

HEARING 2022/01090/LAPR for a new Premises licence at 98A North End Road (NER), to offer Late Night Refreshment (hot food) until 2am

Submitting a Supplemental Agenda item (summary points from Residents' Group, Barclay Road Neighbourhood Watch)

I would like to summarise our six concerns for the 9 Nov 2022 18:30 Zoom Sub-Committee hearing, and attach a six-page PDF :

1. Residents continue to support rejection of the Application.

We continue to be concerned that the owner/operator, after applying for a Premises licence in early July, was served warning letters for failed test purchases of Late Night Refreshment ie hot food being served after 23:00 without a licence, on 12 July 2022 and again on 14 September 2022. Trading beyond 23:00 without a Late Night Refreshment (hot food) licence is illegal.

Residents note that the Environmental Noise and Nuisance Officer continues to uphold his objection to the application (page 22). We support his Objection.

For these two reasons above, and further reasons given below, including evidence from the Police noted by them, we continue to believe that the licence should not be granted, leaving the legal closing hour at 23:00.

2. Cannot promote two Licensing Objectives

If granted, in part or in full, or with further conditions added by the Sub-Committee at the 9 Nov hearing, the proposed hot food licensed activity is likely to create more public nuisance and anti-social behaviour caused by customers collecting hot food and delivery drivers collecting deliveries from the licensed premises. Later hours will have an adverse impact on local residents as well as on the ability of the potential new Premises licence holder to promote the licensing objective of prevention of public nuisance and the licensing objective prevention of crime and disorder.

This concern is supported by the Police evidence, which they clearly set out in describing the problems in North End Road after 23:00, in their 5th Aug 1:07pm email to the applicant (page 18, paragraph 3 of the Agenda Pack) :

"North End Road [NER] currently experiences high volumes of anti-social behaviour, in particular with groups loitering outside premises. The provision of late night refreshment until the later hour is likely to encourage this especially as you are located next door to a 24hour store. Please can you provide more information on how you plan to operate until the hour of 2am. Will it be by take-away delivery service only? "

3. No plans for a late-night economy in North End Road

a) We would like to point out that on 27 July 2022, at a hearing for a hot food shop on NER in his Ward, Councillor Coleman, of newly established Lillie Ward (starts just at Lillie Road/NER cross road), stated that  
--there are no plans by the Council to develop a late-night economy on North End Road,  
--that the Prevention of Noise and Nuisance objective is very difficult to promote as noise and nuisance is caused to residents by customers as well as by delivery drivers contracted by the Premises to deliver the Premise's hot food to addresses all over Fulham, and into Hammersmith.

There are ongoing, growing noise nuisance/emissions nuisance, public safety concerns and anti-social behaviour (ASB) problems, at all times of the day and evening, with the problems increasing as the opening hours become later, and residents in all the flats above the NER shops are trying to sleep. Delivery drivers use every possible road for the shortest possible journey, exacerbating the problem of noise and nuisance from point of pickup to point of delivery through 100 percent residential roads, to a customer's doorstep—all well known to the Sub-Committee.

The application for 349 NER to extend hours to 01:00 (initially requested for 04:00) was not granted. I attach the 6-page PDF DECISION Of course, that was a different application, but for a similar business on the same NER; of course, each application should be considered on its own merits, but often, especially with regard to hours, comparisons are made at Licensing hearings and set out in detail, as they are in the Agenda Pack chart on pages 21-22 (Appendix 3A)

b) a) The '24-hr shop' next door at 'Best AM 2PM' 96 NER W14 9EX is allowed to sell alcohol 09:00-23:00 shop (Licence 2021/00839/LAPR).

This is on Appendix 3A of the Agenda Pack. According to Google Maps it is open 24-hours.

c) When I walk around the area, it is noticeable that all the neat little cafes and restaurants close latest at 23:00, some even at 21:30, but all with clear signage stating their closing hours on their doors.

Appendix 3A supports these visual audits of mine; exceptions are:

(i) Eat Aroi Cafe at 100 NER which actually closes earlier at 22:30, although they have a licence to serve alcohol until 00:00

(ii) Best Mangal, 104 NER which is now not operating/is closed at all times,

but this address continues to have a licence to serve alcohol till 00:00 and late Night Refreshment (hot food) from 23:00 to 00:00.

d) Conclusion: North End Road around this area of number 98, is not a late-night economy area.

4.REQUEST: Were the Committee minded to grant a licence, Residents request earlier closing hours to 23:30 or latest 00:00:

a) We conclude that a 2am opening would be exceptional for the area; it might start a series of applications to extend hours in this area of NER.

b) This specific area of NER starts to shut down around 22:30 (except for the 24-hr shop) and by 23:00 the cafes/restaurants are closed and by midnight there are a few tubes available, last one to Upminster 00:22, Richmond 00:46 and last one to Ealing Broadway 00:58, available from West Kensington station, which is a few minutes walk.

c) The Council's own Licensing Policy clearly states on pages 21-22 and on page 7 of tonight's Agenda Pack suggested closing times for i) Mix-use areas such as NER as well as 2) residential areas, such as the vast number of residents above the shops of NER, and in all the surrounding side road which are 100 percent residential.  
Late Night Refreshment/takeaway food to end at 00:30 on Fri and Saturday and Sun at 23:00 for Mixed Use areas and for Residential areas, 'not considered appropriate', so, no hours after 23:00.

ii) Perhaps NER is actually a combination of the two with most buildings around this area having two to three further floors above the ground floor shops, so the residential density becomes close to or in some cases even more than 75/80 percent residential overall.

5. Seating inside not be used after 23:00

The applicant has agreed to only provide takeaway and delivery after 23:00.

The issue of the seating inside the restaurant might need to be addressed by the Sub-Committee to assist the Applicant.

a) CONDITION REQUEST:

—Does the seating at the booths and tables need to be cordoned off in some way every night at 23:00 to help the Applicant to signal to customers that they are not allowed to sit down to eat (nor to wait)?

Why? The Police have explained to us that brawls and fights can and do ensue when people want to sit down in these types of Premises, when the licence does not allow for seating to be used indoors late at night.

-How will the potential Premises licence holder protect himself from such possible risk of verbal and possibly physical altercations? There is seating for about 16 people, from what I recall.

-Could he perhaps serve from the front shop window, to avoid altogether people coming into his shop? Should he not take cash payments after a certain time (he is well set up for contactless payment, I noticed).

Perhaps he could address these concerns at the hearing.

b) We have given examples to the Sub-Committee, in previous hearings specifically relating to NER and surrounds, of Domino Pizza at the bottom of North End Road, on Fulham Road, not allowing people inside their shop after 23:00 because of fights that break out and drunken or drugged people coming inside to order food and then not paying etc. It is not worth the danger, so the manager has told us. Dominos Pizza at 15 North End Road closes at 23:00.

6. Ringing Police when there are problems of crime, disorder and sudden ASB, altercations, brawls etc that are difficult for the Premises to handle

We met with the local police last night and this came up again; the fact that Premises rarely ring the Police because they don't want a 'mark' on their record.

This leads to the Local Police as well as Licensing Police not knowing about problems at a Premises. This leads to no data being recorded about crime, disorder, ASB, altercations etc, because the Premises did not ring 999 to report such and therefore did not receive a CAD reference number.

As the police continue to tell residents, 'no data, no intelligence; no intelligence, no problems'; call 999.

CONDITION REQUEST:

—Residents therefore request the following Condition, wording of which has been approved as enforceable by the Licensing Authority. This Condition was recently agreed to be added to a new Licence, at the suggestion of Residents who worked with the applicant and his agent, at the new wine shop (in the old 'red wine shop'), now called JustDrinks at 2 Charleville Road at corner of NER (249 feet from 98A NER):

*"Every incident of crime and 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 authorized officer of the council or the Police."*

We thank the Sub-Committee for considering our concerns, our questions, our requests and our support for a vibrant North End Road and adjoining flats plus residential roads that try their best to lull themselves slowly to sleep after 23:00.

Charlotte Dexter for Barclay Road Conservation Area Neighbourhood Watch and Barclay Road Residents