

London Borough of Hammersmith  
& Fulham  
Licensing Authority  
(by email)

Your ref:  
Our ref: GH/DEX4/2  
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7 December 2021

Dear Sirs,

**Re: Application 2021/01376/LAPR-21 Effie Road London SW16 1EN**

We are instructed to write to you on behalf of Ms Charlotte Dexter of Barclay Road which is immediately adjacent to the proposed licensed premises.

Our client has already submitted a detailed representation earlier during consultation and the matters we raise are in confirmation of, or in addition to, those issues which she has already raised with the licensing authority. We reserve the right to expand on these issues at any licensing committee hearing which may be required in due course.

We support the representation by Charlotte Dexter in respect of the cumulative impact policy in this area. Whilst it may be that the policy currently lies dormant because of the inability to collect evidence during the pandemic to support a review, it is nonetheless the very real situation on the ground that all the problems that have occurred over many years in the immediate around Fulham Broadway and Effie Road and Barclay Road are still present and still need a cumulative impact policy to control the increase in these numbers. Our client has made and will make submissions on the reintroduction of the policy as the matter progresses in 2022. Nonetheless, we would submit that our client is entitled to argue cumulative impact within the area and that the introduction of yet another licensed premises, very close to her own address and that of several other residents on whose behalf she has authority to speak can only cause increased antisocial behaviour, noise, nuisance and crime and disorder as well as harm to public safety.

With regard to the specific application we would submit the following points:-

1. We have represented many applicants on storage facilities and oppose such applications, but we are yet to see such an application presented to a licensing authority without a detailed transport assessment or report by expert transport consultants. This application seeks a 24-hour licence to provide off-sales to those apparently 'phoning in' to make orders. However, it gives no indication of the sheer volumes of custom that may be expected at the site and if it does exceedingly well, which in the current pandemic may be the case, then

there is a very high risk of motorbikes and other vehicles attending the premises on a very frequent basis throughout the day. During the sensitive hours of the evening this could be particularly problematic with comings and goings every few minutes, causing severe difficulties for those residents whose bedrooms face onto the site. This includes our client and many others living in Barclay Road.

It is our submission that for this reason alone the application should be refused outright on the basis that the licensing authority or the members sitting on the committee to determine the application can have no idea as to the levels of custom that may be anticipated in an average 24-hour day. Similar projects upon which this firm have worked in the past have involved motorbike movements every one to two minutes throughout a 24-hour day and it goes without saying that this would cause intolerable difficulties and disturbance to the local residents.

In all the circumstances, the licensing authority and/or the licensing committee are invited to reject this application on this basis alone. This is not a normal restaurant or public house application where capacities are known, and hours are also known. This is a 24-hour proposal providing no indication of the numbers of comings and goings that may occur throughout any day. In the absence of this data, it is impossible in our submission for any committee, properly directing itself to come to a view about the application one way or the other.

2. Our clients are extremely concerned about matters concerning the immediacy of the service on offer.

There is no management plan placed in as part of the application and it is impossible, therefore, to come to a view on the kind of custom that the premises will expect. We have no indication as to whether people will be arriving at the premises in order to pick up alcohol, having already pre-ordered it via telephone. For example, there is a distinct probability that members of the public could order from this site on a mobile 'phone and come to collect it at the site and then drink the purchased alcohol in the streets around the areas where our client lives. As the licensing authority and committee will know, this can only lead to antisocial behaviour, noise and disturbance, particularly during sensitive hours of the morning after 11pm at night and before 8am. It could also cause a significant degree of difficulty for local residents even during daylight hours and in the absence of such a management report, it is again submitted that the committee is not in a position to be able to determine this application. In those circumstances, it is our submission that the application be refused.

3. There is no indication as to whom will be making the deliveries.

It is unclear whether this will be employees of the proposed licence holder or those of standard delivery companies such as Deliveroo or Uber or other third-party concerns. As a result, we are unable to be satisfied of the training and the policies that are in place with specific regard to the employment of such delivery companies and their drivers.

4. Training of staff



There is no indication within the application that we have seen that staff will be trained in the sale of alcohol to people over a telephone line or the internet.

Staff in other licensed premises which authorise on-sales are all trained in the relevant provisions of the Licensing Act 2003 and local licensing policies as well as conditions on a premise's licence. It is not clear how that will happen in this particular case and who will be delivering that training.

5. The security of the site

Given that there will be substantial quantities of alcohol in storage at the site for onward sale, there is a concern over the security of the site and its possible attraction to criminal elements. Again, no indication is given as to the provision of CCTV both externally for coverage of entrances and exits and internally to ensure that alcohol is being prepared in the proper manner and that no members of the general public are having access and consuming alcohol within.

6. No indication is provided as to whom any sales will be made and there is a risk that allcomers will turn up in the street to attempt to buy alcohol perhaps on a mobile 'phone and collect it there and then. If this be the case, then it is to be assumed that some street drinking will take place with all the consequent disturbance that that will cause to local residents in Effie Road and Barclay Road in particular.

7. There is no evidence provided about the numbers of vehicles that will be attending the premises throughout the day and whether those vehicles will be petrol fuelled or electric. If all the vehicles are general motorbikes, then there will be substantial noise disturbance with all the comings and goings throughout the day and this new and expanded activity within this densely populated area of residents will also contribute to the noise and disturbance they will endure.

8. Our client and other local residents are concerned about staff working throughout the night and using external areas for smoking and no undertakings or assurances have been provided in this respect, particularly in view of the fact that the premises face onto nearly all the bedrooms within the street.

9. Weight of traffic

There is considerable concern that many of those drivers on motorbikes will circle the area in an attempt to locate the premises causing further noise, nuisance and disturbance to local residents throughout the day and particularly the night. Again, there is no transport assessment or management plan to indicate how this will be addressed.

We invite the licensing committee to have regard to all of the above matters as well as those already set out in the representation submitted by our client at the start of consultation.

This is an inadequate and ill-thought through application and for all the reasons set out above should, in our submission, be rejected.



Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Gareth Hughes', with a long horizontal flourish underneath.

**Gareth Hughes - Barrister**  
**Partner**  
**Keystone Law**

