises licence would not be needed and there would be no conditions required.

If this agreement regarding the delivery times, wishes to be made informally with residents, then this is something you can agree however it would not be a condition on the premises licence.

If you want to discuss further, I have copied in my manager Mr Overton who is happy to discuss this with you.

Kind regards

Lorna McKenna

Licensing Compliance Officer

From: m.kapoor personalllicencecourses

Sent: Thursday, November 30, 2023 12:21 PM

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Cc:

Subject: RE: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Dear Lorna

Having held productive phone call with [REDACTED] the following has been agreed with her.

We both are happy to have the following condition to be added onto the premises licence **"No deliveries of any sorts shall take place after 8pm Monday – Sunday"**.

Kind Regards

Manpreet S Kapoor BA (Hons)

Licensing Consultant, Personal Licence Courses UK Ltd

From: Licensing HF: H&F <licensing@lbhf.gov.uk>
Sent: Tuesday, November 28, 2023 8:55 AM
To: m.kapoor personalllicencecourse
Subject: RE: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Hi Manpreet,

Thank you for your email.

For a condition to be enforceable, relevant and proportionate on a licence it would need to relate to the licensable activity. Licensing Enforcement officers would not be able to take any action if a premises were to carry out deliveries for goods that do not require authorisation under the Licensing Act 2003.

As you have proposed the following condition, ***No alcohol deliveries shall be made from the premises.***

The condition proposed is appropriate and proportionate to the application as a applied for.

If you have any queries, please contact me on the below to discuss.

Kind regards

Lorna McKenna

Licensing Compliance Officer

From: m.kapoor personalllicencecourses.com
Sent: Monday, November 27, 2023 3:13 PM
To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: RE: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228
North End Road London W14 9NU

Dear Lorna

We are happy to accept the proposed conditions mentioned [REDACTED] in her email.

Kind Regards

Manpreet S Kapoor BA (Hons)

Licensing Consultant, Personal Licence Courses UK Ltd

From: Licensing HF: H&F <licensing@lbhf.gov.uk>

Sent: Friday, November 24, 2023 1:49 PM

To: info.personallicencecourses

Subject: FW: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228
North End Road London W14 9NU

Hi Manpreet & Surrendra,

I hope you're both well and thank you for taking my call early Surrendra.

As we were discussing below is an email received from a representor who would like to speak to you in regards to the application.

I have explained that for a condition to be enforceable, relevant and proportionate on a licence it would need to relate to the licensable activity. Licensing Enforcement officers would not be able to take any action if a premises were to carry out deliveries for goods that do not require authorisation under the Licensing Act 2003.

The representors details are at the bottom of the email. Any correspondence that occurs via email please can you copy the Licensing team in for reference.

Kind regards

Lorna McKenna

Licensing Compliance Officer

From: [REDACTED]
Sent: Thursday, November 23, 2023 5:33 PM
To: Mckenna Lorna: H&F; Licensing HF: H&F <licensing@lbhf.gov.uk>; Perez-Trillo Cristina: H&F >
Subject: Reference: 2023/01643/LAPR Residents' response:Fwd: North End Food & Wine 228 North End Road London W14 9NU

Reference: 2023/01643/LAPR North End Food & Wine 228 North End Road London W14 9NU

Dear Lorna and or Cristina (Licensing Authority 'LA')

Suggestion to Applicant:

Some residents suggest a condition along the lines that “no remote deliveries shall be made from the Premises at any time...”; the LA would of course have legal create the wording to be sure of enforceability.

Background:

A similar Condition was agreed recently with a small off-licence in the area so residents would suggest similar for this proposed off-licence.

Deliveries at any time of day or night, from North End Road/environs, are becoming a Delivery Economy nightmare for residents throughout Fulham.

Action:

Please discuss this with the applicant, without prejudice, as we might be able to avoid a hearing if the applicant agrees to such and we can open a dialogue with him about our concerns, before the need for a hearing. You have my permission to pass on this email to the applicant.

I have bcc:d those who I know made a representation against this application. Unfortunately, new GDPR anonymity protocols for LBHF Licensing Applications hinder us from knowing who makes a Rep.

[REDACTED]



"Licensing HF: H&F" <licensing@lbhf.gov.uk>

Date: 20/11/2023 10:23 (GMT+00:00)

To:

Subject: FW: North End Food & Wine 228 North End Road London W14 9NU

Dear all,

Licensing Act 2003

Reference: 2023/01643/LAPR

Premises: North End Food & Wine 228 North End Road London W14 9NU

Following on from the email below, I was emailing to see if you had any comments on the proposals and comments below from the applicants agent?

Please let me know if the contents in the below email addresses the concerns raised in your objection, and you are minded to withdraw? If you are not minded to withdraw, you will be invited to attend a licensing sub-committee hearing to provide your representation and supporting evidence verbally on the 6th December 2023. Additionally, are you able to advise us of anything the applicant could propose in relation to reduction in hours or attach conditions that could resolve this matter?

Kind regards

Lorna McKenna

Licensing Compliance Officer

Licensing

The Economy Department

Hammersmith & Fulham Council

From: Licensing HF: H&F

Sent: Monday, November 13, 2023 12:34 PM

Subject: North End Food & Wine 228 North End Road London W14 9NU

Dear all,

Licensing Act 2003

Reference: 2023/01643/LAPR

Premises: North End Food & Wine 228 North End Road London W14 9NU

I am contacting you as you have made a representation against the above application which is due to be heard before the Licensing Sub Committee in due course. A date will be confirmed soon.

The applicants agent has read the representations received against the application has proposed the following condition to be added, should the licence be minded to be granted:

- 1. No alcohol deliveries shall be made from the premises***

The agent has also supplied a brief background of the premises as detailed below:

Background info:

This premises previously held a premises licence, but the premises shut down and the licence was surrendered, new tenants have come in and taken over the premises and plan to run it as a small convenience store, it will be a family run business which will work alongside the local residents and promote the 4 licensing objectives, they have no relation to a premises on Stephendale Road.

Please let me know if the above addresses the concerns raised in your objection, and you are minded to withdraw? If you are not minded to withdraw, you will be invited to attend a licensing sub-committee to provide your representation and supporting evidence verbally. Additionally, are you able to advise us of anything the applicant could propose in relation to reduction in hours or attach conditions that could resolve this matter?

Kind regards

Lorna McKenna

Licensing Compliance Officer

Licensing

The Economy Department

Hammersmith & Fulham Council