

**From:** Charlotte Dexter  
**Sent:** 18 October 2022 17:34  
**To:** Layug Karen: H&F  
**Subject:** 308 Wandsworth Bridge Road Premises Application 2022/01033/LAPR

I am responding to the HEARING NOTE of Mr Roy Light. St John's Chambers, on pages 5,6,7, and 8 of ANNEX 4 of the Agenda Pack for Best One 308 Wandsworth Bridge Road 2022/01033/LAPR.

Mr Light makes points about misunderstandings in the representations made. Yes. There was much confusion about Indoor only, which at the last minute, was corrected in the Licensing Register to Indoor and Outdoor for Late Night Refreshment. It was impossible to amend Representations. We are waiting for the Licensing Authority's outside counsel to comment on ways forward in the future about this very situation when mistakes are made but the 2003 Act/ 2018 gives no guidance.

Yes, Mr Light, I named this Premises as a hard working Post Office, grocery, etc. Praise is due where praise is due, for shop that keeps somewhat sociable hours.

Our main concern as residents and Ward Panels representing residents is the seemingly small, but significant request to expand both opening hours and hours for the sale of alcohol, as well as expand by one hour the sale of Late Night Refreshment (Hot Food).

We are concerned about 'hours creep' in this very dense residential area

Wandsworth Bridge Road is a very busy road leading to and from the Bridge. Almost all of the Victorian terraced houses on this part of WBR and on this side, surrounding the Premises, are converted flats—usually 3 or 4 flats per house.

One more hour till midnight, 7 days a week, means one more hour of customers coming and going, making noise, speaking on their phones; this is disturbing to those trying to sleep at night.

Two more hours early in the morning, from 06:00-08:00 (vs opening now and selling alcohol from 08:00, 10:00 on Sundays) will only add to noise and disturbance of those entering and exiting the shop, as well as and especially from taxis and others who stop in front of the Premises, close/and often slam their vehicle door shut, and pop into the Premises for supplies. The prevention of noise nuisance cannot be upheld consistently, in any way during the requested extended hours. Before 23:00 people have to put with with the noise described. Before 08:00 people are not expecting to hear the noise described. This is quite obvious, and perhaps therefore a Rep from the Env Nuisance team was not necessary as it is not expert opinion that is needed here, it is simply the facts as known and experienced by residents.

We do not see any explanation for how the Premises will prevent such Noise and Nuisance during these requested extended hours from 23:00 to midnight and from a new 6am opening, vs the present 8am opening. The fact is that there is hardly any way to prevent such noise, except to keep hours to reasonable hours for the neighbourhood. It is for this reason that the Council goes into great detail in their Licensing Policy about "population densities in this borough are high" (Policy 11, page 30) and 'residential premises located above or in close proximity to licensed premises.'

Hours Guidelines

The Council sets out, as a guide, 'suggested closing times for licensed premises' in a chart on pages 20/21 of their Licensing Policy and on page 58 of the Agenda Pack: Late night refreshment in residential area is described as 'Not considered appropriate' ie 23:00 is the magic hour for closing;

and in Mixed use areas as Fri-Sat 00:30 and Sunday 23:30. This part of Wandsworth Bridge Road falls into both categories, thus the 23:00 closing at present seems reasonable and tempered for this very residential part of WBR.

#### Signage does not work

Signage is suggested in the list of Conditions offered, asking people to respect neighbours (who are sleeping). We all know that no one reads signs, let alone acts upon them. Requiring by Condition the posting of such signs is an easy way of saying, 'done that'; our residents and their right to sleep is paramount to a thriving Borough. Sleep makes for people who awake refreshed.

This Council is working hard to promote Responsible Drinking.

Unfortunately, those who buy alcohol in the early hours of the morning, especially from off-licenses, can tend to be people who are quite desperate for an alcoholic drink. They are, in almost all cases, not buying supplies for a family picnic. Why give people a chance to buy alcohol at 6am?

The Ward Panel Chair for Sands End, wrote specifically about this in his Representation. He wrote, in part:

"This is clearly designed to capture the trade from pub goers. As such it is highly likely that those prospective buyers of alcohol and more not less likely to be inebriated and therefore are more not less likely to behaviour in an anti social manner. Given this is predominately a residential area; I see no reason for the area to trade off residential tranquility at the expense of what is only of minor commercial benefit to the owner, but could be of get detriment to the local residents."

This Borough (LBHF) has set out very specific Policy Considerations in their LBHF Licensing Policy 2022-2027 under Section 5. Policy Considerations. These points are set out in the Agenda Pack for this hearing on pages 57-61. 'Thwaites' decision of 2008 submitted by Mr Roy Light, is not a reason for all hours at any time, anywhere. Nor is it reason not to listen to residents and their evidence. Experts are experts, yes, but we live here and are experts in our neighborhoods about what goes on around us.

The evidence presented by Ward Panels and my resident association encompasses the very residences and their residents above, to the side and around the Premises. The fact that the area is so densely populated is the evidence, in and of itself, for the need to consider restricting ie not expanding hours around 308 WBR. The Licensing Policy states this 'evidence' very clearly. Google Maps shows it.

Since this Thwaites 2008 high court decision Licensing Authorities in London have developed many policies to assist them in evaluating the potential detrimental effects of licensed premises, especially as these relate to residents. Waiting for the bad things to happen, to build up into more crime, more disorder, more nuisance, to the point that it takes years to unwind the problems, is not the intent of Thwaites decision.

Residents around 308 WBR are counting on these very policies to protect them.

As stated in Policy 22, page 30 of the LBHF Licensing Policy, our Borough works hard "to place high regard on the control measures put in place by an applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises."

Our Representations set out clearly the need to protect residents from the potential detrimental effects of one more hours of opening, one more hours of selling alcohol until midnight and two more hours to sell alcohol from 06:00 vs the existing 08:00.

The fact that the Police and Env Noise/Nuisance did not make a Representation should not belittle the concerns and needs of residents, especially after 23:00, as well as at 06:00, when children and adults are trying to sleep in the very houses around 308 WBR.

#### Your POINT 5

Representations were made using the old Ward boundaries because the Met Police had announced that it was going to use the old boundaries until the end of 2022; later it was announced that efforts would be sped up. Thus, for the new Ward of Palace and Hurlingham, there was not yet (and there still is not) a newly constituted Ward Panel. These Panels include the local police Safer Neighbourhood teams, with locally elected representatives from the Ward, following a Constitution and a Met Police Framework. I am sorry that Mr Light was not aware of this. I attach a 2-page PDF explaining this from the Mayor of London's office, dated 13 September 2022. The Representation made by the Sands End Ward Panel Chair, Mr JC Cooper is valid.

#### Anonymity is becoming a problem for residents:

We are learning that residents and businesses are fearful of making Representations due to the somewhat arcane rules of the almost pre-data protection era of the 2003 Licensing Act. People no longer want to show their names and street names. They would rather that Ward Panels represent their interests. We are also working with the Licensing Authority on this very point and looking at solutions developed by other London Boroughs Councils.

Ward Panel Chairs/Co-Chairs and some Ward Panel members are willing to put their names in the public domain, for the sake of the community's best interests, regarding Prevention of Crime, Disorder and Anti-social Behaviour, as well as Prevention of Noise and Nuisance, Promoting Public Safety and Protecting Children from Harm.

A person who lives next door to BestOne ask me to make her points for her.

#### Deliveries: Conditions needed

Point 11 states that there will not be deliveries of hot food.

a) We would appreciate a Condition which makes this clear.

Should the Applicant wish to start delivering hot food after 23:00 (should the Sub-Committee decide to grant a licence for after 23:00), he could apply for this separately.

b) Alcohol deliveries are not a big business now for the Premises., Mr Light explains This could change. Uber and Deliveroo are very aggressive in their marketing approach to small off-licenses. Therefore, now is the time for Conditions that will help to Prevent Public Nuisance of noise and emissions from any deliveries by this Premises

#### List of agreed/offered Conditions re Best One.

On page 76 of the Application there are 15 Conditions that Mr Light refers to in his Hearing Note

I would like to point out to the Sub-Committee that there are further Conditions offered on pages 77 and 78 under the ways in which the Premises will uphold the Lic Objectives.

#### Further Conditions

Residents would like to suggest the following, should the licence be granted with some form of hours extension:

1) Point 7, page 76. That no beer stronger than 5.5% be sold at any time.

This will prevent disorder, should a rather well refreshed customer grab a high strength beer and then be refused sale after 23:00 because it is too strong. Simplification seemed to be the goal stated

in 9. (2) of the Hearing Note and this would certainly simply things and lessen any potential disorder problems, as stated.

2) Ward Panels are aware of an increased reluctance of Premises to ring 999/Police when there is an incident at or around their Premises. The Police are unaware of many incidences at Premises in Fulham because of this lack of reporting. Policing is data driven. In short, they tell us, No info,/data No problems.

Working with new applications for alcohol licensed premises and the Council Lic Authority, we now have approved, enforceable language for Conditions that will add to the Prevention of Crime and Disorder and work in favor of upholding Public Safety as well as Preventing Nuisance; we ask that these Conditions be added to the licence

- *Every incident of crime or disorder on, or in the vicinity of the Premises shall be reported immediately to the police by the Designated Premises Supervisor or a nominated member of staff. A record of incidents of crime or disorder reported shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police. (This supports the promotion of the Lic Objective to Prevent Crime and Disorder)*
- The Designated Premises Supervisor and all members of staff shall ensure that all lawful and reasonable instructions and/or directions given by the police are complied with.
- *Delivery drivers at any and all times shall only use zero emission 2-wheeled vehicles with registration number plates. (This supports the Lic Objective Prevention of Nuisance, both emissions nuisance as well as noise nuisance; and Crime and Disorder in that registration plates make it possible for Police to track vehicles)*
- *A responsible member of staff shall carry out proactive litter patrols outside the premises at least 3 times throughout the premises' opening hours and specifically at the end of trading hours to ensure that there is no litter associated with the premises in the immediate vicinity and any such litter found shall be collected and returned to the premises for disposal with the premises' normal waste / refuse collection. (This supports Prevention of nuisance)*

### 3) Nitrous Oxide trends on Wandsworth Bridge Road

I attach a NextDoor app alert of 31 July about this which explains this growing problem on Wandsworth Bridge Road. This is another reasons that hours after 23:00 for this Premises could lead to more custom for alcohol; imagine, several people standing out front drinking and 'doing' balloons and running inside to buy alcohol. This is a very real possibility as it is happening not far away. Unfortunately, these activities spread when they are not driven out of the area. There is no active police patrolling on WBR. The LET teams are out there, but can do very little, they tell us.

The Responsible Authority Police, as well as Environmental Nuisance have told us that they have observed these N2O gangs and made file notes about their observations, but there is little that they can do. The Police are looking into the resale of alcohol on the pavement.

We also ask that the Premises not sell Nitrous Oxide in any form and not sell balloons at any time. This relates to an unfortunate growing trend of the use of Nitrous Oxide balloons on the WBR, not far from the Premises. We know from areas close by in SW6 that off-licenses have voluntarily stopped selling balloons as well as the small N2O canisters (for making whipped cream, traditionally). This was a big topic at a recent Ward Panel meeting, where it was explained that gangs come to the area to fill and sell balloons; they also re-sell alcohol on the pavement.

In summary, we believe that the LBHF Licensing Policy works hard to protect residents by encouraging Premises to consider the needs of residents directly around the Premises, in the Premises' effort to promote the Licensing Objectives.

We are very concerned about the growing trend of the nitrous oxide parties on the pavement and in the surrounds of local shops on this very road.

Delivery adds new nuisance and noise to any Premises and surrounds. Conditions are paramount to upholding the Lic Objectives then the Premises entrusts their sale of alcohol to a third party delivery service.

We believe that the so-called 'moderate' extension of hours at night will not prevent crime and disorder, nor will an extension of hours till midnight or rolled back from 8am to 6am add to the calm of the early morning. Hours creep sets in and sooner or later the Premises will be asking for longer hours into the small hours.

We ask the Sub-Committee to reject the application.

Thank you. Charlotte Dexter

