

From: Barclay Road Residents

Sent: Monday, February 5, 2024 10:07 AM

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

Cc:

[REDACTED] [REDACTED]

Cllr Coleman Ben: H&F

<Ben.Coleman@lbhf.gov.uk>; [REDACTED]

Subject: Supplemental 2023/01489/LAPR, 14-pg PDF

Dear Lorna

We have prepared this 14-page evidence PDF for publication, for the H&F Licensing Committee hearing on 7 Feb 2024 for 2023/01489/LAPR, 82 North End Road.

Pls acknowledge good receipt after testing to open:read.

Barclay Road Conservation Area Neighbourhood Watch

[REDACTED]

Chicken Cottage: 82 North End Road London W14 9ES
License Application: 2023/01489/LAPR: – Hearing 7th Feb 2023

SECTION 1

LOCATION - Page 2 is to visually assist with the showing:

- Premises location on North End Road & Residential homes above address
- Premises directly opposite Famous Three Kings Pub and West Kensington Station, and at a very busy traffic intersection (Talgarth Road) with double red lines to keep highway free from parked vehicles
- Property Constraints notes that ***the premises is within 50m of Conservation Area*** - Barons Court Rd

Location of Premises on 82 North End Road with Residential homes above – Double Red No Parking Lines for Scooters



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SECTION 2

Licensing Objectives - Prevention of Crime & Disorder & Promotion of Public Safety

Latest Crime Map in the Area: Page 3

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

This part of North End Road has a high crime rate:

- Anti-social Behaviour exceeds the national average by over 119%
- Violence and Sexual Offences by 30%
- Public order by 23%

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. (Nov 2022-Nov 2023)

Crime within 1 mile of: W14 9ES Talgarth Road, London, United Kingdom

Last 12 months

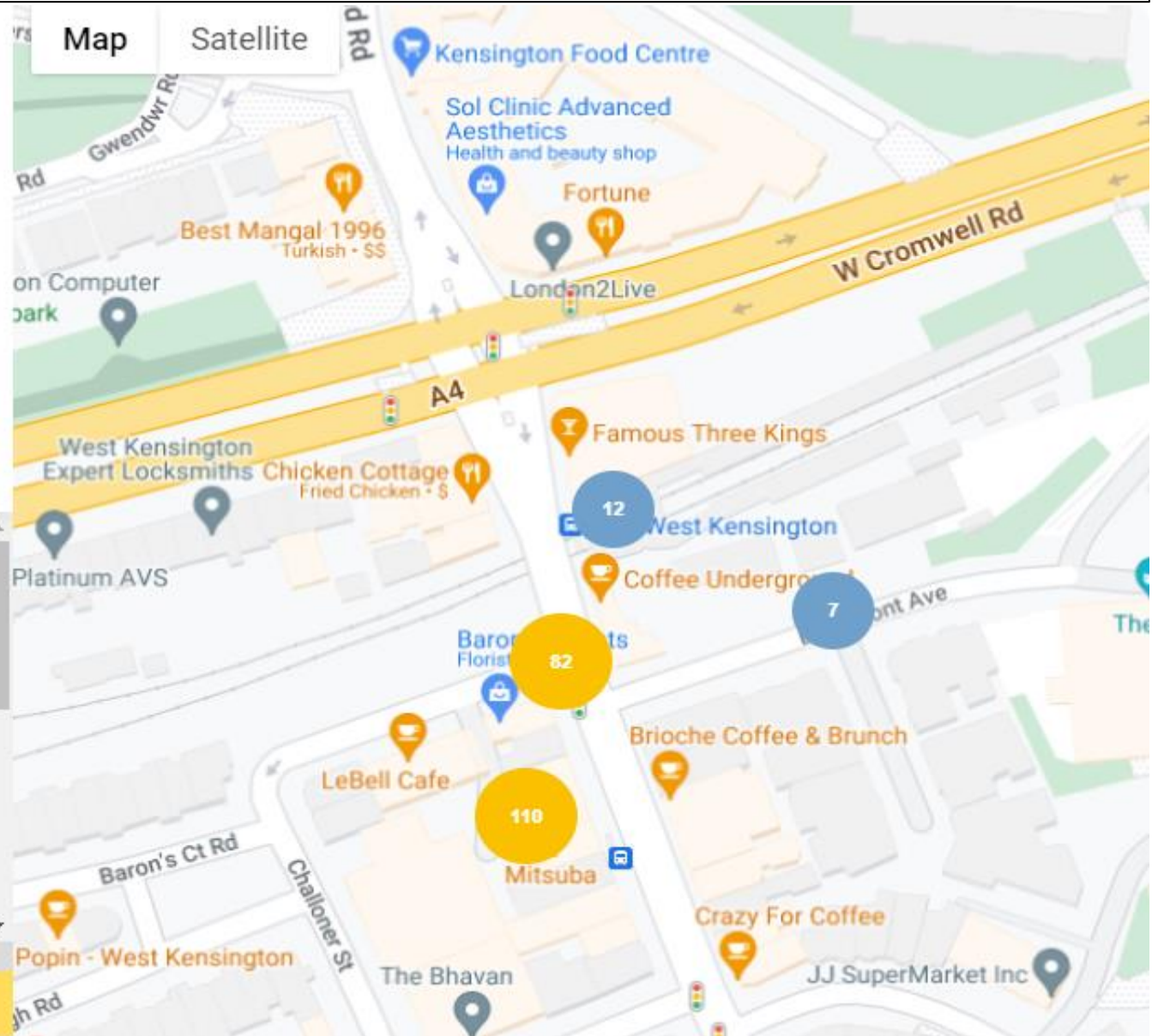
Data period (months):

3 6 12

W149ES

+ Add another postcode to compare

Crime within 1 mile of:	W14 9ES	National avg. <small>(i)</small>	
Anti-social behaviour	57	26	x
Criminal damage and arson	16	13	x
Public order	15	13	x
Theft from the person	12	3	x
Vehicle crime	17	11	x
Violence and sexual offences	78	60	x
-	-	-	
Total	273	173	



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SECTION 3

Licensing Objectives - Prevention of Noise & Nuisance & Protection of Children from Harm

Take-Away Shops:

- Hours provided by H&F Licensing – showcases that the premises hours are already exceeding suggested guidelines (page 7)
- The premises is already advertising its closing hours at 3am (page 7)

Residential Amenity & Residential Rights

- Page 9 to 15 – Evidence and Impact of late-night hours and High Court Judgements
- Page 10 – H&F Licensing Policy: Risk Assessments & Impact Studies

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To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

Type of premises	Town centres	Mixed use areas	Residential areas
Restaurants and cafes	Fri – Sat 01:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00
Late night refreshment premises (Takeaways)	Fri – Sat 01:00 Sun – 00:00	Fri – Sat 00:30 Sun – 23:30	Not considered Appropriate

H&F Guideline Suggested Take-Away Closing Times (above) VS Chicken Cottage Existing & Applied:

Chicken Cottage current licensed Hours: Sun-Thur 10.30am to 01.00am & Fri-Sat: 10.30am to 02.00am

This Application Applied Hours: Sun-Thur 10.00am to 03.00am & Fri-Sat: 10.00am to 04.00am

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Famous Three Kings



Website

Directions

Save

Call

4.3 ★★★★★ 2,026 Google reviews ⓘ

££ · Pub

RESERVE A TABLE

Sizeable pub with multiple big screens showing live sports, plus comprehensive pub grub menu.

Service options: Dine-in · No takeaway · No delivery

Address: 171 North End Rd, London W14 9AE

Hours: Thursday 12–11 pm
Friday 12 pm–1 am
Saturday 11 am–1 am
Sunday 11 am–11 pm
Monday 12–11 pm
Tuesday 12–11 pm
Wednesday 12–11 pm

Confirmed by this business 1 week ago



Chicken Cottage

Website

Directions

Save

Call

3.7 ★★★★★ 369 Google reviews ⓘ

£ · Fried chicken takeaway

Counter-serve chain for fried or grilled chicken & chips, burgers & wings in a no-nonsense setting.

Service options: Dine-in · Takeaway · Delivery

Address: 82 North End Rd, London W14 9ES

Hours: Thursday 9:30 am–3 am
Friday 9:30 am–3 am
Saturday 9:30 am–3 am
Sunday 9:30 am–3 am
Monday 9:30 am–3 am
Tuesday 9:30 am–3 am
Wednesday 9:30 am–3 am

Confirmed by this business 5 days ago

Advertising 3am closing

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THE PROGRESSIVE ONSLAUGHT IN HOURS ‘CREEP’ – WITH HOT FOOD TAKE AWAY

Residents are extremely 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 impacting on core sleeping hours.

All the roads off the NER are, 100% residential roads, and the Statement of Licensing Policy (SLP) requires special regard to be given to the proximity to residential roads.

The Premises is using the Uber eats, Just Eat and Deliveroo – After midnight, mopeds are 95% the main form of delivery transport due to the radius they cover. None of these mopeds are electric. They are noisy, highly revved, often idling polluting bikes – and these noise levels are amplified during core sleeping hours.



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.>

RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

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. “...When a delivery is made, it is not possible to manage the situation...

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

No Delivery Driver can be controlled at the point of delivery whether that be Papa Johns employed delivery drivers or third party deliver drivers (Deliveroo, Uber Eats, Just Eats etc).

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

RESIDENTIAL AMENITY & RIGHTS TO QUIET ENJOYMENT

Hampstead & Garden Properties v Diomedous [1968] – High Court Judgement relevant to this 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 Take-away 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.

RISK ASSESSMENT – STATEMENT OF LICENSING POLICY

Licensing Objectives: Prevention of Noise & Nuisance and Harm to Children

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. Constant background noise, particularly during core sleeping hours 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 & H&F Own Closing Hour Guidelines - What risk assessment has Chicken Cottage premises undertaken towards understanding the impact on Resident Amenity? And/or on Crime & Disorder, Nuisance & Public Safety?

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CONCLUSION:

- Residents have provided evidence and outlined risks - yet the applicant has failed to provide any supporting information that addresses the Key Licensing objectives
- Premises is openly advertising its hours until 3am on google (since December 2023)
- Encouraging 'Late night' food delivery only creates more problems with Policing and to Residential Amenity in London's most sleep deprived borough
- The proposed closing hours are grossly outside of suggested H&F own guidelines
- The premises is within 50m of a conservation area and within a highly populated residential area
- West Kensington Tube closes at 00.00am and Famous Three Kings Pub at 01.00am on Friday's and Saturday's – there is no further need to

RESPECTFULLY REQUEST:

We ask the Sub Committee to take into account the serious concerns of Residents regarding the high level of crime, antisocial behaviour in the area and that extending these hours will only exacerbate the problems.

We are also understandably concerned about setting a precedence on Take-away hours and respectfully ask this application to be refused outright.