

From: [REDACTED]

Sent: Tuesday, August 22, 2023 3:15 PM

To: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>

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

Subject: RESUBMISSION with edits Fwd: 22 Aug Deadline: BarcRd Objection 2023/01216/LAPR Papa Johns 63 Walham Grove.

Dear Lora

Pls delete our earlier submission of today and use this one below (15:15). We have edited and added further comments, links etc.

Subject: 22 Aug Deadline:

Barclay Road Residents Objection 2023/01216/LAPR Papa Johns 63 Walham Grove.

Objection 2023/01216/LAPR FULL VARIATION

Papa Johns 63 Walham Grove for 24-hr delivery and 21-hour in person collection/takeaway

We oppose the application for all the same reasons given at the February 14 2023 hearing for a very similar application 2021/00867/LAPR, and for new reasons. This NEW Application 2023/01216/LAPR adds more hours to attempt to accomplish

a possible first in Fulham, namely

24-hr delivery of takeaway, and

21-hr collection in person of takeaway products from this Premises (from 5am through the day and night until 2am).

On the grounds of all four licensing objectives not being able to be promoted, we ask the Lic Committee to reject the application in full.

Many residents will be explaining in detail why things are just as they were when residents opposed the previous application 2022/00867/LAPR

on 14 February 2023.

The Premises has changed ownership (which we have learned at previous hearings has no bearing on a Premises Licence), but this Papa John's is the same Papa John's, at the same address as the last application to extend hours. **Only six months ago that application was rejected.**

What's new?

Nothing has been done since the 14 Feb hearing to address any of the concerns of residents, nor the concerns of the Council. This application therefore borders on being vexatious, and may well be determined as vexatious at the hearing.

We respectfully suggest the Committee must consider this point. Much time and money is being wasted here by the Council (and we would like to know those costs) as well as hundreds of hours by residents who are doing everything possible to collect evidence, yet again, for the Committee to refuse this application in full, yet again.

Over time, we have learned that The LBHF Licensing Authority does not build a case for the Lic Committee regarding an Application (we note that other Lic Authorities do build such cases).

In fact, the Lic Authority remains neutral unless so much evidence can be presented by them that they feel legally compelled to make a Representation against the Application, usually for an official Review of a Licence (this could be the case when they have evidence from Police of alcohol being sold multiple times to under age persons, or hot food being sold multiple times beyond the hours licensed for hot food sales at a specific Premises).

This is very rare in our borough. The permissive vs restrictive Licensing Act 2003 encourages a 'Light Touch' approach. The goal is not to rack up evidence of complaints, most of which, we are told, cannot be validated or proven, but to give the benefit of the doubt in favour of the Premises License Holder.

We have come to realise that much of local evidence gathering, as well as desk research, falls to residents, as Police and the Lic Authority have too little time and resource for pro-active oversight of Premises.

We would like to remind the Licensing Committee that the heartbeat of The Borough of Hammersmith and Fulham is its residents. LBHF Residents have no access to inbuilt legal support as do Councillors, the Licensing Authority, Met Police, Environmental officers etc. All Responsible Authorities may and often do call on internal or external legal counsel to support them. Residents are discriminated against in this regard. Residents must hire and pay for legal counsel to relate arguments and evidence that must be robust enough to be upheld at a possible appeal. Nothing less is useful to the Licensing Committee. Well meant complaining counts for nothing in these legal licensing proceedings. Residents are at a great disadvantage at these licensing hearings without proper legal support.

A Licensing hearing is a legal hearing, a legal proceeding; it is not a mere discussion or meeting of interested parties.

Prevention of nuisance

Fulham residents' amenity is greatly compromised by The burgeoning Delivery Economy which is overtaking our roads, road corners, pavements and even private front gardens and doorsteps where delivery riders hang out, do drug deals and use these areas as open toilets. This was explained in great, unappealing graphic detail on Feb 14 and the photos submitted are still relevant as we are not aware that anything has improved.

We are advised that all the documents for that hearing must be submitted for this hearing so that they are 'read into the record'. We commend them to you from the LBHF Committee register of meetings February 2023.

The three docs to be read into the record with this Representation from Barclay Road Residents against 2023/01216/LAPR are found here:

Agenda Pack 14 Feb 2023 59 pages

Supplementary Agenda, 14 Feb, 5 pages

Supplementary Agenda 'A', 14 Feb, 12 pages

Why is Barclay Road, with Effie Road concerned and opposing this new application?

Papa John badged two-wheelers regularly enter Barclay Road to cut through to Effie Road and Harwood Road. These then turn left into Moore Park Road to avoid the traffic lights and cameras/yellow boxes at Harwood/New Kings Road. Or they illegally cut through the pleasant green expanse of Eel Brook Common to get over to the thousands of residents on and around Wandsworth Bridge Road.

Anything for a shorter journey.

Riders also mount the pavement on Effie Road to avoid the APRC cameras at the traffic restriction gate that they are prohibited from passing through in either direction, but they have developed their own workaround by mounting the pavement.

All this Rat Running also happens in reverse as the riders return to 63 Walham Grove.

Moore Park Road offers further Rat Running in various directions, going out and returning ultimately to 63 Walham Grove SW6.

Rat Running through residential roads and even mounting the pavements e.g. to avoid traffic gate cameras or to speed up the pace of delivery, is critically important for drivers to arrive at their destination far more quickly, and depart as quickly as possible as well.

Crime & disorder

Rat Running is :

-illegal,

-dangerous,

-and causes much nuisance, constantly, just about in every road but especially in roads around Fulham Broadway. We ask the Committee to embrace this vital point under the Lic Objective 'Crime and disorder.

The Premises License holder must prove he is able to promote the Prevention of crime & disorder. He cannot. His hot pizza goods are on the two/three-wheeler, in transit, but he cannot control where and how his drivers drive, or third party drivers, where they drive etc.

The sale completes at handover of goods. In the meantime, the licensed Premises is literally in transit, figuratively expanding its walls, touching the lives of hundreds and sometimes thousands of humans and their domestic pets, causing much grief via noise, disturbance, nuisance etc.

Are the delivery vehicles set to the maximum speed limit of 20mph? Is a gesture being made by this Premises to our environmentally proud Council to ONLY use electric vehicles?

Are all vehicles owned by Papa John and badged at all times with logos? We see that orders/deliveries are also made for PapaJohn's on/by Deliveroo, UberEats etc.

Also, there seem to be many non-badged drivers with motorbikes waiting around 63 Walham Grove as well.

Nuisance abounds

Litter and lack of orderly rubbish is an ongoing problem at this Premises. We believe that the Premises was fined at least twice very recently and given further warnings by the Council. We are gathering proof of this.

The Premises could consider adding into their operating schedule meeting their immediate neighbours on an ongoing basis and being in touch with them very regularly to come to, and reiterate monthly, orderly, friendly agreements regarding rubbish from and around the entire address of 63 Walham Grove. In short, initiate a Neighbourhood effort that makes a difference, daily. Of course this would be a self-inflicted gesture of sorts but it would show a bit of community spirit, something totally lacking from this Premises.

Fulham is residential

Most importantly, Fulham is almost 100 percent residential with several shopping parades in a few main roads, including the extensive DAYTIME North End Road Market, and some office-type buildings as well.

The Council and its Licensing Committee has an excellent opportunity with this application to:

1) say yes to less sleep disturbance and

2) say yes to decreasing, not increasing, nuisance of all kinds at anytime of day but especially from 11pm to 8am

when the vast majority of residents and especially their children are trying to sleep, in order to maintain basic good health, be alert at school and be alert for work.

Nutrition for children

Further, the Council is pushing vital partnerships for providing nutritional food programmes, especially for children. What does pizza before 12 noon add to the Council's aims? Does this Premises really need to be open before lunchtime? The Mayor of London has successfully called on Planning Authorities to not allow takeaways within a 400 meters of schools, youth clubs etc. We will submit further evidence on this important point for the health of our children.

We are confident that residents will be presenting more than enough evidence for the Licensing Committee to reject the application 2023/01216/LAPR in full, giving the Lic Committee full confidence that their decision will be upheld, should an appeal be lodged by the Applicant.

We reserve our right to submit further evidence before the licensing hearing takes place for 2023/01216/LAPR (date to be determined).

Barclay Road Residents

submitted by [REDACTED] with and on behalf of Barclay Roads Residents who have a 90-member active WhatsApp ALERTS group

[REDACTED]

[REDACTED]

Sent from my iPhone

On 23 Aug 2023, at 11:43, Licensing HF: H&F <licensing@lbhf.gov.uk> wrote:

Dear [REDACTED]

Please can you confirm the Barclay Road Residents in which you are submitting on behalf of is the same or separate too the Barclay Road Conservation Area Neighbour Hood Watch?

Once I have received clarification on the above, I will respond to your re-submission accordingly.

Kind regards

Lorna McKenna

From: Barclay Road Residents

Sent: Wednesday, August 23, 2023 12:24 PM

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

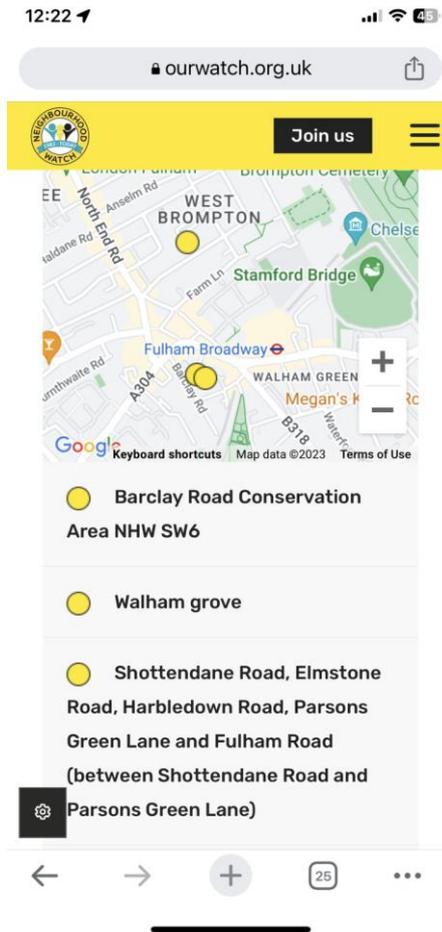
Subject: Re: 22 Aug Deadline: BarcRd Objection 2023/01216/LAPR Papa Johns 63 Walham Grove.

The same. I was just trying to emphasise the large number of active residents in our Neighbourhood Watch. Here is a screen grab of the neighbourhood watch.

Can you see screenshot? I ask because it is a .png File.

████████████████████

██



From: [REDACTED]

Sent: Wednesday, August 23, 2023 5:42 PM

To: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>

Subject: A small but misleading mistake on my part Fwd: RESUBMISSION with edits Fwd: 22 Aug
Deadline: BarcRd Objection 2023/01216/LAPR Papa Johns 63 Walham Grove.

Lorna

I referred twice to the previous application that was heard on 14 Feb 2023 with the wrong number.

It should be

2022/01816/LAPR, is correct.

I referred to 2022/00867/LAPR which is incorrect.

I have now corrected it twice in the first few paragraphs as **2022/01816/LAPR**

and underline/bolded.

Please substitute the revised/corrected text.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]