

Dr Susan Thompson  
Eyot Gardens  
London W6 9TN

8 January 2023

Dear Councillors,

I write further to my representation, which you can find at page 38 to 47 of your agenda pack.

I thought it would be helpful to send you a short letter updating you on progress with my concerns since the date of my representation (29 September 2022).

I hope that you find this letter useful.

Since becoming licensed in 2017, Mari Deli has expanded exponentially. The licence was granted to an A1 shop and off licence with no planning permission to become a licensed restaurant. At first expansion was internal, with a conservatory/chef's party area constructed, but as time has gone on, and particularly during Covid, this has meant expansion into external areas, including putting a takeaway counter and recently noisy refrigeration units and dining tables beyond the shop forecourt until 2200 hours, (see photo below from September 2022).

I note that this application does not come with a noise impact assessment of any type and is being heard after the pavement licence was recently renewed with an earlier closing time of 20.00 hours, the hours recommended by Licensing.

Since submitting my representation, I have been trying to engage with the Council and Mr Aiello, the DPS, to get help with the various problems I have been experiencing. I have never met Mr Guerra, the applicant.

I have also been in contact with the London Fire Brigade regarding my fire safety concerns.

For the record, Mr Aiello has been very critical of me for contacting the relevant authorities in trying to alleviate various nuisances inflicted on my property by the premises. He also failed to disclose the recent Fire Safety report when requested by me on several occasions, or a full copy of the block insurance, which may be invalid until such times remedial fire safety works are completed.

I would like to thank Councillor Walsh for his assistance in chasing and arranging various meetings that have taken place since September, and which have been invaluable. Sadly, the issues remain, particularly regarding fire safety, and noise, heat, and odour nuisance.

In particular, the extractor noise I reported to the Noise and Nuisance Team recently was found to breach Condition 18 of the premises licence, and this was installed under my top stair without any consent or noise impact assessment when the business became licensed

and expanded. This is in addition to another extractor installed under the bottom stair, hence my stairs are collapsing, compromising my only fire exit.

My understanding is that the patio heaters installed contrary to the manufacturer's instructions would also have breached Condition 18 of the licence, along with some kitchen equipment.

The extractor noise in combination with the loud radio in the staff area has been intolerable, as recorded on a video in October 2022, which has been shared. At the last Licensing Subcommittee meeting on July 26<sup>th</sup> 2017, Mr Aiello promised that the radio volume could be reduced and the speakers moved away from the wall, which doesn't seem to have been adhered to.

In the same minutes of the last Licensing Sub-Committee on the 26th July 2017, it records that I stated the following:

*"As the leaseholder living directly above the premises, she stated that she had lived at the property without any problems since 1996. However, lately, it had become an environment which was not conducive to being a home due the noise and disturbance she faced on a continuous basis from the premises. The Committee heard the lack of sound insulation, coupled with the plant machinery within the premises generated heat which impacted on her ability to enjoy her home and confined her to the use of the upper floors only"*

Since the premises licence and pavement licence were granted, the situation described has only got worse, particularly plant, staff, and customer noise.

And I would like to inform the Committee that those previous Sub-Committee notes were slightly inaccurate, as sadly I don't have any upper floors as such to live in, just a single room, which is a kitchen/diner with a sofa.

Having now seen the input from the London Fire Brigade for the first time in the Sub Committee documents provided, I am extremely concerned for my safety. I feel I can neither live at my property or rent it out, given the risks, and it is putting me under financial strain.

The Fire Commissioner's recommendations should have been acted upon by the premises by 29th December 2022 according to his letter, which I only had sight of when the (Public Pack) Agenda Document for Licensing Sub-Committee for 11/01/23 was sent to me on 3<sup>rd</sup> January 2023. This put me at risk.

The Fire Commissioner also recommends to Licensing that before renewing/granting the licence, action is taken to ensure that the applicant has resolved these matters.

I am not aware that any such action has taken place.

This has been a stressful process. I am pleased that my concerns about fire safety and noise nuisance have been recognised. Whether the business will do anything about those and other concerns is another matter.

The current licence is not fit for the business that Mari Deli has become, and it would be wrong to extend that licence. This would only make the problems worse.

I would ask, please, that this application is rejected, and a strong message sent to the licence holder and the DPS that they need to engage with the council and resolve the issues before making any further applications.

Yours faithfully,

**Dr Susan Thompson**



**Streetview September 2022, shopfront forecourt Eyot gardens**



**Streetview September 2022, pavement tables Chiswick Mall, blocking access to my gas meter**

**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**