

**From:** Charlotte Dexter  
**Sent:** 12 November 2021 12:14  
**To:** Asante William: H&F  
**Subject:** Fwd: REPRESENTATION Lic/alcohol24/hr sales LAPR new application re 21 Effie Road Access Storage unit 4225 - 2021/01376/LAPR

Dear William Asante (LBHF Licensing)  
The Licensing COMMENTING page is NOT WORKING at this time, Fri 12 Nov 12:13pm  
. It says there is a problem. 'Your comments could not be submitted due to an error in the system'.  
I have tried three times now, so I am submitting now by email to you

I am submitting for Barclay Road Residents. We object and ask for further information as below.

Begin forwarded message:

**From:** Charlotte Dexter  
**Subject:** REPRESENTATION Lic/alcohol24/hr sales LAPR new application re 21 Effie Road Access Storage unit 4225 - 2021/01376/LAPR  
**Date:** November 11, 2021 at 12:26:35 PM GMT  
**To:** Overton H&F  
**Cc:**

Dear Adrian Overton  
Ref: 2021/01376/LAPR

—NEW LICENSE: Not a 24-hr facility  
I write to object to this application in full.  
The address/building is not a 24-hr facility, as per LBHF Planning, as below. It is also not a bonded facility for customs/VAT issues related to alcohol. Most of the units are not temperature controlled nor ventilated.

— Operating plan?  
I would like to see the operating plan to better understand things. Orders will be taken on the internet (remotely, one presumes), although it has been known for storage units on the ground floor and in the basement of this very facility at 21 Effie Road to be turned into windowless offices lacking both ventilation as well as heat, without planning permission, I might add.

—Amenity of neighbours, noise nuisance  
In addition, were this new LAPR License application to be amended I feel it should be amended to very reasonable hours that would not compromise the amenity of those residents of Barclay Road whose houses back onto the Access Storage Site at 21 Effie Road.  
Noise Nuisance from any type of vehicle and such vehicle's occupants, or even those coming on foot/bicycle to the address to load, unload, help with moving bottles etc, must not be allowed to shift goods outside after 7:30pm.

Sound echos very loudly behind our houses. We have experienced numerous noise nuisance problems over the years in this regard. Any license would need strict Noise Nuisance Conditions on it to remind the License Holder of the acoustic challenges in this area and oblige her/him to take extra care with shifting goods outside the facility, on the site.

—Light spillage early evening

I would also bring to your attention the need for conditions regarding possible light spillage from windows of the unit facing the rear of our terrace. Only last night two windows were fully lit up and I had to pull curtains to avoid the light.

—Planning permission?

I do not know where unit 4225 is located but it might also need planning permission to operate as an office or to actually store bonded goods. Is it a bonded storage unit?

Does it have this permission? I raised further related points in my first paragraph.

—Further detail

We have children living in this terrace who go to bed at 7:30pm.

This terrace of houses is numbered 5,5a,7,9,11,13,15,17,19,21,23,25,27 Barclay Road.

We also have a newborn a few doors down from me who would be awoken by unnecessary nuisance.

—Finally,

will they be holding wine/liquor tastings and events in the unit or outside in the open loading area, and if so how will these be regulated regarding hours for such events and parking, ie lack thereof (there are only six official parking spots as per the latest VAR under consideration 2019/01157/VAR. Of course drinking and driving don't go together but again, best to spell these things out in Conditions. This loading area could not handle an onslaught of Ubers dropping people off for an event, for instance.

Thank you.

Charlotte Dexter

Barclay Rd

London SW6 1EJ

**From:** Charlotte Dexter  
**Sent:** 05 December 2021 11:05  
**To:** Asante William: H&F  
**Cc:** Overton Adrian: H&F  
**Subject:** Addendum to my first Representation: 2021/01376/LAPR 21 Effie Road SW6 1EN: 24/hr online alcohol sales from a proposed ghost Premises for delivery to customers

SUBJECT: ref: 2021/01376/LAPR 21 Effie Road SW6 1EN: 24/hr online alcohol sales from a proposed ghost Premises for delivery to customers

To: [licensing@lbhf.gov.uk](mailto:licensing@lbhf.gov.uk)  
cc:

From: Charlotte Dexter, in my name and for and with Barclay Road Residents  
Address: Barclay Road SW6 1EJ  
[email:](#)

ref: 2021/01376/LAPR 24/hr online alcohol sales off the Premises for delivery to customers

This is an addendum to my first objection submitted. More information has come to light and therefore I am compelled to write about these further developments. I have learned that many of our concerns must be addressed directly by specific Responsible Authorities (RAs) in a Representation directly to the Licensing Committee; it is not enough for residents to merely raise concerns and ask for help from various RAs, ie departments—this must be done BEFORE the hearing so that the Committee has all the information to hand, directly from RAs, in order to make their decision about specific concerns raised by residents. This is new information to us, after 20 years of being involved in such applications. It finally answers our question as to why our concerns and questions are very rarely dealt with at the hearing stage.

I oppose this application and ask the Licensing Committee not to grant the License. To quote the LBHF Licensing Policy at point 6.5, "The premises will give rise to a negative cumulative impact in the area in question", relating specifically to all four of the Licensing Objectives: Public Safety, Disorder, Prevention of Public Nuisance, Protecting Children from Harm

Our concerns all relate to the four licensing objectives and we believe they are strong enough to refuse the License. Full stop.

I understand that the Licensing Act of 2003 addresses actual physical Premises eg real public houses, hotels, restaurants, shops; it did not foresee the internet age, let alone online purchases and off Premises deliveries from so-called 'ghost Premises' (similar to what are called 'ghost kitchens' ie kitchens of restaurants that are set up away from the actual physical restaurant Premises to specifically serve take away or banqueting orders).

All the more reason that the Licensing Committee must take into consideration the negative consequences of this 'click and deliver' business for residents as well as for the public realm in and around our highly saturated residential area.

The business model of the Applicant (who runs similar businesses in Basingstoke) is about a potential customer running out of alcohol and ringing up to buy a few more bottles at double to triple the normal price, for quick delivery, and we assume, consumption. The Applicant cannot control the behavior of the customer drinking in any way. In a normal Premises (pub, shop or restaurant), personnel are trained as per the 2003 Licensing Act and alcohol can be refused, customers can be dealt with directly/in person, Police can be called, ambulances can be summoned.

#### Prevention of Public Nuisance, Protection Children from Harm

The Access Storage facility backs on to the rear of the houses at 1-27 Barclay Road (shared long garden wall).

We suffer noise nuisance during the day and night from vehicular movements, but this facility closes at 6pm.

Were it to stay open 24 hours or any hours after 6pm, to allow for many deliveries per hour of bottles of alcohol, this would cause great noise nuisance, especially during sleeping hours for children, but also at any hour. The Licensing Objective, Protecting Children from Harm must be addressed here. I have been in contact with the Safeguarding Officer who has made a representation.

The areas on all sides of the Access Storage facility are wholly or substantially residential.

1-27 Barclay Road with bedrooms to the rear, so facing Access Storage facility; Broadway Mansions on Effie Road with bedrooms to the rear ie facing Access Storage; flats in 11 Bank Buildings on Fulham Broadway with bedrooms to the rear, ie facing Access Storage. and Flats in Argon Mews (new build) with bedrooms facing Access Storage.

The Licensing Policy of LBHF specifically states in Section 22 Consideration of our Residents:

**"22.3 Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures in place by the applicant in order to ensure our residents are protected from the potential detrimental effects of any licensed premises."**

**On this point of highly dense residential area alone, we believe the License should be refused.**

**There are other storage/office facilities in Fulham that are in more developed business areas where the noise and nuisance would not be noticed as much by residents.**

Public Safety in the area

The ingress/egress into 21 Effie Road, which is off Effie Road down a narrow single file alley-type drive, is very narrow and the outlook/angles are very dangerous. The Applicant has not addressed this important Public Safety issue.

I have asked LBHF RA Highways to address this issue directly to the Committee.

I asked, through the Licensing Officer, for an operating plan and a traffic/vehicular plan, but the Applicant did not contact me, nor supply these to the Licensing Officer. Lack of cooperation should be addressed by the Licensing Committee to the Applicant.

If the Licensing Committee decides to grant the license, we ask for ONLY electric ie absolutely proven, silent vehicles to be used at any and all times, that deliveries be to residential and business addresses only, not parks, bus stops, playgrounds, sports grounds or facilities, health clubs, tennis courts, schools, etc. That delivery drivers are prohibited from congregating in the loading bay area/entrance/exit into the facility.

How can the Committee make a decision without a traffic plan and an 'click and deliver' operating plan (to understand how many deliveries will be made and at what times and thus the noise nuisance consequences and public safety consequences on the public highway at Effie Road and from Argon Mews with blind spots left and right out to Fulham Road)? This relates to two of the four Licensing objectives, namely Public Safety as well as Disorder in adjoining roads.

#### Related issues: Planning

There is no planning permission for potentially high volumes of traffic at Access Storage, 21 Effie Road. SW6 1EN. In fact, it is required to follow strict LBHF Council environmental traffic objectives; no commuting but on foot or bicycle etc, essentially, almost zero vehicular movement.

There are four parking spaces that are always full.

There are no dedicated spaces for delivery scooters, a safety issue that should concern the Licensing Committee.

The Access Storage facility does not enjoy Planning Permission for 24 hour use. It has closed at 6pm for many years, and opened at 8am or 8:30. Hours are shorter on Sundays, and have been for many years.

The Responsible Authority, Planning, is addressing these issues in a Representation.

#### Crime and Disorder

We also suggest that CCTV should be inside the unit so that Police can regularly check what goes on in this 'ghost' Premises. The applicant is counting only on the CCTV of Access Storage which covers only hallways and exterior areas. That would be similar to only asking for CCTV outside a Licensed Premises. Licensed Premises need CCTV inside, just as is required in a pub, a shop etc.

This address, 21 Effie Road is part of the Fulham Broadway Cumulative Impact Policy Zone (CIPzone) established in 2008. Looking at the map, this portion of Effie Road is included.

Although this CIP Zone has technically lapsed due to COVID, whereby Premises were closed and thus the inability of RAs to therefore gather current evidence, the LBHF Licensing Policy still allows for consideration of density and impact of new Licenses, especially in residential areas. I call on the Committee to consider section 6.5 of their Policy:

**"The absence of a special policy in other areas does not prevent any Responsible Authority or other persons from making representations on the grounds that the premises will give rise to a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives (The Secretary of State's Guidance – March 2015)."**

Delivery issues as they relate to the Four Licensing Objectives:

The Applicant will not receive permission to stack a number of vehicles at this facility because the planning permission 2015/04542 won't allow it, so the Applicant would be forced to use third-party delivery services.

We note that third-party/Deliveroo-type drivers are rarely official Personal License holders as defined by the 2003 Licensing Act.

They are not employed by the proposed Premises. They are not under the supervision of the proposed Premises.

They are not trained in recognizing the signs of drunk customers, nor checking ID, challenging age etc.

They are not trained in refusing to hand over alcohol to drunk customers who have already paid for their order. Nor are they motivated to do so;

1) their job is to deliver, only. Yes, Deliveroo claims on its website that it can offer challenge 18 age delivery, but this is a claim. It is not related to the 2003 Act. It is a foil. Nowhere does Deliveroo mention the 2003 Act, and for good reason; their claims have nothing to do with the 2003 Act; their claims might be related to convention, but they are not related to the law!

2) why should a Deliveroo-type driver put him/herself in danger with someone who is most likely intoxicated?

This loophole in the 2003 Act requires very careful consideration of granting a license such as this one in this specific dense residential area of Effie Road/Barclay Road SW6, just off Fulham Broadway.

For these reasons alone, the delivery personnel cannot meet the objectives of the Four Licensing Objectives because the delivery personell of a third party have no legal obligation to uphold the Four Licensing Objectives. Those drivers are neither trained nor do they have a Personal License, nor are they employed by the Applicant, nor are they under any kind of 'on Premises' supervision by the Applicant, as would be envisioned by the 2003 Act.

Please refuse this Application 2021/01376/LAPR.

Thank you.

Charlotte Dexter, in my name and for and with Barclay Road Residents

**From:** Gareth Hughes  
**Sent:** 07 December 2021 15:21  
**To:** Overton Adrian: H&F; Licensing HF: H&F  
**Cc:** Charlotte Dexter  
**Subject:** Application 2021/01376/LAPR-21 Effie Road London SW16 1EN

Dear Adrian

Hope you are well.

Please find attached letter from this firm on behalf of our client Charlotte Dexter and other residents upon whose behalf she is authorised to speak in this application.

This letter supports our client's submissions and we ask that it also be treated as an addendum to those earlier representations. We reserve the right to refer to any of the matters set out in this letter at any hearing.

We are unable to send this via the council's website as it will only allow 5000 characters and this is a larger document.

Please kindly acknowledge safe receipt of this letter and email which is sent within the time period set down for consultation.

Kind regards

Gareth  
**Gareth Hughes | Partner**