

**From:** Charlotte Dexter  
**Sent:** 10 January 2022 01:52  
**To:** Dimitriou Maria: H&F  
**Cc:** Gareth Hughes  
**Subject:** Fwd: Addendum nr 2 Charlotte Dexter 2021/01376/LAPR Unit 4225 21 Effie Road Access Storage

**Addendum nr 2 Charlotte Dexter, resident of Barclay Road ref: 2021/01376/LAPR Unit 4225 21 Effie Road SW61EN Access Storage**

Herewith, I am submitting today 8 Jan 2022 for the Addenda to the Agenda Pack this outline of the verbal summary comments I plan to make at the hearing on 13 Jan 2022.

My representative, Gareth Hughes, will also be making comments on my behalf, as I am also representing many neighbours, as set out in the pack and in those neighbours' individual Representations.

The Applicant has applied to run a 24 hour alcohol off license 'ghost Premises -in the wrong facility for a 'hack ghost Premises to sell 'off Premises', -in the wrong residential neighbourhood, -in the wrong part of Fulham.

Paragraph 14.8 of the LBHF Licensing Policy states:  
“The Licensing Authority may refuse to grant a licence if a representation from the Planning Department has been received and one or more of the licensing objectives would not be promoted.”

Indeed, the Lic Authority has received a representation from Planning. Indeed, one or more of the four licensing objectives would not be promoted; specifically, but not limited to the Licensing Objective called The Prevention of Public Nuisance.

**On these grounds alone the Licensing Authority has the power to refuse the Application. We ask the Lic Comm to refuse the Application, as per 14.8**

The above is further supported by a further Representation of The Responsible Authority (RA) Environmental Noise and Nuisance.

The Applicant has stated in correspondence to this RA that he cannot control contractors that he uses--he specifically mentioned Deliveroo and UberEATS-- and/or similar drivers/services, and so the Applicant states that he cannot agree with the RA's suggested Conditions.

**We ask the Lic Comm to refuse the application on these grounds as well.**

The prevention of Public Nuisance (THE LBHF LIC POLICY 10. onwards)

The Applicant has not addressed the points under 10.3 namely, numbers of customers, ie deliveries per hour/day/week, proximity of residential accommodation,

steps that will be taken to prevent disturbance, associated disturbance from associated vehicular and pedestrian movement to and from the premises, arrangement for refuse (Access Storage does not provide this and for reasons of amenity of residents the planning permission does not allow any ongoing extra refuse collection but for Access's own office purposes), any other issues, (such as not allowing customers to come to the facility to return purchases).

The Applicant has not addressed THE LBHF LIC POLICY 15.11 The prevention of public nuisance, bullet point 1 re deliveries and collections, which are the essence of his business ie delivering alcohol purchased at two to three times the normal suggested retail price at any time but especially during times when other off-license Premises such as supermarkets, wine shops, beer shops, and local off license shops are closed.

“... 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.”

Residential Consideration:

THE LBHF LIC POLICY states at 1.9 that

'We have given the protection of local residents whose lives can be blighted by disturbance and antisocial behaviour associated with some of the people visiting places of entertainment a central place in our strategy.

3.11 states that

'the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Lic Objectives.'

We ask the Lic Committee to consider that sleeping and attempting to get to sleep is a 'normal activity' in this residential area that completely surrounds the storage facility at 21 Effie Road.

The rumble and associated nuisance of many, many Deliveroos and UberEATS drivers/two/three-wheelers will cause great nuisance to all residents and impede the traffic flow on the public highway, especially from 19:30 when parents try to get their children to bed.

N.B. no cars, vans, any four wheelers with big headlights which would blast light into our bedrooms. This would need to be Conditioned, although we are asking that the License not be granted.

Below we list all the residential flats and houses that encircle this storage facility. It is an overly predominantly residential area with light mixed use of the BIMM music school, a 'We Work type ground floor office space on Effie Road, totally residential on Barclay Road, and the residential flats above all commercial buildings facing Fulham Broadway and Fulham Road.

You can easily see from Google maps that 21 Effie Road SW6 1EN is totally encircled by residential, 99 percent, in fact.

The Applicant apparently cannot find a place in Fulham to operate from 24 hours a day, so he has decided to try to do it out of a storage facility 'hack' Premises. This storage facility (and actually every storage facilities in Fulham) does not enjoy 24 hour access, because of the dense residential nature of where this facility is located. The Responsible Authority, Planning, has made that clear in its Representation to this Lic Committee.

The actual closing hour is 18:00; The allowed hours in the Planning Permission are until 10pm and earlier on Sundays, for reasons of amenity of residents:

--the 85 neighbours in the terraced houses who brick party wall fence backs directly onto this storage facility of 1,3a,b,c,d,5,5a,7, 9,11,13,15,17,19,21,23,25,27 Barclay Road, to the west/northwest

--the 17 neighbours in the 7 flats of floors 1 and 2 of Broadway Mansions, Effie Road, backing onto this storage facility on the east side

--the 2 neighbours in the 1st/2nd floor flat of 14 Fulham Broadway/at Argon Mews, overlooking the storage facility from the north

--the 25 plus neighbours in flats on floors 1,2,and 3 of 11 Bank Buildings, Fulham Broadway, the flats above Kinleigh Folkard Estate Agents and above Bodeen's eatery.

All of the above back on to the storage facility, in almost a circular-type fashion, and its car park/turning area, and are in site and sound/hearing of its newly built (2020) loading bay of the Access Storage expanded facility (new brick, windowless storage facility that is NOT climate controlled).

In addition, on Effie Road and Effie Place there are 9 flats facing 8-10 Effie Road in the old print works, and 4 flats in 2 terraced houses in Effie Place, numbers 1 and 2 Effie Place, who experience already much nuisance from delivery drivers congregating in Effie Road and Effie Place. More drivers would be present when they use the very narrow one lane ingress/egress at Effie Road to access the Access Storage area/21 Effie Road SW6 1EN--to the rear of Effie Road --please see Google Maps. This is another noise and nuisance opportunity that needs to be stopped before it starts.

#### Consideration of our Residents (THE LBHF LIC POLICY 22. onwards)

The Applicant has made no comments regarding these important points set out in the LP and in our Representations and my addendum to my Representation on my behalf and on behalf of other residents.

As mere residents, I'd like to point out that it seems obvious to us that anyone willing to pay two to three times the normal cost for a full bottle of alcohol to be delivered to them mainly at late hours must be quite desperate to have a drink, or two or three or even the whole bottle, or two bottles or more.

Question:

We ask the Lic Authority and the Lic Committee; how can such a business premise begin to uphold the four Licensing Objectives of the 2003 Licensing Act in this area of Fulham? We are interested in the answer to this question.

**CONCLUSION/residents, amenity etc**

**In light of all of the above regarding residential considerations, protection of local residents and residential amenity, supported by both the RA Planning as well as the RA Noise and Nuisance, and a Representation from the RA Child Safeguarding, we ask that the Lic Committee refuse the Application.**

Cumulative Impact

I would like to reiterate that although the Fulham Broadway Cumulative Impact Policy zone is in limbo, due to Covid, THE LBHF LIC POLICY and the Secretary of State's 2018 Guidance gives the Lic Authority and the Lic Committee the full power to take the cumulative impact of a new Lic Application into consideration.

This Application will add to the many noise, nuisance, crime and disorder problems that we already have from Licensed Premises in and around Fulham Broadway and lower Fulham Road (490 Fulham Road and 51 Fulham Broadway in particular). It is not in the interest of residents to have businesses that plan to zoom around Fulham in the late and early hours, assisting those willing to pay two or three times the normal price for a bottle of strong gin, whisky etc to satisfy their alcoholic indulgences.

**CONCLUSION/ cumulative impact**

**Please use your full power to take the cumulative impact of this new Application in the Fulham Broadway area into consideration and refuse the Application for a license.**

The storage facility to be used as an off license Premises

The storage facility at 21 Effie Road SW6 1EN offers passive storage in a windowless building with no heat, no air circulation, no electrical outlets in the units themselves and no cctv inside the actual storage units.

This storage facility closes at 18:00 hours and has done so for many years, with its double iron gate locked, leaving no access to the facility for those who are passively storing their possessions in this passive storage facility.

Unit 4225, and all the units for that matter, is not fit for the purposes planned by the Applicant.

I asked to have the Applicant contact me three times to explain his business plan.

Unfortunately, although the Licensing officer did pass my requests on to the Applicant, the Applicant did not contact me by email, phone or text.

A bad omen indeed; residents would need to meet at least twice a year with this type of Premises, along with Responsible Authorities, to keep problems of noise and nuisance as well as possible traffic violations, ingress/egress problems, crimes (delivery drivers are known for their involvement in such matters)

The business model; pay 2 to 3 times the regular price for a bottle of alcohol

I understand that the business model is to sell 0.5, 0.7 and 1.0 liter bottles of whisky, gin etc at 2 to three times the prices sold at Sainsbury's plus delivery charges (or 'deals' such as 3 for 2 or 'no delivery charge'--totally contrary to the LBHF policy of no drinks promotions). I see on the internet that the name of the Applicant is associated with a similar business in Basingstoke. I note that the photos and well as descriptions of the bottles do not include the size of the bottle; very concerning.

This Basingstoke problem of not stating clearly the size of the bottle is not a matter for the LBHF Lic Comm but I did want to point it out in relation to the LBHF Licensing Policy 4.1 (Ban irresponsible drinks promotions) as well as 8.3 (supply of discounted alcohol) etc. Specific Conditions would need to be needed, and 'free' delivery should not be used as a cheaper way to buy the overpriced alcohol.

Clearly, the business would run at full tilt and would make the most money when other shops in the Fulham Broadway area were not open to sell alcohol.

Also, one can also assume that, as with Amazon, once you have ordered one time, you could push a click-once-to-order button the next time, to make it quick and easy to order without too much fumbling (quite useful for those who are overly refreshed with too much alcohol already having been consumed, and thus these types of customers crave more alcohol).

So how would this business run out of a storage bin at 21 Effie Road?

The Applicant has not explained the answer, but we can assume the following; an operator/employee sits in the freezing cold storage unit in January, at a small table perhaps, with no CCTV inside the unit, as is usually the case for licensed Premises, surrounded by bottles of whiskey, gin, etc and bags for packaging, processes orders  
-by internet (via a battery-operated laptop one presumes, as there are no electrical outlets)  
-by mobile telephone, and  
-by presumably battery-operated Deliveroo and UberEATS processing terminals, packing up the goods and handing them over to Deliveroo or UberEATS drivers who will be congregating outside the storage unit/facility, or arriving on demand.

These drivers are not License holders under the 2003 Lic Act.

They collect and zoom off to the purchaser who is anxiously awaiting 'a bottle or two' that he/she can't buy at the shops because they are not selling at these late hours, plus perhaps cigarettes, balloons and nitrous oxide mini canisters, all legal accompaniments that these types of Premises sell when offering 24/hr alcohol delivery.

Deliveroo mentions on its website that it can offer an ID check, but it cannot presume to offer a check of whether or not a person is drunk and take the decision not to hand over the goods; even then, there is no motivation for the driver to check an ID seriously--it could lead to altercations--why bother? Altercations lead to crime and disorder.

### No lawful planning use

The Applicant has not followed the advice of the Lic Comm to demonstrate lawful planning use as set out in THE LBHF LIC POLICY 5.4.

The Applicant has shown no effort in setting out, as the Secretary of State's Guidance requires, 'the steps they propose to take to promote the licensing objectives as stated in 3.9 of the LBHF Licensing Policy July 2017-2022 ('THE LBHF LIC POLICY'), as it relates to

--'the local area and proximity to residential premises,'

--'as well as to voluntary schemes' (for instance, volunteering not to offer for sale or give-away balloons, nitrous oxide canisters of any size and similar goods)

--'persons who are already drunk' THE LP 8.8

Under 12.1, we do not see evidence of a full Risk Assessment.

### Football Conditions

THE LBHF LIC POLICY 4.3-4.7 Further, there is no mention of football match days sales. This would need very, very careful consideration by the Lic Comm as the Applicant has given it no thought, apparently. A total ban on sales before during and after local games at Chelsea and at Fulham should be imposed in the strongest Conditions possible, were the Lic Committee minded to grant the License (which we hope it does not).

The Applicant has not addressed under THE LIC POLICY 15.11 bullet point 2, drinks promotions and point 1,0 waste and point 11, litter (of drivers hanging around waiting to collect orders). Many Conditions would need to be agreed here that are specific to this type of 'new-ish' online business where drink is sold at a premium. Any offers of 3 for 2, coupons, points, deals or free delivery would be in direct contradiction of the LBHF Licensing Policy.

### Final conclusion:

The Application is for the wrong business model in the wrong facility, in the wrong residential neighbourhood in the wrong part of Fulham.

Please refuse this application for all the reasons given above, given by many other very concerned and sincere residents, and most importantly, given by other Responsible Authorities.

//end// 8 January 2022