

# Licensing Sub-Committee

## Supplementary Agenda D

Wednesday 23 July 2025 at 6.30 pm

This meeting will be held remotely

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### MEMBERSHIP

Administration:	Opposition:
Councillor Callum Nimmo (Vice Chair) Councillor Patrick Walsh	Councillor Dominic Stanton

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

Date Issued: 22 July 2025

# Licensing Sub-Committee Agenda

23 July 2025

<u>Item</u>		<u>Pages</u>
4.4	KASPAS DESSERTS - 385 NORTH END ROAD, LONDON SW6 1NP - ADDITIONAL INFORMATION FROM OBJECTORS	3 - 11

**The ‘core’ Market Street area of North End Road—businesses and customers**

1. North End Road is a busy, dynamic daytime historic street market road with shops at street level, market stalls in front of these shops, and residential flats above. Each building fronting North End Road has more residential use than commercial use, especially in the area of this 385 North End Road Premises called Kaspas.

2. The North End Road Regeneration Area along this stretch, saw much infrastructure change at street level in 2021-23 for DAYTIME/street market stall use, not for nighttime/dark hours use. Why?

— This road was built out in the late 1800’s for daytime trade and nighttime sleeping

— There exists NO dark hours strategy for this core portion of (or any portion of North Road Road) mainly because the buildings provide very necessary residential accommodation. Simply put, North End Road at this stretch is commercial at street level and residential above.

— The council has not allocated further funding for further regeneration at any level; we met with the Place Department on Thursday, to confirm this.

— Police resources are so stretched that they are being reduced even further for this very area, despite the Met Police Crime Hot Spot designation continuing.

— There are neither police nor private security patrolling on North End Road. Not during the day and not during the dark hours/nighttime, earliest morning.

3. We are the daily customers of this busy market thoroughfare. We love the market stalls selling fruit and veg, along with lots of more precious and exotic items. As well, the fish stall, the meat ‘guys’, the button lady, etc.

We are also the customers, of what one of us recently termed at the now quite famous 28 May licensing hearing, ‘the breadbasket of Fulham’-North End Road’s diverse eat-in offerings from around the world, as well as speciality shops selling everything from all corners of the world.

‘We’ also includes the just over 1,000 daily/overnight tourists in our midst; they enjoy this diverse breadbasket eatery offering, especially in the early to mid evening after a long day touring around London.

The core of North End Road Market runs from pedestrianised Vanston Place/Jerden Place, with St. Johns Church on Walham Green itself, up to the Lillie Road roundabout. This very area, and spreading down to Fulham Broadway itself is a **Met Police designated crime hot spot**; the only one in all of Fulham.

4. Walham Green Ward comprises 7,952 residents living in 3,591 households; it is described in the H&F Ward Profile as **densely residential**.

5. Lillie Ward comprises 6,707 residents and 3,212 households; it is described in the 2024 H&F Ward Profile as, “The Ward is **almost entirely residential** in character, with most commercial premises situated alongside North End Road”.

**Planning aspects as they relate to S.182 guidance at points 14.64 and 14.65**

6. We believe that this Kaspas shop has yet to understand the Licensing Act 2003 and the obligations that the proposed licensed Premises would have under that Act. Neither do they seem to understand the related planning framework specific to 385 North End Road. Indeed, although licensing and planning are under different legislation, the committee should know **that the basement of this address has planning permission for a residential flat, so, not for commercial use.** Therefore, it would be very confusing for the applicant were the floorplan attached to the Licensing Application submitted on 1st April 2025 to be approved for licensable activities at basement level because there is no planning permission for commercial use.

For reference, the applicable planning permission for the basement to be used as part of a self-contained flat is still current:

- **Use of the basement and rear part of the ground and first floors as a self-contained residential dwelling.** 385 North End Road London SW6 1NP  
Ref. No: 1997/01386/CLE | Registered: Tue 24 Jun 1997 | Status: Application Approved

We contend that it will not be helpful to the applicant to confuse him with a licensing floorplan ‘approved’ by the LBHF Licensing Committee which actually could not be used because there is no such planning permission.

Latest updated (Feb 2025) S.182 guidance for the Licensing Act 2003

*14.65 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, **licensing committees and officers should consider discussions with their planning counterparts prior to determination** with the aim of agreeing mutually acceptable operating hours and scheme designs.*

*14.66 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be*

Submitted by  
Barclay Road Residents

*assured by licensing committees, where appropriate, providing regular reports to the planning committee.*

## **Warnings issued, residents explaining ‘the rules’ but no action by the Applicant**

9. The applicant seems to be quite uninformed of his obligations under trading standards, ie only trading until 23:00. Although he has applied for a Late Night Refreshment Licence, that is, to supply heated food and non-alcoholic warm/hot drinks after 23:00, he seems to think that he already has such a licence because since being **served a warning on 2 February 2025 (Agenda Pack, pages 178-180) and up to this hearing on 23 July 2025 he continues to trade until at least midnight, every night.** Please see attached evidence, 1-page pdf screenshot from Google Maps showing hours for 385 North End Road.

10. Proposed conditions suggested by the Police and agreed with the applicant, from page 57 of the Agenda Pack, are as follows:

***4. There shall be no members of the public permitted on the premises after 00:00hrs Sunday to Saturday where late night refreshment shall be supplied by delivery only thereafter.***

***5. 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.***

***6. A notice shall be displayed by the front door stating the restaurant opening hours and that all orders after 00:00hrs Sunday – Saturday must be phoned through / ordered online and will be supplied by delivery only.***

11. to the Police point 6., above...

'Delivery Only' conditions after 23:00 are not appropriate for North End Road because deliveries by any means of motorbike, motor scooter, electric bike etc causes noise and nuisance in 100 percent residential roads off the North End Road. Inevitably, these motor or electric two or three wheeled vehicles, or even four-wheeled delivery vehicles cause a lot of noise when the sound levels of the major North End Road have died down quite a bit in the adjoining densely residential roads as well as fully 100% residential roads.

These residential roads are used by delivery drivers to whizz through our neighbourhoods at great, noisy speed. **Our roads are turned into delivery superhighways with no enforcement at all, ever.** It is not a priority of the Police, nor of the H&F Council to enforce the dangerous speeds at which delivery drivers operate. Nor are by-laws being passed to reign in any of this nuisance around us. Fine. **No ability to control equals no need to grant something that would be immediately and permanently be out of control.**

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12. Residents in these roads have a **High Court right to sleep**, even in this big global city called London. Other residents have set this out in their Representations; Seagrave Road Residents, for instance.

13. Fulham residents are here tonight to again suggest to the Committee that there are no number of Conditions regarding signage (proposed condition 5. of the Police) that could be added to the proposed licence which would mitigate our ongoing suffering of noise, nuisance, altercations in front of and around this Premises, or Premises next to it or close by, especially after 23:00. Additionally, no one can control the nuisance of deliveries at the delivery point. I was awoken last night at 01:11 (a four-wheel mini car) and 03:16 (an awfully noise-awakening moped-type thing); yes, we are working with our residents for them to consider not ordering food in Barclay Road.

As well, Conditions regarding a Premises requiring only 'electric' bicycles, are not possible because one cannot order ONLY electric bicycles. As well, electric bicycles make noise; some make constant wooooooshing noise as they come down my road; other make a clicking and clattering noise. Not for us to opine of the electronic wonders. Suffice it to say, they are not silent and they cannot be stipulated as the only means of 'rider' to show up for a delivery order.

14. Most importantly, were the police condition 4. to be granted, regarding closing at 00:00/ midnight, but allowing continued to **trade but by deliveries only, this shop would effectively be turned into a Takeaway (Sui Generis, in planning terms)**.

'Suggested hours table on page 21/22 of the H&F Statement of Licensing Policy (SLP) states:

For mixed use areas, a takeaway is NOT appropriate after 23:00 Mon-Thursday and **suggested hours, in perfect conditions**, on Fri and Sat after 00:30 and on Sunday after 23:30.

For residential areas, takeaway is NOT APPROPRIATE after 23:00.

North End road has 8-12 shops between residential roads and scores (at least 50 per block, if not more) residences above every shop.

**We contend that because this stretch of North End Road is a densely 'residential area', as defined by H&F's own Ward Profile, it is not appropriate for delivery after 23:00.**

We also would like to point out that the phrase 'Town Centre' is a planning term, not a licensing term. Again, this core daytime, lively market stall stretch of North End Road is all about residents who are customers, looking, buying, meeting, greeting... It is not Town Centre. Town Centre was never defined, and maps never approved in this new Licensing Policy 2022-2027 (see minutes of Lic Comm ref this point in 2022)

15. Hours not requiring a licence under Para 1, Sch 2 Licensing Act 2003, are namely 05:00 to 23:00 each day. The committee in the guidance has set out in the H&F Statement of Licensing Policy and its "suggested" hours table.

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Barclay Road Residents

16. In summary: The committee will be aware that at this location above the majority of the shopfronts on North End Road exist private residences in one, two, three and, sometimes, four floors, as well as to rear buildouts. North End Road is a daytime commercial market road with shopfronts, as opposed to a dark hours / nighttime commercial market road. Each side road is exclusively or almost exclusively residential.

17. In addition, granting the Police-suggested scheme, a new form of 'pavement delivery' could emerge as a pass the parcel farce to get around conditions:

We note that the usual words of such police conditions do not, this time, include the wording 'delivery only to bona fide addresses'. So, the way this condition reads at the moment there is potential to start a process of pass the parcel via a delivery driver, collecting from the shop and then passing the 'delivery' to a person/takeaway order customer standing on the pavement, whilst the shop remains closed to walk-in takeaway customers.

18. Takeaway 'Delivery only' service

Delivery only service is not a panacea for existing Met Police Crime Hot Spot late night problems in North End Road. We would appreciate the Licensing Committee tonight speaking with the Met Police about this to explain that it is not a panacea and it would require even more security support.

19. In fact, 'Delivery only' would mean that near, around, in front of, to each side and within the vicinity there could be more noise, nuisance, possible altercations because the shop is closed and people want to be inside, especially in wet or cold weather. Altercations could ensue. There is no plan for SIA Door Supervisors, so there would be no one to intervene.

### **Cumulative Impact**

20. As well, nothing can prevent people travelling into this area specifically to buy a dessert from such a late night venue - thus bringing more people into this sensitive area at times when local residents and their children are trying to sleep. This adds to existing cumulative impact in the area (even without a cumulative impact policy being in place).

While each case must, of course, be decided on its individual merits - and one decision of the Council does not create a binding precedent for the next one - it would be artificial to ignore the fact that the operators of other take-aways will be looking to this decision to gauge what weight, if any, the Council places on its own adopted 'hours policy'

Should this application be granted, whilst this may not lawfully be a reason for such a decision, in practice it may prove difficult to justify either in committee or on appeal a refusal of the raft of new applications for extended hours that are likely to follow as a consequence of other local operators learning of such a decision.

Similarly, other late night refreshment operators in the area which in recent years have had similar applications rejected by the Council on policy hours grounds may feel aggrieved should the present application be granted notwithstanding that policy.

Deliveries already create noise, nuisance and asb as well as physical altercations was made clear at a recent H&F Licensing sub-committee hearing (28 May 2025) for a Premises only a few hundred feet from Kaspas, namely at McDonald's at 312-314 North End Road.

## 21. **"...whilst protecting residential amenity"**

The Committee is invited to take into consideration its own words in its Statement of Licensing Policy regarding the cumulative impact of premises trading into the dark hours and later pre-midnight hours, as well as some trading into the after midnight hours on North End Road, in this 'core' North End Road area

The council's Statement of Licensing Policy (2022 – 2027) is half-way through its term. Whilst not seeking to pre-determine any application (which would be unlawful), it sets out a broad framework for the authority, to assist committees determining individual applications and to provide a broad measure of consistency in their decision-making:

*"This policy clearly sets out our expectations as a Licensing Authority to anyone responsible for the operation of a licensed premises within Hammersmith & Fulham; on how to promote the four licensing objectives as set out in the Licensing Act 2003.*

*We believe the policy strikes a balance between providing an environment within which responsible business operators can succeed and contribute towards a vibrant business and thriving night-time economy in a sustainable way - **promoting economic growth whilst protecting residential amenity.**"*

The key point to emphasise is that, whilst the SLP exists to provide a very broad framework, the sub-committee should on such an application take all relevant factors into account. In the present case it is submitted that these include the:

- Overwhelming evidence of residents' concern at the existing arrangements where the **Applicant has received official warnings to stop** from 2 Feb 2025 sales after 23:00, but has not done so.
- Fact that the application **premises coincide with the Met Police crime 'hot spot'** for the area
- **Unprecedented levels of opposition** from
  - 6 very active residential road groups
  - the Walham Green Police/Community Ward Panel, representing 7,931 residents concerned about crime and disorder
- 44 individual residents and
- the address's Lillie Ward Counsellor, Lydia Paynter
- plus a Representation from the Responsible Authority, Planning, regarding irregularities and the need to confirm historic planning hours for this address.

It is the residents' residential amenity that the Policy seeks to protect from public nuisance, disorder and crime. It is their voice to which, we say, the sub-committee should have regard.

## 22. Cumulative Impact: **Adverse impact on local residents**

Other elements of the H&F SLP which point strongly towards the refusal of the application include:

*Policy 3(a)*



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2025\_00470\_LAPR Kaspas  
385 North End Road,  
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*"Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;"*

Notwithstanding Kaspas (inevitable) assurances and agreeing to suggested additional conditions offered by the Police it will be readily apparent to the sub-committee that in such circumstances there are no practical steps which, in reality, will lessen the impact on residents of Kaspas trading later in this North End Road location.

*Policy 3(b)*

*"Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, **on an adjacent residential area;**"*

The sub-committee can still take into account the strong evidence of cumulative impact along this very stretch of North End Road from residents living in densely residential roads in determining this application and the residents positively invite the sub-committee to do so.

This would be entirely in accordance with the Council's Statement of Licensing Policy, Policy 4 which states (with emphasis added):

#### POLICY 4: CUMULATIVE IMPACT

*"We are keen to welcome and support new businesses in the borough. We will balance this with our responsibility to identify where an area is receiving a lot of complaints about existing licensing activity. We will consider if, by granting a licence, it would contribute to the negative impact in the area."*

*"Any Responsible Authority or other persons may object to applications for new premises licences/certificates or variations of existing licences, on the grounds that the premises will have a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives. See Section 182 guidance, which contains further information on cumulative impact."*

***"In determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative effect of the number, type and density of licensed premises already existing in the area. Consideration will be given to the proximity to any drug and alcohol treatment site, A&E department or homeless hostel in a local area type remit i.e. applicants need to make the case for how they would not increase further problems for residents/clients nearby."***

Once again, it is readily apparent that there will be a significant adverse impact arising as a consequence of *any* grant.

*Policy 3(d)*

*"d) Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder, anti-social behaviour (ASB), **nuisance and vehicle emissions;**"*

### **23. Additional factors material to the individual application:**

The SLP lists other factors which in the present case would bear heavily against any decision to grant (emphasis added):

*“Licensing Authority will **particularly consider** the following matters where they are material to the individual application:*

- o The **proximity of residential accommodation;***
- o The type of use proposed, including **the likely numbers of customers, proposed hours of operation and the frequency of activity;***
- o The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, **and human voices.** [ .. ];*
- o The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.*
- o The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;*
- o The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;*
- o The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;*
- o The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;*
- o The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;*
- o The delivery and collection areas and delivery/collection times;*
- o The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);*
- o The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;*
- o The history of the applicant in controlling anti-social behaviour and preventing nuisance;*
- o The generation of odour<sup>43</sup>, e.g. from the preparation of food;*
- o Any other relevant activity likely to give rise to nuisance;”*

24. The sub-committee is invited to consider the evidence of ongoing breaches of the law (trading unlawfully after 23:00) at 385 North End Road — and the daily reality of the situation on and around North End Road at this very core daytime market area, which pleasantly glides into a slow winding down of activities into the mid evening — as it already presents itself to those living cheek by jowl in this historic, densely residential North End Road neighbourhood, of Fulham, London.

25. We, the responders conclude: The Applicant has not yet understood the grave responsibilities he would be undertaking under the Licensing Act 2003. We are sorry that we, his customers, as yet, have been unable to convey the gravitas of the warning served upon him on 2 February 2025.

We commend to him the Local Government Authority Handbook on Licensing, 2021 and much research on Google.

Submitted by  
Barclay Road Residents

We respectfully ask tonight's Licensing subcommittee to give the Applicant more time to consider his position and return one day to explain in his own words what his plans are to promote the licensing objectives, something he was not keen to do in his Application. Until such time, it would seem that 23:00 should suffice for sweet treats before bedtime.

Thank you, Chair.

Submitted by Barclay Road Residents with all six Residents roads represented tonight along with our Walham Green Ward Panel Chair and Lillie Ward Councillor.

Fulham residents are working together to support a growing, vibrant and healthy licensed environment that brings residents and premises of Fulham together, through collaborative conversations, attracts appreciative tourists and builds support for Fulham's commercial and residential future.

FulhamTogether and Barclay Road Residents Conservation Area Neighbourhood Watch

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