



SHEPHERD'S BUSH MARKET TENANTS' ASSOCIATION

10th May 2021

Reference IL Ref 0514

The Shepherd's Bush Market Tenants' Association

Arch 155 Railway Approach

London W12 8DF

For the attention of

Hammersmith & Fulham Licensing Department:

Hammersmith & Fulham Council

Licensing Team

Town Hall, King Street, London W6 9JU

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Adrian.Overton@lbhf.gov.uk

maria.dimitriou@lbhf.gov.uk

Licensing Reference: 2021/00120/LAPR

Case officer: Maria Dimitriou

Applicant: Miss Nazareth Kelif

Applicants Address: 176 Railway Arches Shepherd's Bush Market London W12 8DF

Objection to Licencing Application 2021/00120/LAPR
176 Railway Arches Shepherd's Bush Market London W12 8DF

Dear Maria,

- 1) It was pleasant to speak with you on the telephone today and the SBMTA committee appreciates your assistance and promises to forward this correspondence to the licensing Committee and licensing department.



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- 2) The Shepherd's Bush Market Tenants' Association (SBMTA) object to the alcohol licensing application 2021/00120/LAPR and look forward to attending and speaking at the hearing on Tuesday 11th May 2021.
- 3) In further examination of the documents later accompanying Application 2021/00120/LAPR, it is felt that it is important to clarify certain matters and bring greater emphasis to the truth and the correct facts.

Beer Gardens/External Areas

- 4) Within the documentation 'Appendix 2 - Police conditions', the Metropolitan Police press their condition that *"Alcohol supplied for consumption on the premises shall only be supplied with and be ancillary to food to be consumed on the premises at the same time"*
- 5) The premises Arch 176 is defined within its lease. The demise of the premises does not stretch beyond that of Arch 176's entrance/exit which is indicated in the document 'Appendix 1a - Plan of the Unit'. The premises Arch 176 have no external area.
- 6) It is therefore perplexing as to why the documentation 'Appendix 1b - Additional steps' reads *"Use of beer gardens/external areas - The front outside area shall not be used after 22.00"*.
- 7) It should be made clear that there is no external area associated with the premises of Arch 176, and land outside of Arch 176 is either classified as communal Shepherd's Bush Market land or tenanted land that may belong to tenants, other than the applicant. Either way, this application for alcohol does not apply to any other land area other than the premises of Arch 176 and therefore it is mystifying as to why there is a discussion of the consumption of alcohol on external land when there is no external land.



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Appendix 5 - Response from the applicant

- 8) The response of the applicate shown in the document '[Appendix 5 - Response from applicant](#)' raises several concerns and indicates a misinterpretation of the facts by the applicant.
- 9) The applicant's response to Geraldine O'Grady's objection is inadequate and incorrect.
- 10) The Shepherd's Bush Market gates and boundaries must be securely shut and locked Monday to Saturday by 7 PM and will remain closed until the following morning at 6.30 AM (with exception to Sunday whereby the Shepherd's Bush Market gates and boundaries remain closed for the entire day).
- 11) This is evident within all the Shepherd's Bush Market leases under the first schedule, within the definition: "The Market Opening Hours"
- 12) *As stated in the leases: - "The Market Opening Hours" means 0630 hours to 1900 hours on Monday to Saturday.*
- 13) The Market Opening Hours may not be changed if it causes compromise the principles of good estate management. Furthermore, any change in The Market Opening Hours may only be performed once the Railway Company (TfL) has notified each tenant in writing.
- 14) The applicant's statement that the market closes at 9 PM is false.
- 15) Additionally, the current landlord of Shepherd's Bush Market: YC Orion Shepherd's Bush Market Ltd. has reaffirmed that The Market Opening Hours are currently 6.30 AM to 7 PM - Monday to Saturday.
- 16) This affirmation from the landlord of The Market Opening Hours was recorded and agreed at the Zoom Meeting on 5th May 2021 between the SBMTA and Yoo Capital.
- 17) Although the applicant claims that their lease permits the operation of their business until 9 PM, the stipulation of 'The Market Opening Hours' from 6.30 AM to 7 PM, Monday to Saturday, is also present within their lease.



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- 18) Of course, the tenant may operate their business at any time of their choosing provided it is between the Market Opening Hours of 6.30 AM to 7 PM, Monday to Saturday.
- 19) Operating outside of these hours would be viewed as:
- (i) a breach of lease, and
 - (ii) a compromise to the community of the Shepherd's Bush Market leaseholders, and
 - (iii) a compromise of the principles of good estate management, and
 - (iv) a compromise on the Service Charge Account expenditure if the landlord proposed to place any cost incurred onto the Service Charge Expenditure due to the proposals in this application.
- 20) It is understood that U+I Group Plc. acted as the managing agent in Shepherd's Bush Market for a period of approximately two years during the time when the applicant's lease was issued.
- 21) If there is the stipulation that the applicant may operate their business to the extended time of 9 PM, whilst the Market is shut, then it may be appropriate to consider that this unique stipulation, for this lease, may have been an accidental administration error, or may have been performed with a disregard to the principles of good estate management.

Additional Financial Compromise to the Shepherd's Bush Market tenants

- 22) The applicant makes several assumptions within their responses seen in the document '[Appendix 5 - Response from applicant](#)' and unfortunately, they do not address the concerns satisfactorily.
- 23) The applicant suggests that there may be a fire exit door but does not explain how it will be monitored, managed, or financed, especially as no party has shown a



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willingness and promise to bear the cost of the additional charges that may be incurred.

- 24) The applicant suggests that the hours of closing the market gates and boundaries will be addressed, however, there is no explanation as to who will manage and finance the additional task of executing this task.
- 25) The applicant suggests that security guards will bear the duties of implementing entrance and exit, and control of the applicant's patrons whilst all the other market businesses are absent from the market, however, the landlord - *YC Orion Shepherd's Bush Ltd.* has stated that the cost of the security guards will not be borne by them in the future. Furthermore, it has been made clear that the cost of security guards will not be borne by the Service Charge Accounts.
- 26) The licensing committing must appreciate that there is no one who is willing to pay for security guards, and therefore there will be none.
- 27) The SBMTA will consider the cost of the daily locking and unlocking of the market gates from Monday to Saturday, to be borne by the Service Charge Accounts subject to the hours and subject to the security of the market gates and boundaries not otherwise being compromised.
- 28) The applicant seems to have overlooked the additional costs which their proposals may incur. It would be seen as unfair and selfish to expect the other market businesses to take on the applicant's burden.
- 29) It seems that the applicant is not willing to bear the liability of the repercussions that may be suffered to the other market businesses.
- 30) The applicant incorrectly states in the document '[Appendix 5 - Response from applicant](#)' to the SBMTA's objection "*Delina will only serve alcohol during the trading hours of the markets*", however, the proposed alcohol hours exceed that of the Market Opening Hours of 6.30 to 7 PM, Monday to Saturday. The applicant's statement is false.
- 31) The applicant's attempts to disregard the worldly findings of the negative repercussions of alcohol is viewed as unrealistic.



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- 32) The applicant's further summation that alcohol served with food removes the concerns and negative repercussions of alcohol is simply ludicrous and unprofessional.
- 33) The applicant is welcome to provide appetising food to customers within the Market Opening Hours and need not compromise other market businesses and the local community, simply for the wish of serving alcohol.
- 34) Non-alcoholic beverages are vogue and the applicant's reasoning that a meal cannot be enjoyed without alcohol is strongly refuted.
- 35) The consumption of alcohol in Shepherd's Bush Market is not welcomed.

Kind regards,

The Shepherd's Bush Market Tenant's Association

The Shepherd's Bush Market Tenants' Association Committee							
James Horada	Peter Wheeler	Surjeet Duggal	Bill Mehra	Laura Sakstein	Devinder Singh	Robbie Marwaha	Fateh Singh
	Arch 155	Stall 34/35	Shop 16	Shop 1	Stall 65	Shop 41	Arch 179
Chairman	Vice-Chair	Treasurer	Secretary				