

Rihan Valley Ltd - 2022/01090/LAPR – Representations list

Representation 1 - Noise and Nuisance – OBJECTION

From: Rawlinson James: H&F

Sent: 31 August 2022 15:37

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: RE: UPDATED | Premises Licence Application for Rihan Valley LTD 98A North End Road London W14 9EX

Resident Services

Hammersmith & Fulham Council

Comments

Having reviewed this application with regards to the context of the times requested, the location, and with regards to the current opening times of other premises of a similar nature along North End Road, noise and nuisance recommend refusal on the basis of upholding the Licensing Act Objective of Prevention of Public Nuisance. With careful consideration of the aforementioned local context, is it considered by this department that allowing this premises to open until 2 am would both increase noise and late night antisocial behaviour in a mixed commercial and residential area.

Furthermore, it is noted from the operating schedule that the applicants response to dealing with the prevention of public nuisance is to "keep noise levels down". Not only is this insufficient, it demonstrates a distinct lack of appreciation of the noise and nuisance issues associated with the operation of late night venues such as this. On this basis, I then also have significant concern that any imposed conditions would be effectively adhered to.

Regards

James Rawlinson

Noise and Nuisance Officer

Representation 2 - Vitali Autukas – OBJECTION

From: noreply@lbhf.gov.uk <noreply@lbhf.gov.uk>

Sent: 20 July 2022 13:44

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: Comments for Licensing Application 2022/01090/LAPR

Beaumont Crescent
London
W14 9LX

Comments

Dear Council Team,

I hope you are well.

I am strongly objecting against this application as the business is only 63 meters away from my bedroom windows and permission to sell/serve alcohol outdoors till 2 am will cause severe noise pollution.

Thank you.

Kind regards,
Vitali Autukas

Follow up comment – following notification that the application was for late night refreshment and not the sale of alcohol

Thank you for update.

I have looked at this and I will keep my objection.

If the business will be open till 2 am, it means more motorcycles will be parking near Beaumont crescent causing additional noise. There are already so many delivery motorcycles parking near our home. Very often they are waiting there till the food is made and speak on their phones (including using loud speakers).

Also having this business open till 2 am will set the precedent for other business to do the same making living in the area unbearable due the noise.

I will add my comments to application.

Thank you,
Vitali

Representation 3 - Charlotte Dexter Murray – OBJECTION

From: Charlotte Dexter

Sent: 30 August 2022 12:28

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Cc:

Subject: Deadline Sept 1 2022/01090/LAPR: Rihan Valley LTD: 98A North End Road 02:00 closing time requested

Charlotte Dexter Murray
Barclay Rd
SW6 1EJ

Comments

Deadline Sept 1 2022/01090/LAPR: Rihan Valley LTD: 98A North End Road for 02:00 closing time

We oppose this application requesting hours to remain open in the North End Road until 02:00, on the grounds of Crime as well as Public safety and the Prevention of nuisance. We reserve our right to comment further on this application. We are working with other residents in Fulham and Kensington regarding Licensing Matters on North End Road.

The Applicant does not seem to understand that he is operating illegally when he operates every night after 23:00 without a 'Late Night Refreshment' (LNR) Licence. Between any hours of 23:00-05:00 he needs a Late Night Refreshment Licence. He does not have one.

He sells through walk-in custom and deliveries are mainly via Deliveroo and also sometimes through JustEats, offering delivery of 20-35 minutes, from the food leaving his shop to the point of sale at a residential or business residence.

He offers delivery until shortly before midnight, 23:45. So this means a delivery sale would complete by probably latest 00:25. See pdf attached of screen shots from the Deliveroo app.

The deadline for comments and Representations was extended another two weeks, to Sept 1, because the Applicant apparently had not understood that he needed to arrange for a printed advertisement in a local newspaper, although he signed the Licensing Application, stating that he did understand everything in the Application and that he had read on the application at the signature line that it is an offence to sign such an application if one makes false statements.

I visited this Premises around 17:00 on Saturday Aug 20, 2022 and purchased a lamb shawarma wrap for £7.00., with credit card receipt. I asked the man, who prepared my food, what time he was closing tonight and he said at 23:45 or later, depending on business, it might be later, but he would not close before 23:30. This is clearly in violation of the law, unfortunately.

98A North End Road is surrounded by shops at ground level and three to five storey residential flats in Victorian terraced houses above and expansive brick Edwardian mansion flats across, as well as on each side, and at the corner, and 100 percent residential dwellings that go to four and five storeys on the immediate side road of Castletown Road.

The last tubes going either way at nearby West Kensington tube station are at just after midnight. There is one N28 night bus passing through twice an hour.

One could conclude that after 23:00 there might be some walk-in trade to sit down at the approximately 16 seats available in booth-type configuration to the right side and rear of the shop. By midnight, it is probably all delivery trade as tubes are stopping, as are buses, but for the N28.

This area of North End Road is busy from early morning until 23:00 and to latest midnight. Those suffering from noise nuisance emissions of deliveries from 98A will be the hundreds of residents directly around the shop as well as thousands who hear delivery scooters zooming through Fulham's 100 percent residential roads.

The latest intelligence that we have regarding deliveries is that bicycles are becoming a preferred mode of food/alcohol delivery transport, not because they are quieter, but because they have no registration plate numbers and are therefore almost impossible to follow or trace; this relates to the unfortunate truth that delivery drivers and drug sales all too often go hand in hand, with this area of London being no exception.

Granting a Licence until 23:30 would give the Licensing Authority the ability to place Conditions on the Licence. That said, why would the Sub-Committee grant a Licence to someone who has been and continues to operate outside the law?

If the Sub-Committee does grant a LNR licence, we ask for the following Conditions:

1) "The Designated Premises Supervisor, or a personal licence holder (working at the time that the DPS is not present) will inform the Police of any incident of Crime and Disorder, immediately as the incident is occurring or immediately subsequently, by ringing 999 and requesting the CAD number (Computer Aided Dispatch) or CHS number (Criminal History Number) and obtaining, proactively, the subsequent Crime Reference number, these to be kept in a log readily available upon request by the Police or Lic Authority."

Why?

This Condition helps the neighbourhood. Many incidences in LBHF are not reported to the Police; Residents /the Police/Community Ward Panels are working to change that by such a Condition.

2) We have learned from the Lic Authority that the only time to stipulate Conditions regarding deliveries is immediately, as part of the license being granted.

As residents are keen supporters of eliminating Public Nuisance ie vehicle emissions nuisance, as well as noise emissions nuisance, especially in our 100% residential roads that fan out off all of the North End Road, and beyond, we support the Council's zero emissions aims and its Climate Vision 2030 etc. A Condition that the Applicant will use third-party delivery services that have registration plates is also important in fighting crime (delivery service drivers are unfortunately notorious for side businesses in drugs, thus bicycles are not ideal as they cannot be traced).

"To reduce the nuisance of vehicle emissions and noise emissions in residential roads, the Premises will use only third-party delivery services using silent, electric two-wheeled motorbikes with registration plates, at all times for all deliveries. The Premises will not use its own delivery vehicles nor will it use drones." (fyi: there is no planning permission for 98A to use its own vehicles).

3)We'd appreciate a Condition that states that "A designated member of staff shall collect litter from the pavement in front of the Premises, twice a day, and further as necessary, and keep a daily log of this."

Why?

This will go a long way in eliminating the build up of litter nuisance around this busy part of North End Road.

4) "Deliveries will only be made to official business addresses and known/legitimate residential addresses, not to parks, alleyways, bus stops, street corners etc."

The Application:

New premises licence Rihan Valley Ltd: The premises is a restaurant selling sandwiches, salads and fresh juices, the applicant wishes to propose a premises licence to cover the provision of late night refreshment. Licensable activities sought The provision of Late night refreshment – Both

Indoors and Outdoors. Days and times sought: Mondays to Sundays between the hours of 23:00 to 02:00. Proposed opening hours Mondays to Sundays between the hours of 11:00 to 02:00. For more details: <https://www.apps10.lbhf.gov.uk/holding/publicaccess.asp?>

Follow up comment

Tx for your correction, below, ie 'grant' of a new licence vs a 'variation' of an existing licence. On the surface, it would seem to be a 'variation' because they are trading consistently after 23:00, already, and are now asking for 02:00.

But, you are correct that it is an application for the 'grant' of a NEW licence because, although they need one, they don't have a licence to trade after 23:00, so they are trading illegally after 23:00.

They are not breaching a Condition of a licence, nor are they in breach of their licence, because they do not have a licence; none has ever been granted to them. It now makes sense to me. Tx for your patience.

They are breaking the law. Very straightforward.

Please add this email exchange, from you to me and from me to you, as an additional comment from me, so that the Sub-Committee is clear on this point of confusion. Thank you.

Barclay Road Conservation Area Neighbourhood Watch
Charlotte Dexter Murray

Representation 4 - John Skoulding - OBJECTION

From: John Skoulding

Sent: 30 August 2022 15:00

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Cc:

Subject: 2022/01090/LAPR: Rihan Valley LTD: 98A North End Road London W14 9EX

Tournay Road
London
SW6 7UF

Comments:

Dear Committee

I understand that the above application relates to a new premises licence, applicant Rihan Valley Ltd: The premises is a restaurant selling sandwiches, salads and fresh juices, the applicant wishes to propose a premises licence to cover the provision of late night refreshment. Licensable activities sought The provision of Late-night refreshment – Both Indoors and Outdoors. Days and times sought: Mondays to Sundays between the hours of 23:00 to 02:00. Proposed opening hours Mondays to Sundays between the hours of 11:00 to 02:00. For more details: click on Additional info tab <https://www.apps10.lbhf.gov.uk/holding/publicaccess.asp?type=L&key=REXL39BIG2Y0>.

I live at Tournay Road, SW6 7UF which adjoins the North End Road (NER). The applicant's location is a short walk and even shorter dispatch bike ride from Tournay Road. The Applicant advertises as delivering within 20-35 minutes. My house can be reached from these premises in less than 5 minutes. The issues raised by this application could not be more pertinent to residents on Tournay Road and all the residential roads off the NER. Please accept this email as my OBJECTION to this application.

Introduction

For context, most of the roads adjoining or linking to the NER such as the one I live on are fully residential roads. The NER is a mixed-use semi commercial. My road has 50+ houses on it either occupied by one family or split into flats. Many like myself have young children in our families. We already suffer from issues with vast numbers of delivery and dispatch motorbikes parking at the end of the road (groups of dispatch riders meeting, talking late into the night, littering, urinating, (a constant issue), the incessant sleep-breaking noise of the bikes whizzing along our roads during the sensitive hours of 8 pm to 7 am, instances of riders mounting the pavements and even riding along the pavements, the added danger that virtually all of them are L-plate drivers who drive well in excess of the 20 mph speed limit and have had instances where they have hit or scratched the cars parked on the road. In a very short period of time of businesses are allowed to operate beyond 23:00 roads such as Tournay Road will become a Dispatch Super Highway for constant late-night refreshment deliveries. For this and many other reasons I object to the supply of late night refreshment after 23:00hrs by delivery or take away service only or any other means. The nature of this application looks based on delivery-only business after midnight which is exactly the type of activity that generates the most disturbance for residents.

In the case of Tournay Road the problem is exacerbated by the fact that dispatch riders constantly use it as a cut through road to access Dawes and Fulham Roads and beyond thereby vastly increasing the number of users well into the night when we are trying to sleep. Congregations of dispatch riders and late-night venues are now sadly linked to drugs, street brawls and arguments, all the unholy alliance of dangers and problems that brings for residents, increased demand for policing, business owners scared to report any of this etc. etc.. The issues here principally relate to hours. In my experience no residents are deeply unhappy with activity after 23:00. I unconditionally oppose this application for extended hours to sell

refreshments from 23:00 to 02:00 seven days a week. We all want business to thrive and prosper during daytime commercial hours. Indeed, the recent excellent efforts of LBHF to rejuvenate the NER and the market facilities are welcomed by residents precisely because during the consultation about the project it was accepted as a key principle that creating the right infrastructure for businesses to operate LAWFULLY during ordinary course daytime business hours was the right thing to do and did not infringe on the lives of residents.

I have read the submission to you of Charlotte Dexter of earlier today and wholeheartedly support it in general and specifically as regards the current unlawful running of the premises (see below). I reserve the right to make further submissions should new points come to light but in the meantime, I adopt and repeat all of Ms Dexter's very well-made points.

Licensing Objective Prevention of Crime and Disorder

I would draw your attention to the fact that the Applicant CURENTLY both advertises and operates UNLAWFULLY outside the terms of their existing licence (which requires closure at 23:00). Their listing says they open until 23:45 – evidenced by the Deliveroo App.

Why reward a Premises that has not been upholding (and clearly has no intention of upholding) the law by granting them a licence for 2am? Please would you ask the applicant why they have been operating illegally i.e. after 23:00, without a licence and why they thought they could flaunt the law for so long? Why was this not enforced by the police and the licence authority?

Post COVID, crime in and around the North End Road and the immediate surrounding area is rising, unfortunately, not only during the day but also at night; more delivery drivers cause altercations with vehicles and bicycles, cycle altercations, problems at McDonalds (open till midnight) including robberies witnessed by families with children are becoming too common, again. Residents on the Next-Door app report these unfortunate incidences, all too regularly. Dispatch drivers often argue amongst themselves and have been seen stealing food from the very outlets that you are seeking to licence. All of this is anti-social behaviour and is precisely what residents expect the local authorities to crack down on. Why else invest in the area and pay the council tax?

Licensing Objective The Prevention of Public Nuisance

98A NER is very near residential properties, with several directly above as well as across the road and so would harm the amenities of these properties because of noise and disturbance, particularly late at night, generated by customers and delivery drivers entering and leaving both the Premises itself and neighbouring residential side streets where customers are likely to park their vehicles and delivery drivers congregate. We are all, and children, are entitled to a good night's sleep. Increased late night activity (including deliveries, refuse collections, dispatch riders none of whom have electric bikes) directly put this at risk. Please ask the applicant what assessment have they carried out on the impact of extended hours on local residents and, in particular, the right to sleep? What specific protections for residents are they putting in place?

What assessment has the Applicant made of the impact on residents? Residents are genuinely concerned about "**commercial creep**" i.e. if one is allowed it then all applicants will be and that this applicant has already strayed beyond their permitted licence hours – "**hours creep**". In no time at all there could be multiple late-night outlets driving higher and higher volumes of business dependant on hundreds of dispatch riders speeding around Fulham & Hammersmith with greater levels of noise and disruption. Where does the Committee intend to draw the line and recognise residents' rights and concerns? What specific measures is the Applicant signing up to – for example:

- 1 only using all electric dispatch vehicles and motorbikes in line with LBHF's green climate initiative. How will positive encouragement of quieter vehicles work? No incentive to do that, they neither care nor can enforce this – but can we have specific actions that the Applicant must demonstrate are effective? I am open to hear about the reality of what is being proposed – real, measurable, recordable conditions

- 2 no commercial deliveries or refuse collections after 8pm and before 8 am? Where will refuse be stored away from the public and minimise rat infestations?
- 3 How do residents and the community benefit from an outlet operating after 23:00? How does that sit with the drive of LBHF to improve the area, quieten noise, attract daytime businesses, and promote a clean green environment?
- 4 How many staff will they commit to have clear up litter throughout the day and as soon as the premises close?
- 5 The use and availability of footage from CCTV cameras and appropriate written records;
- 6 Where inside the premises can the dispatch riders congregate and how many can be seated inside given that this is an eat-in premise? and
- 7 Conditions re 'crime hot spots'/cumulative impact, and 'hours creep' as outlined in the new LBHF Licencing Policy 2022-2027. Policies 3 and 4, pls 20,21,22.

None of these issues are difficult to understand or anticipate. They should be obvious to any business operating in this area. CRITICALLY, the very fact that the Applicant has not addressed any of these issues (noise, nuisance, crime in passing or in detail), has not engaged with local residents on these issues, has not engaged with the Police to address concerns about reporting and monitoring crime and drugs sales near the premises, has not offered to contribute to improving the community illustrates a wilful and deliberate disregard for the surrounding community and its residents at the cost of a me-me-me selfish approach. We want responsible, strong, sustainable, environmentally friendly businesses that understand and respect the views and concerns of those who live in the neighbourhood thereby enhancing the area for, lets say 14 hours a day (09:00 – 23:00), but we do not want businesses that don't care and are not responsible nor contribute/give back to a better environment.

Two principal points in support of this are:

- (1) that there is no plan generally or specifically within the LBHF to promote the night-time economy in the residential areas around the NER; and
- (2) as mentioned above, the Council is making great strides in improving North End Road during daytime hours through traffic calming measures such as 'parklets', wider pedestrian pavements, and improved facilities for market traders; the emphasis of these North End Road improvements is solely on daytime commercial activity. The night-time economy is not at all addressed in the Council's plans for North End Road, most likely because no one at the Council envisions that the North End Road, from Fulham Road up to Lillie Road and the NE Road beyond the A4, becoming a 'late night' or even all-night destination. Local councillors are on record as supporting this position. The late-night economy will fuel the delivery and emissions economies and residential London and the right to a good night's sleep will be significantly impaired and effectively lost forever should any food outlet be permitted to operate past 23:00.

I believe there is a precedent for rejecting this application in the decision on 28 June to reject the application of Selekt Chicken, 349 NE Road (2022/00813). I would ask you to follow this precedent and reject this application.

Best regards and thank you. I will respond to any questions or requests that you may have.

John Skoulding