

Gilass Café & Restaurant 335 North End Road SW6 1NN
License Application: 2023/01105/LAPR – Hearing 27th Sept 2023

SECTION 1

LOCATION - Pages 2-3 is to visually assist with the showing:

- Premises location on North End Road & Residential homes above address
- Directly opposite premises is Clem Attlee Court entrance and homes

Smoking & Alcohol Rear Garden Area for 1am Request – Pages 4 & 5:

- The Applicants proposed licensing plans – Major variation on ‘Framework’ Conditions for rear garden space
- Designated rear garden space - impacting Residents living above and adjacent with gardens and bedrooms

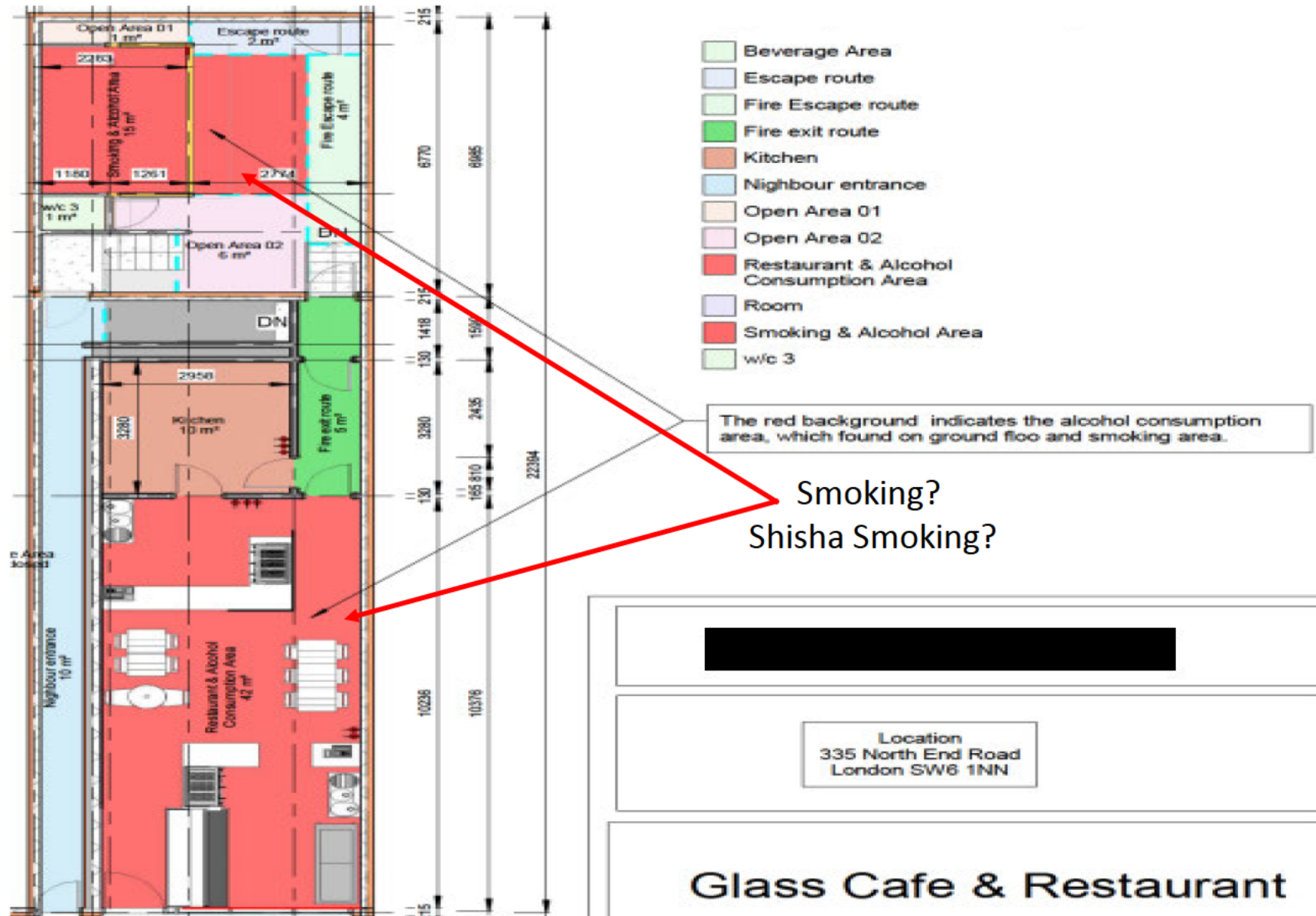
Location of Premises on 335 North End Road with Residential homes above



Premises Location is Opposite Clem Attlee Court Residential Homes & Entrance Into Estate



Applicants proposed licensing plans shows rear back garden area as a designated 1am - 'Smoking & Alcohol Area'
 H&F PLANNING CONDITIONS IS NOTED THIS AREA AS STORAGE



This premises has an open rear 'seating garden space' shown as a designated Outdoor Alcohol and Smoking Area in the Applicants proposed plans - requesting until 01.00am. Residents live above and adjacent with gardens and bedrooms.



SECTION 2

SECTION 2: Licensing Objectives - Prevention of Crime & Disorder & Public Safety

Latest Crime Map in the Area: Pages 7

- Crimes stats for 12 months (Jul 2022 - Jun 2023) provided by Police.UK - UK's national police crime database.

This part of North End Road is the worst section for very high crime and disorder:

- a) Anti-social Behaviour exceeds the national average by over 600%
- b) Violence and Sexual Offences by 90%

Feedback & Objection on Crime & Disorder at location: Page 8

- Local Safer Neighbourhood Team Met Police feedback
- Objection and quote regarding existing crime from Co-Chair Walham Green Panel (MOPAC)

North End Road Investment: Page 9

- Attracting new lettings - Importance of Prevention of Crime and Promotion of Public Safety

The following interactive crime maps have been taken off <https://www.adt.co.uk/crime-in-my-area> - these statistics are provided by Police.UK - UK's national police crime database. (Jul 2022 - Jun 2023)

Crime within 1 mile of: SW6 1NN North End Road, London, United Kingdom

Last 12 months

Data period (months):

3 6 12

SW6 1NN



+ Add another postcode to compare

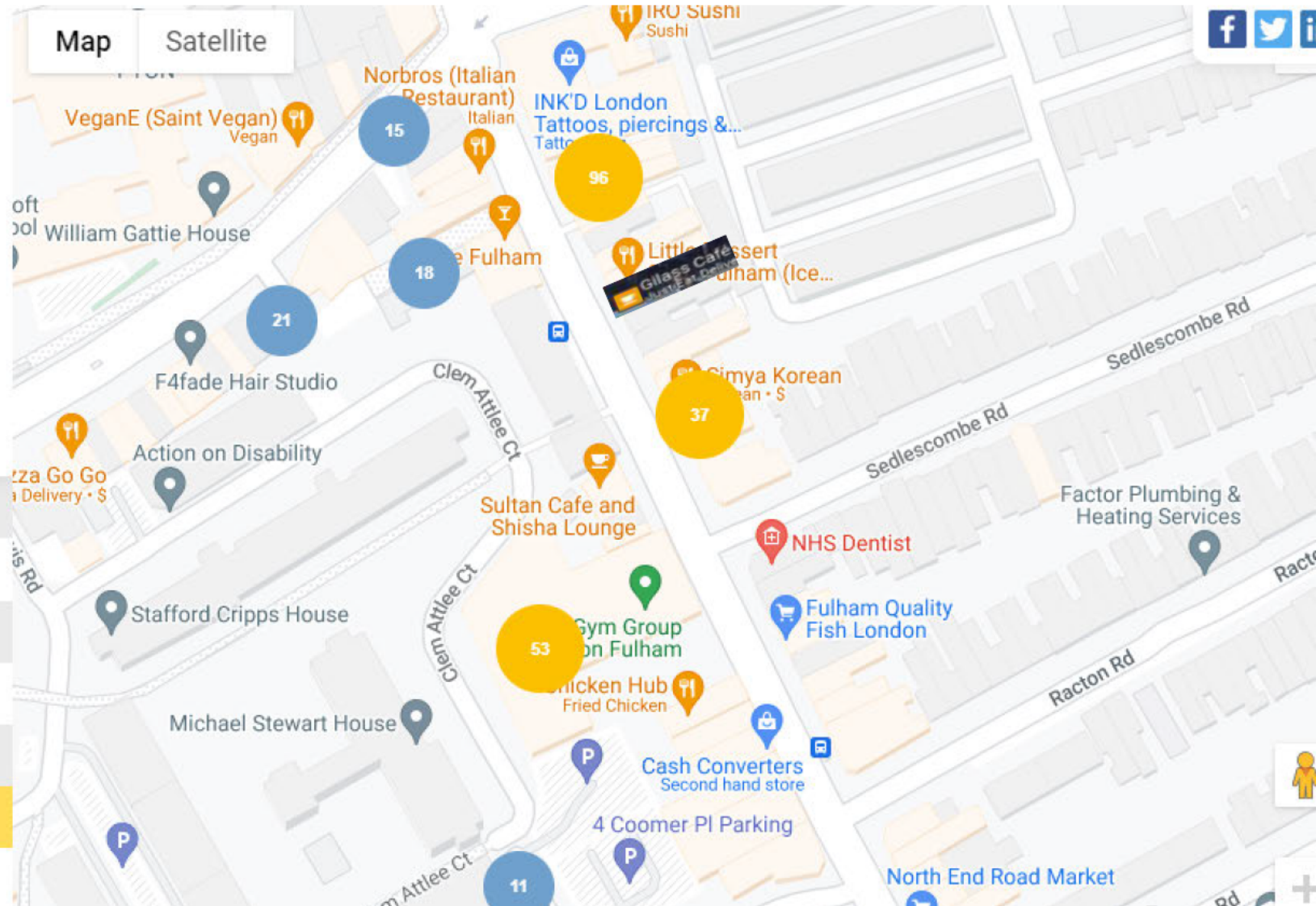
Crime within 1 mile of:

SW6 1NN

National avg. ⓘ

Crime within 1 mile of:	SW6 1NN	National avg. ⓘ	
Anti-social behaviour	191	25	×
Burglary	28	7	×
Possession of weapons	4	1	×
Violence and sexual offences	149	56	×
Criminal damage and arson	24	13	×
Total	626	161	

[View all crimes](#)



Licensing Objectives - Prevention of Crime & Disorder & Public Safety

Local Safer Neighbourhood Team Met Police confirmed historic problems with this premises – specifically the usage of ‘rear garden space’ at a meeting on 21st July 2023 and defined this area on North End Road as a 'key' crime & disorder hot spot.

The Co-Chair of the Walham Green Ward Panel – a volunteer of the Met Police’s Independent Advisory Group (IAG) for the Area West Borough Command & Part of the Mayor’s Office For Policing & Crime (MOPAC) –
Application Objection Comments:

“...There are already issues with anti-social behaviour on North End Road which has markedly increased this year and caused the police to call this area a “hotspot” for anti-social behaviour and disorder. Adding another venue for late alcohol sales will increase this issue”....

“The council have spent a significant amount of money on improving the North End Road, I especially on the hard landscaping. This money will be in vain if the council takes the retrograde step of approving cafes, restaurants and fast food places to be opening later, selling alcohol later etc. The North End Road is a semi-commercial, semi-residential road surrounded by residential streets”

Following a £1.9m investment to dramatically improve the street scene in North End Road (NER) and provide the catalyst for further improvements to its surroundings – it's imperative that part of this strategy is to reduce the existing very high level of crime & disorder on NER

Unfortunately, alcohol (on & off sales) and later trading hours play an integral part in exasperating crime & disorder.

As this section of NER is a key 'crime hot spot' – extending Gilass Café premises hours and alcohol sales license will undo many of the positives that have been achieved to date and likely detract future alternative lettings.



A new IBIS hotel apartment development is currently underway that will join Travelodge hotel helping to bring further visitors to the area. 322-324 whole building (Boots Shop) has also submitted development plans furthering NER improvements.

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SECTION 3

SECTION 3: Licensing Objectives - Prevention of Crime & Disorder & Promotion of Public Safety

Premises History:

- Page 11 – Licensing enforcement history
- Page 12 – Breaches of existing Framework Conditions

Impact on Residential Amenity

- Page 13 & 14 – Progressive onslaught in ‘CREEP’ of Hours
- Page 15 – Risk Assessments & Impact Studies

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Premises Recent Enforcement History & Breaches

On the 01 August 2023, following a Licensing Inspection carried out with Health and Safety and Trading Standards Officers, an inspection sheet was left as a warning letter for a breach of condition 9. *The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect*

On the 20 December 2022 following a Licensing Inspection, an inspection sheet was left as a warning letter following a breach of licence conditions 8, 11, and 14, alongside the identification of significant changes to the premises layout in comparison to the current plans attached to the licence.

8. Appropriate signage shall be displayed in prominent positions inside and outside the premises, informing customers they are being recorded on CCTV.

11. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities and;

- o shall cover any internal or external area of the premises where licensable activities take place.*
- o recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping*

14. The licence holder shall require staff to note any refusals in a refusals log. The refusals log shall record the date and time of the refusal; the name of the staff member refusing; and the reason for refusal. It must be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the Licensing Team, Police or Trading Standards.

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APPLICANTS CONTINUE TO BE UNDER THE FALSE IMPRESSION THAT LICENSING APPLICATIONS ARE A WAY AROUND PLANNING APPLICATIONS i.e. Hours, Delivery, Customer Usage of Garden Rear Space etc.
Below points taken from 335 North End Road: 1995/01707/FUL Framework Conditions:

03 No organised delivery of hot food shall take place from the premises using motor vehicles.

03 No provision has been made for the parking of vehicles off-street in connection with a delivery service. In the circumstances any such vehicles would be likely to park on the public highway which would prejudice the free flow of traffic and public safety.

05 No chairs or tables shall be set out in the open area at the rear of the premises, and this area shall not be used by customers for any purpose in connection with the use hereby permitted.

05 To ensure that the use does not give rise to conditions which would be detrimental to the amenities of surrounding occupiers by reason of noise and disturbance occasioned by the use of this area.

 Just Eat
<https://www.just-eat.co.uk> > SW6 > Caribbean

Gilass Café & Restaurant in London

... restaurant. Find out more. Opening times. Delivery Collection. Monday 14:00 – 22:00.

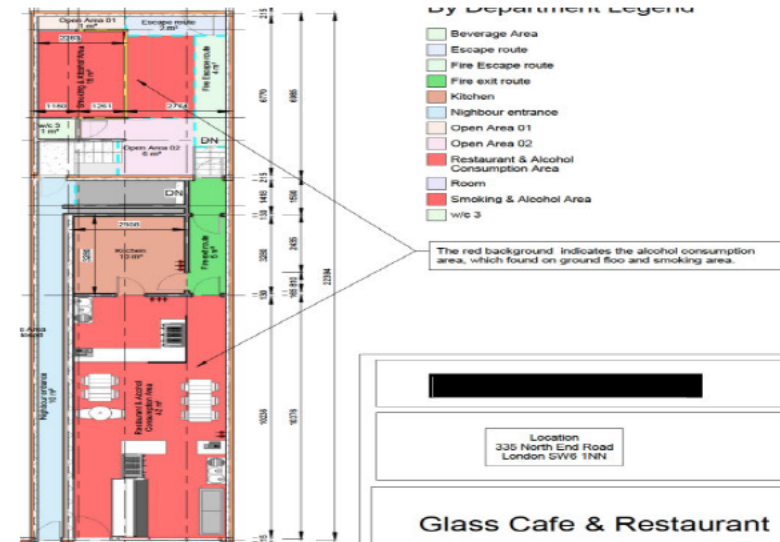
Tuesday 14:00 – 22:00. Wednesday 14:00 – 22:00. Thursday 14:00 – 22:00.

★★★★★ Rating: 3.9 · 9 votes

 Uber Eats
<https://www.ubereats.com> > ... > West Kensington

Gilass cafe and restaurant Menu - Takeaway in London

Use your Uber account to order delivery from Gilass cafe and restaurant in London. Browse the menu, view popular items and track your order.



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THE PROGRESSIVE ONSLAUGHT IN ‘CREEP’ – HOURS, HOT FOOD, ALCOHOL

Residents are genuinely concerned about the creep of hours & potential extended delivery hours i.e. if one is allowed - they all will. In no time at all there could be multiple late-night outlets opened as well as higher volumes of business dependant on dispatch riders speeding around Fulham with greater levels of noise and disruption.

2020 (2020/00992/LAPR) Premises Applied for:

- Alcohol On & Off Premises Mon to Sun from 12.00 to 21.30

2022 (2022/0086/LAPR) Premises Applied for:

- Sale of Alcohol On & Off Premises Mon to Sun 12:00 - 00:30 (Granted: Alcohol On until 23.30 & Off until 0.00)
- Opening Hours Mon to Sun 08:00- 01:00 (Granted: 08.00 until 00.00)
- Provision of Late Night refreshment (Hot Food)- Both Indoors and Outdoors Mon to Sun from 23:00 to 00:00 (Granted: 23.00 to 00.00)

Now Proposing (2023/01105/LAPR):

- Sale of Alcohol On and Off Premises Mon to Sun from 14:00 - 01:00
- Opening hours Mon to Sun from 08:00 - 01:30
- Provision of Late Night Refreshments (Hot Food) -Both Indoors and Outdoors Mon to Sun from 23:00 - 01:00

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Gilass Café and Restaurant Current licensable activities:

- Provision of Late Night Refreshments (Hot Food) -Both Indoors and Outdoors Monday to Sunday between the hours of 23:00 - 00:00
- Sale of Alcohol Off the Premises Monday to Sunday between the hours of 12:00 - 00:00
- Sale of Alcohol On the Premises Monday to Sunday between the hours of 12:00 - 23:30
- Current Opening hours Monday to Sunday between the hours of 08:00 - 00:00

PLANNING CONDITIONS: MON-FRI 9.00am – 23.30pm & SUN 10.00am – 23.00pm Premises proposing hours outside of 'FRAMEWORK' Permission Hours for 335 North End Road (1995/01707/FUL)

Proposed:

- Provision of Late Night Refreshments (Hot Food) -Both Indoors and Outdoors Monday to Sunday between the hours of 23:00 - 01:00
- Sale of Alcohol -On and Off the Premises Monday to Sunday between the hours of 14:00 - 01:00
- Opening hours Monday to Sunday between the hours of 08:00 - 01:30

RISK ASSESSMENT – STATEMENT OF LICENSING POLICY

Licensing Objective: Prevention of Nuisance

The applicant cannot control patrons as well as delivery drivers when offsite. The Met Police crime stats highlight that this premises is in an area of high crime and disorder. Constant background noise during majority of the late evening is having an impact on overall health, increasing levels of stress and frustration which is totally unacceptable.

LBH&F Statement of Licensing policy 2022-27 – POLICY 1: LOCAL AREA RISK ASSESSMENTS. States “Applicants are expected to undertake a local area risk assessment as part of any licensing application”.

These proposed requests are Major Variations on FRAMEWORK CONDITIONS - What risk assessment has Gilass Café premises undertaken towards understanding the impact on Resident Amenity? And/or on Crime & Disorder, Nuisance & Public Safety?

RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

SECTION 4 - Prevention of Nuisance & Protection of children from harm

Late Night Delivery Findings:

- Page 17 - Recent Licensing Appeal (Sept 2021) in Highbury Camden Magistrates Court Establishes nuisance at the point of delivery
- Page 18 – Research testing how robust late night alcohol delivery current systems are in protecting children and vulnerable adults from alcohol harm

Sleep Deprivation (Residential Amenity & Well Being) – London Borough Research:

- Page 19 – Recent research from Dec 2022 found Hammersmith & Fulham to be the worst ‘sleep deprived London Borough’, which is significant considering it has the least number of residents against other boroughs.
- Page 20 & 21– ***Licensing Objective ‘Protection of children from harm’*** – Pages highlight the serious health consequences of sleep deprivation on Children. Many families live in the surrounding residential streets, which is demonstrated by the high number of schools in the immediate area as shown on page 21.

Residential Amenity – Rights to Quiet Enjoyment:

- Page 22 - Hampstead & Garden Properties v Diomedous [1968] – High Court Judgement
- Page 23 - The Mayor’s London Plan 2021 Policy GG3 ‘Creating a healthy city’ – denotes “local authorities are accordingly responsible for planning and public health”

RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

Licensing Objective: Prevention of Nuisance

Recent Licensing Appeal (Sept 2021) in Highbury Camden Magistrates Court Establishes nuisance at the point of delivery; Judge Newman decides:

117. “I accept that deliveries after 23:00 are likely to be to residential addresses and there is a risk of noise at the delivery point. As pointed out, where premises comprise blocks of flats, the sound of the main doorbell to 20 one flat can be audible in another. Doors opening and closing and conversation at the point of delivery is also capable of disturbing neighbours late at night”.

118. “... a late-night delivery service of alcohol, is likely to be for immediate consumption. From his experience, this type of delivery service is more often used by people who are staying in short-let accommodation or are holding an unlicensed music event. It is likely that the person ordering alcohol for delivery has already been drinking. When a delivery is made, it is not possible to manage the situation, and it would be a brave delivery person who decided that the recipient was already drunk enough and refused to hand over the alcohol”.

140. “The responsible authorities are unable effectively to monitor couriers in a delivery only model...”

Source: https://ftbchambers.searswebdevelopment.com/images/uploads/documents/Shoaib_LBC.pdf



LICENSING OBJECTIVE: PROMOTION OF PUBLIC SAFETY & Protecting Children from Harm

ALCOHOL CHANGE. ORG - 2022 RESEARCH ON LATE NIGHT ALCOHOL DELIVERY:

In recent times, UK consumers have been buying alcohol online in record numbers, from an ever-growing variety of retailers, increasingly promising delivery to the doorstep within minutes. As the market continues to expand, Alcohol Change.org - UK's leading charity body commissioned research to test how robust current systems are in protecting children and vulnerable adults from alcohol harm. In particular:

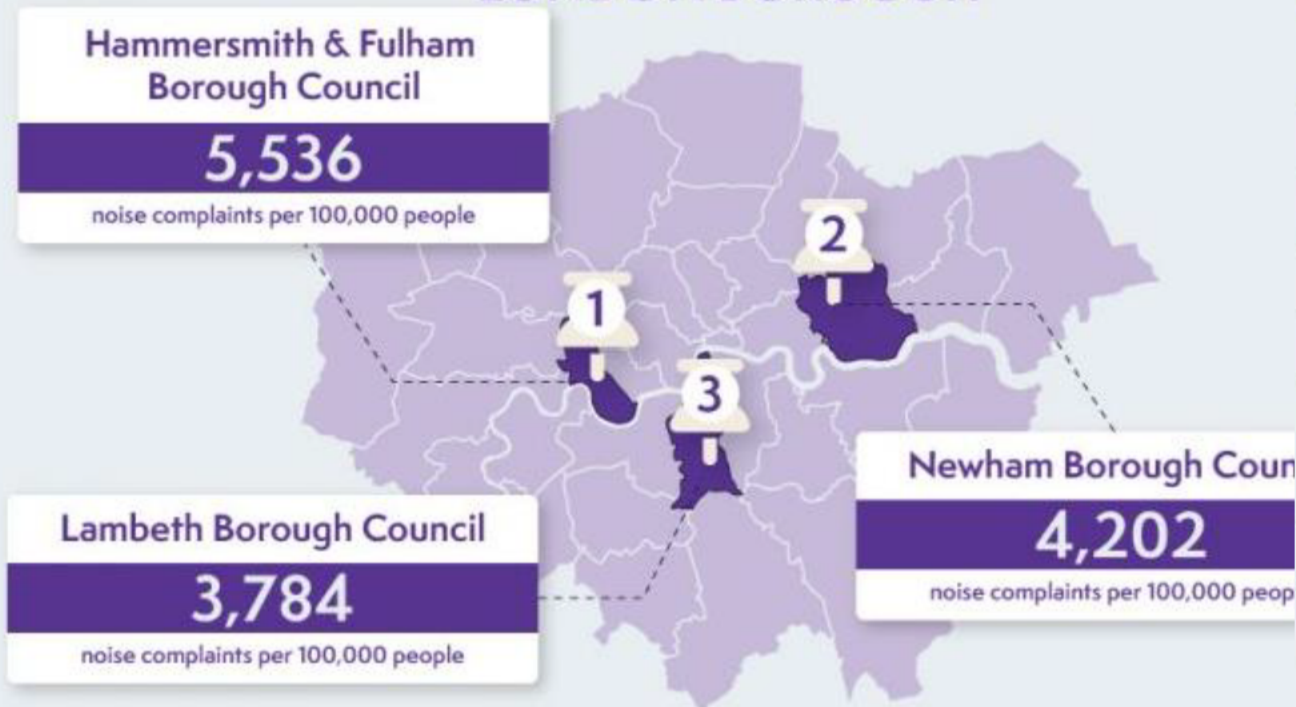
1. Examined online age verification controls on retailers' websites. The research identified major weaknesses, concluding that current methods of online age verification are "largely ineffectual"
2. A test purchases operation found that in 72% of cases where alcohol was ordered for delivery within two hours, this was subsequently handed over to the 18- and 19-year-old test purchasers without seeking proof of age. This is in direct contravention of retailers' own policies on delivering age-restricted items to those who may be underage.

Source: Full info can be found here:

<https://alcoholchange.org.uk/publication/delivering-a-problem-online-sales-and-deliveries-of-alcohol>



THE MOST SLEEP-DISTURBED LONDON BOROUGH



Local authority			
1 Hammersmith & Fulham Borough Council	183,200	10,141	5,536
2 Newham Borough Council	351,100	14,753	4,202
3 Lambeth Borough Council	317,600	12,017	3,784
4 Barking & Dagenham Council	218,900	7,685	3,511
5 Camden Borough Council	210,100	6,122	2,914
6 Wandsworth Borough Council	327,500	6,137	1,874
7 Merton Borough Council	215,200	2,725	1,266
8 Greenwich Borough Council	289,100	3,595	1,244
9 Enfield Borough Council	330,000	4,017	1,217
9 Haringey Borough Council	264,200	3,215	1,217

KEY : Population Noise complaints Noise complaints per 100,000 people

SURROUNDING RESIDENTIAL STREETS WITH FAMILIES

Licensing Objective – Protecting Children from Harm

Children – 2022 Lancet Research finds Insufficient Sleep = unnecessary mental health & behaviour issues:

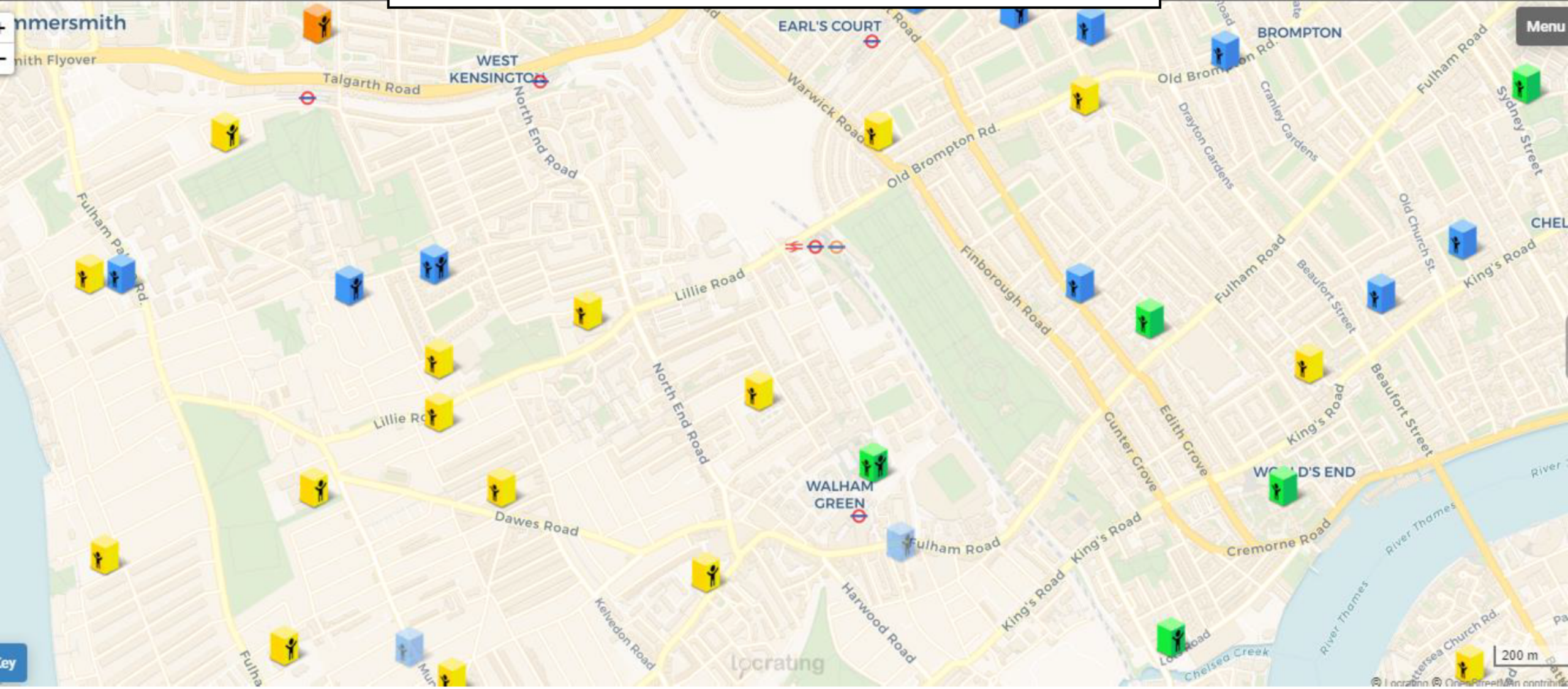
The researchers identified more than 4,000 ABCD participants, ages 9 or 10, who generally got nine or more hours of sleep per day, according to their parents. This group was compared to a similar number of age-matched children who typically got less than the recommended nine hours of sleep. The research team carefully matched the two groups based on some key factors that can confound study results. These factors included sex, household income, body mass index, and puberty status. Participants were assessed and followed over a two-year period. Results appeared in *Lancet Child & Adolescent Health* on July 29, 2022.

The researchers found that children in the insufficient sleep group at the start of the study had more mental health and behavioral challenges than those who got sufficient sleep. These included impulsivity, stress, depression, anxiety, aggressive behavior, and thinking problems. The children with insufficient sleep also had impaired cognitive functions such as decision making, conflict solving, working memory, and learning. Differences between the groups persisted at the two-year follow-up.

SOURCE:

<https://www.nih.gov/news-events/nih-research-matters/children-s-sleep-linked-brain-development#:~:text=The%20researchers%20found%20that%20children,aggressive%20behavior%2C%20and%20thinking%20problems.>

Schools in the immediate Area



RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

Hampstead & Garden Properties v Diomedous [1968] – High Court Judgement relevant to Gilass Café application:

The Courts have long recognised the rights of householders to the quiet enjoyment of their homes, now found in Article 8 of the European Convention on Human Rights. In *Hampstead & Garden Properties v Diomedous* [1968], Mr Justice Megarry was dealing with music from a restaurant but he said – “It is the home rather than the meal table which must prevail. A home in which sleep is possible is a necessity whereas loud music as an accompaniment is for those who enjoy it, a luxury.”

The Judge’s comment is no less pertinent to the loud noise and disturbance caused by late night alcohol sales on and off premises as well as delivery vehicles motorbikes, electric vehicles and drivers talking and shouting whilst they wait and deliver food at delivery point.

The Residents throughout Fulham have an entitlement to live in their homes without sleep disruption caused by substantial increase in later operating hours and delivery activities taking place during the most sensitive hours of the late evening when most people and particularly children are sleeping.

RESIDENTIAL AMENITY & RIGHTS OF ENJOYMENT

Encouraging 'Late night' food delivery only creates more Nuisance problems in London's most sleep deprived borough – Hammersmith & Fulham.

It also goes against The Mayor's London Plan 2021 of "Creating a Healthy City":

Residential Amenity - is based on The Mayor's London Plan 2021 Policy (link below) GG3 'Creating a healthy city' outlines how those involved in....must ensure the wider determinants of health are addressed in an integrated and coordinated way. It sets out the need for a systematic approach to improving the mental and physical health of all Londoners and reducing health inequalities. Creating a healthy city 1.3.1 The mental and physical health of Londoners is, to a large extent, determined by the environment in which they live.

[london.gov.uk/sites/default/files/the_london_plan_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf) – (See pages 33 & 34 of pdf)

CONCLUSION:

We ask the Sub Committee to take into account the serious concerns of Residents regarding the high level of crime and antisocial behaviour in the area and that extending these hours will only exacerbate the problems. We are very concerned about the enforcement history and breaches and respectively ask this application to be refused outright.