

Mari Deli
1A Eyot Gardens
London W6 9TN

Application to vary a premises licence

Submissions on behalf of Interested Party

Dr. Susan Thompson

1. I represent Dr Susan Thompson ("Dr Thompson"), the resident of 1A Eyot Gardens, London W6 9TN.
2. These submissions concern the application to vary a premises licence made by Mr Ciro Guerra ("the Applicant") at Mari Deli, 1 Eyot Gardens, London W6 9TN ("the Premises").
3. Dr Thompson's flat is directly above the Premises.
4. Dr Thompson has submitted a detailed representation objecting to the application and a copy of that representation can be found at pages 38 to 47 of your agenda papers.
5. The representation is supported by several photographs evidencing the issues Dr Thompson cites and these can be found at pages 48 to 94 of your agenda papers.
6. Dr Thompson has tried to engage with the Applicant, whom she has never met, via the Designated Premises Supervisor ("the DPS"), Mr Mariano Aiello. A copy of a letter from Dr Thompson's acoustic consultant, Richard Vivian of Big Sky Acoustics, can be found at pages 96 to 98 of your agenda papers.
7. The application seeks to vary several conditions of the premises licence and the conditions, if varied, can be seen at page 4 of your agenda papers.
8. The Sub-Committee's options in terms of determining the Application are set out at the foot of page 9 and the top of page 10 of the agenda papers.
9. Dr Thompson invites you to refuse the Application.

10. The Application was made on 19 August 2022. At Section 5 of the London Borough of Hammersmith & Fulham Council's ("the Council") Statement of Licensing Policy the Council say that:

"In order the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule:

...

- the steps proposed to ensure the physical safety of people using the relevant premises or place;
- how the intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extending hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives will be met;

..."

11. Your Licensing Officer's report notes at 1.3 (foot of page 4 of your agenda papers) that the Applicant has not done this. Not only did the Applicant not do this at the time of making the application. He has not done so since.
12. Dr Thompson is already suffering from a great number of negative impacts from the Premises. These include:
- a. Heat escape into her property
 - b. Noise escape, of both commercial and customer noise, into her property
 - c. Odour escape into her property
13. Dr Thompson's bedroom windows are directly above the areas used by the Premises for the service of food and/or alcohol to customers.
14. The rear bedroom (Chiswick Mall side) is presently unusable do to the issues at a – c above.
15. The main bedroom (Eyot Gardens side) is likewise unusable for the same reasons.
16. Dr Thompson has, when she has been able to stay at her home, has to resort to sleeping on a makeshift bed located in her living area at second floor level. Even here, noise remains a problem for Dr Thompson.
17. Policy 3 of the Council's Statement of Licensing Policy notes that each case will be considered on its particular merits, but having regard to the following:

- a. Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it
18. Dr Thompson will say that the activities authorised by the premises licence already are having an adverse impact on local residents and that relaxing the conditions as requested will exacerbate those problems.
19. The comments of the Fire Officer, which can be found at page 101 onwards of your agenda papers come as no shock to Dr Thompson. She has known for a long time that something was amiss but has struggled to get the DPS to take the matter seriously.
20. There is work that needs to be done at the Premises to ensure that it is safe, to ensure that the existing conditions are appropriate and proportionate for the licensable activities provided, and to ensure that there is compliance with those conditions.
21. We therefore invite you to reject this application and to invite the Applicant to engage with the Fire Authority, and the Licensing Authority, to achieve the above.
22. Thank you for taking the time to read these submissions.

Luke Elford
Partner
John Gaunt & Partners
08/01/23