

# Licensing Sub-Committee

## Supplementary Agenda C

Wednesday 6 December 2023 at 6.30 pm

This meeting will be held remotely

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

### MEMBERSHIP

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

**CONTACT OFFICER:** Amrita White  
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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://youtube.com/hammersmithandfulham)

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

Date Issued: 06 December 2023

# Licensing Sub-Committee Agenda

6 December 2023

**Item**

**Pages**

4.3 NORTH END FOOD & WINE, 228 NORTH END ROAD, LONDON,  
W14 9NU - ADDITIONAL INFORMATION FROM RESIDENT

3 - 14

# Agenda Item 4c

**From:** [REDACTED]  
**Sent:** 06 December 2023 14:26  
**To:** Licensing HF: H&F  
**Cc:** Overton Adrian:  
**Subject:** Supplemental for tonight's hearing at 8pm 11-page PDF attached

Dear Licensing Sub-Committee,  
I apologies to the Sub-Committee for the lateness of this pack but I could only get help to create it this morning and it took 5 hours to do exactly that.  
Thank you for you attention to this information and evidence support for your hearing tonight.  
I ask that this email note be included along with the 11-page PDF attached.

■

[REDACTED]  
[REDACTED]  
[REDACTED]

**North End Road Food & Wine: 228 North End Road London W14 9NU  
License Application: 2023/01643/LAPR: – Hearing 06 Dec 2023**

**CORRESPONDENCE WITH APPLICANT:**

It's a shame that we are having this hearing today as Residents have tried to meditate with the applicant to compromise – by:

1. Agreeing with the applicant (13<sup>th</sup> Nov email to licensing) “That no alcohol deliveries shall be made from the premises”. (Page 53 of the 98 page Agenda Pack)
2. Continuing to ask for reducing the selling of alcohol hours to 10.00am until 22.00pm on the proposed premises as opposed to the Applicant's suggested 09.00am to 23.00pm - see December 4<sup>th</sup> email to Residents (Agenda Item 4b page 5).
3. Continuing to ask for lockable shutters as required per H&F licensing policy (Page 15 section 7): “There are shutters to prevent alcohol from being selected in non-licensed periods”.

We want to support businesses where possible and don't believe Residents are being unreasonable.

**North End Road Food & Wine: 228 North End Road London W14 9NU  
License Application: 2023/01643/LAPR: – Hearing 06 Dec 2023**

**RATIONAL: LICENSING OBJECTIVES: Prevention of Crime & Disorder & Promotion of Public Safety:**

**ADRESSING ALCOHOL HOURS & LOCKABLE SHUTTERS:**

1. This section on North End Road is a high crime spot area (as shown in the next page) and local police have confirmed that The Holiday Inn Express hotel area is a particular key problem location for crime and disorder. (directly opposite the proposed premises).
2. There are off-licence/convenience stores at 210, 218 and 242 North End Road, as well as two nearby in Lillie Road. This area is already saturated with off licenses to the point that Trading Standards expressed various concerns to the applicant in writing on 25<sup>th</sup> Oct (page 81-83 of the 90-page Agenda Pack)
3. There is a Primary School (Norman Croft Community School) literally within meters of this proposed premises (261 pupils source: Offsted).
4. Unfortunately, there is a direct correlation between Alcohol and Crime & Disorder – this proposed premises is surrounded by Residential homes. Anti-Social Behaviour in this area already exceeds the National by 300% and Violence & Sexual offences by over 500% - selling alcohol early in the morning and late at night will only exacerbate the problems.

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. (Nov 2022 - Oct 2023)

## Crime within 1 mile of: W14 9NU Bramber Road, London, United Kingdom

Last 12 months

Data period (months):

3 6 **12**

W14 9NU

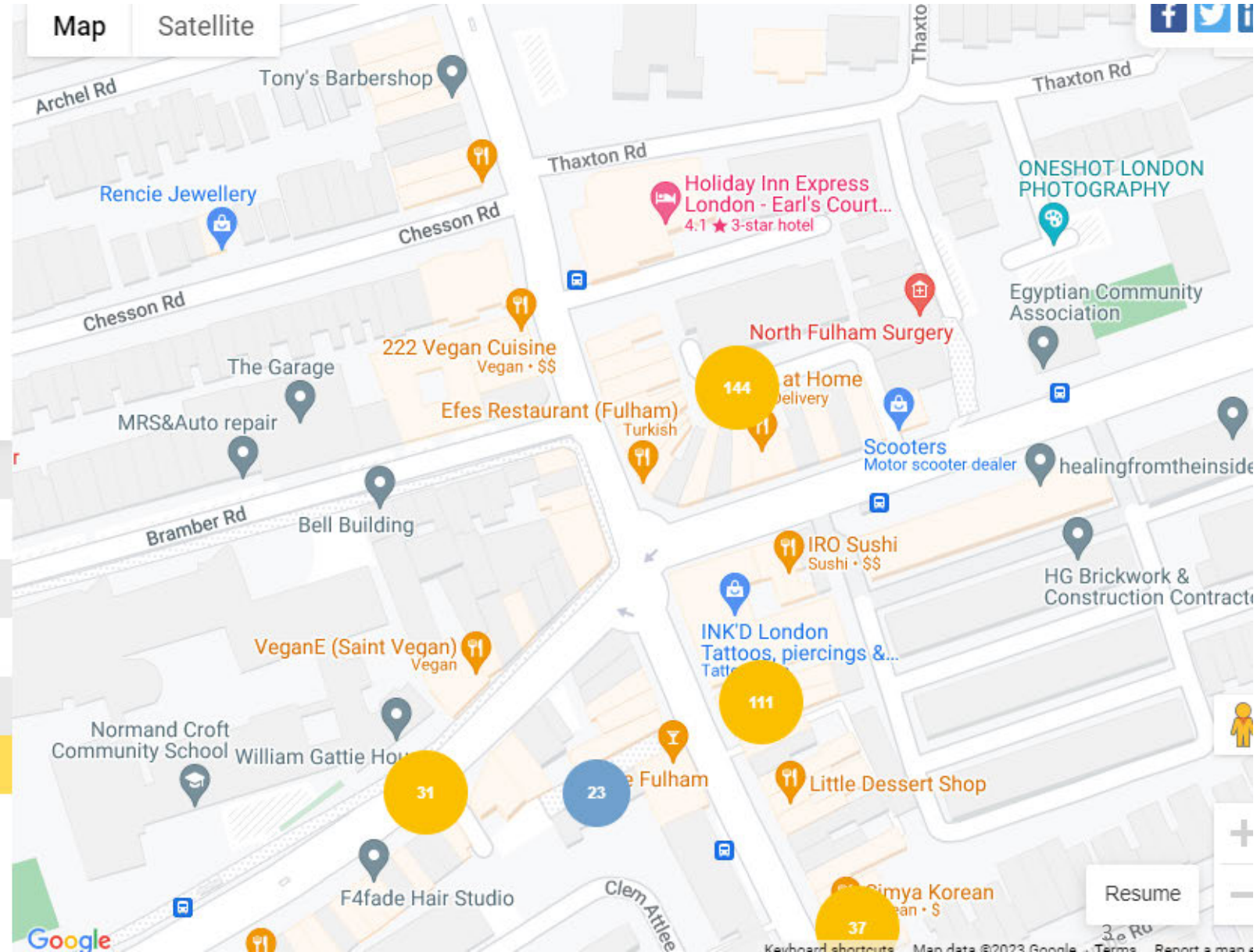
[+ Add another postcode](#) to compare

Crime within 1 mile of:

	W14 9NU	National avg. <small>(i)</small>	
Anti-social behaviour	137	23	×
Other theft	44	12	×
Violence and sexual offences	150	52	×
Other crime	1	3	×
Public order	37	12	×
<b>Total</b>	<b>494</b>	<b>149</b>	

[View all crimes](#)

[Crime updates by email](#)



**North End Road Food & Wine: 228 North End Road London W14 9NU  
License Application: 2023/01643/LAPR: – Hearing 06 Dec 2023**

**RATIONAL: LICENSING OBJECTIVES: Prevention of Noise & Nuisance & Protection of Children from Harm:**

**ADRESSING LATE NIGHT ALCOHOL HOURS:**

1. The proposed premises is surrounded by Residential homes as shown in the visual image on the next page. There are homes directly above the premises, next door and directly behind (Bramber Court).
2. People regularly loiter outside off license/convenience store premises, drinking. All the roads off the NER are, 100% residential roads, and the Statement of Licensing Policy (SLP) requires special regard to be given to the proximity to residential roads. The applicant has not addressed this issue.
3. H&F has been shown to be the most sleep-disturbed London borough - The serious health consequences of sleep deprivation on children and adults alike have been well documented (Lancet research). Hundreds of families live in the surrounding residential streets, which is evident by the high number of schools in the immediate area.
4. The Residents throughout Fulham have a legal entitlement to live in their homes without sleep disruption caused by substantial increase in later operating hours and delivery activities taking place during the most sensitive hours of the late evening when most people and particularly children are sleeping.



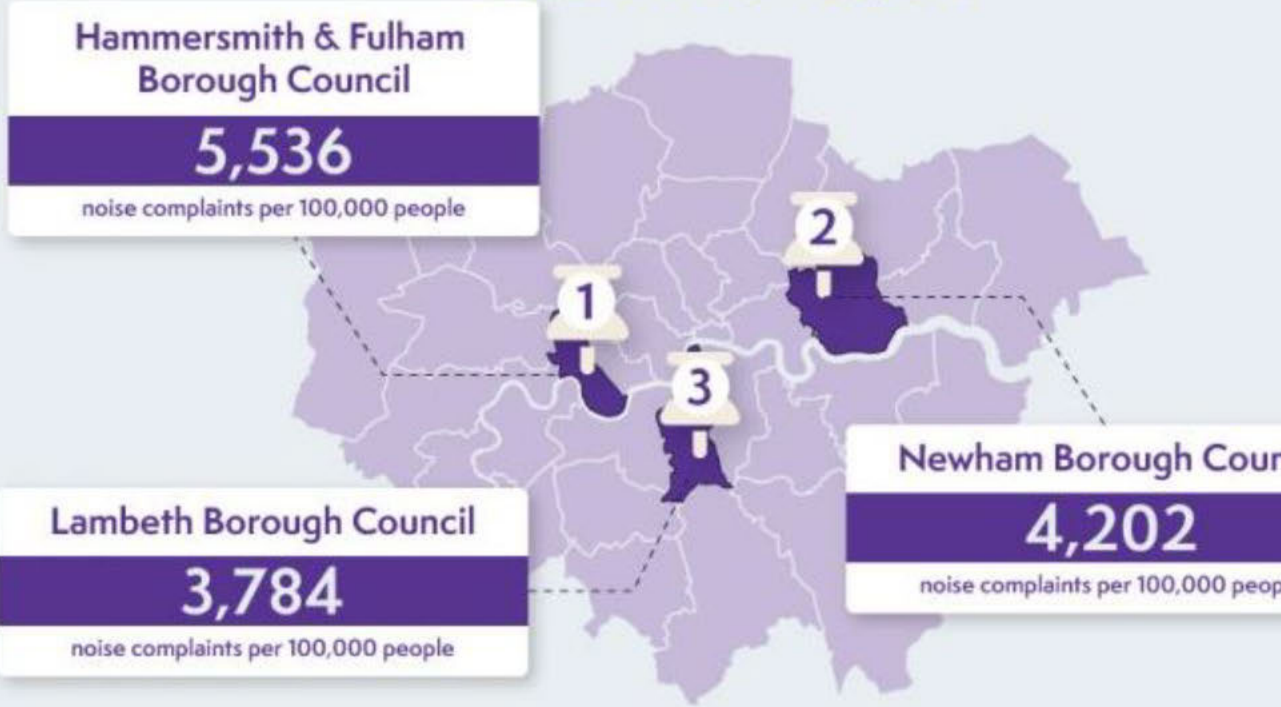
This Proposed premises is surrounded by Residential homes, above, adjacent and behind.







# 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.>

## RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

### **Hampstead & Garden Properties v Diomedous [1968] – High Court Judgement relevant to this 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 sales on and off premises as well as delivery vehicles motorbikes, electric vehicles and drivers talking and shouting whilst they wait and deliver food at delivery point.

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

**North End Road Food & Wine: 228 North End Road London W14 9NU  
License Application: 2023/01643/LAPR: – Hearing 06 Dec 2023**

**RATIONAL: LICENSING OBJECTIVES: Prevention of Noise & Nuisance:**

**ADRESSING DELIVERIES – RESIDENTS AGREE WITH APPLICANT – NO ALCOHOL DELIVERIES FROM PREMISES:**

**LBHF Licensing Policy States, Annex 1, page 39: “deliveries/collections should only be made between the hours of 7:30am and 9:00pm”**

Page 12  
j) Deliveries/collections – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise sensitive properties.

Beyond the exempli gratia above, ‘refuse’, "collections from the Premises" do in fact include collections by any 3rd party delivery company, such as Deliveroo, or a Premise's own employed delivery service. In fact, these delivery services of the so-called Delivery Economy are far more intrusive and disruptive to residential areas such as the very Bramber Road/North End Road corner on which the proposed premises is located.

Therefore, we reiterate that residents greet the Applicant’s 13 November proposed Condition.



## RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

**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 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](https://ftbchambers.searswebdevelopment.com/images/uploads/documents/Shoaib_LBC.pdf)



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**RISK ASSESMENT – STATEMENT OF LICENSING POLICY**

**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”.**

**CONCLUSION:**

- Residents have painstaking provided evidence and outlined risks.
- This area is saturated with off licenses to the point that Trading Standards expressed various concerns.
- Encouraging ‘Early morning & Late night’ alcohol sales only creates more problems with Policing and to Residential Amenity in London’s most sleep deprived borough.
- The Met Police crime stats highlight that this proposed premises is in an area of high crime. Constant background noise, particularly during core sleeping hours is having an impact on overall health, increasing levels of stress.
- Residents around North End Road unfortunately are all too aware of the issues of people loitering and drinking outside off-licenses. These type of premises are well used by school children from local schools and therefore these Children to be protected by putting up shutters over alcohol when not for sale.
- No planning permission yet for this location to be an off license nor to deliver from the premises.