

Dear Ms Chan

**Re: New Premises Alcohol Licensing Application 28885 – 114 Chamberlayne Road, London, NW10 3JP**

We are occupiers of [REDACTED], the attached [REDACTED].

We object to the application for a new premises licence at 114 Chamberlayne Road on the western side of Chamberlayne Road between Clifford Gardens to the south and Leigh Gardens to the north.

Firstly, we would suggest that there has been a breach of process with this application on the following two grounds:

- Unavailability of appendices related to how the application will promote the licensing objectives until well in to the consultation period
- Inaccurate plan drawing provided in the licensing application

In terms of the licensing objectives set out in the Licensing Act and relevant government guidance, we believe that the new premises licence would lead to:

- increased noise disturbance from entertainment activities inside the premises (recorded music/ live bands/ amplified sounds)
- increased noise disturbance from activities outside of the premises (customers who may be under the influence of alcohol loitering, waiting at the bus stop, going outside to smoke cigarettes)
- Potential noise disturbance from motorised vehicles delivering take-away orders
- increased exposure to the harmful effects of passive smoking for people at the bus stop and passers-by, including children and other vulnerable people from customers smoking outside
- increased littering on the footway outside and in the wider neighbourhood
- antisocial behaviour and potentially crime and disorder
- public danger including to children from servicing and potentially delivery of take-away orders

Moreover, the granting of a new premises licence would also prematurely complement use of an unauthorised ground floor rear extension at the premises that is the subject of a Planning Enforcement investigation (Case Ref: **E/23/0215**). Only part of the extension is shown on the plan drawing (which as outlined below is inaccurate) and it is labelled as a "food preparation/ storage area" though it is unclear what type of food is to be prepared in this area, what equipment it will accommodate, and if there will be any ventilation or extraction requirements. The actual built extension is of a low quality with timber walls that we do not believe is adequate to contain commercial kitchen noises. Although we understand that

Planning is a separate regime, we would ask for this to be considered given the relationship between the alcohol licence and the intended use.

## **Breach of process**

### **Unavailability of appendices related to how the application will promote the licensing objectives**

It is clear that promoting the four licensing objectives is a key pillar of the system of licensing for licensable activities.

The application form refers to appendices describing the intended steps on the part of the applicant related to promoting the four licensing objectives, however these appendices were not published with the application and were only made available on 7 August, just one week before the closing date for representations (14th August).

At this point, the consultation period should have been extended to enable time for people to make representations having regard to the information on promoting the four objectives in the appendices.

### **Inaccuracy of information**

The plan drawing appended to the application and published on the council's website as part of the consultation has missing information and is inaccurate.

Firstly, the section shown as a storage/food preparation area on the plan drawing is in an unauthorised extension that is subject to a planning enforcement investigation (case ref: **E/23/0215**).

Secondly, the unauthorised extension is shown inaccurately in the plan drawing. In reality, the extension is larger than shown on the plan and extends to the party wall with the neighbouring property on the southern side and in an L-shape into the side return where an external door is shown on the plan drawing; the external door to the garden from the extension is actually at the back. The built extension does not include the stairs to the first floor flat on the northern side adjacent to 116 Chamberlayne Road contrary to what the drawing seems to show. These are external to the extension and lead from the first floor residential dwelling to the garden.

The application form template states the below:

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

We suggest that a plan drawing provided as part of the application could be considered to be covered by this, and because of the inaccuracy, there is a breach of process with this application.

We question how anybody can be sure that the proposed licensable area is shown accurately when the plan does not include some of the intended floorspace of the premises?

The applicant should have been asked to provide an accurate plan drawing and the consultation should have been extended to enable time of people to make representations based on accurate information.

## **Licensing hours/ use of premises**

In addition to the above unquestionable facts, we have doubts about the suitability of the licensing hours requested (10am to 10.30pm every day) for the stated use of the premises as a patisserie/café; the hours seem more consistent with a bar operation. We have concerns about potential scope creep in terms of extended night time hours of operation, either on an authorised or unauthorised basis, especially given the difficulties associated with enforcement of the latter.

## **Licensing Objectives**

### **The prevention of public nuisance**

#### **Noise**

We are concerned that the granting of the new premises licence for the supply of alcohol for consumption on and off the premises in the above described site-specific circumstances would lead to unacceptable noise impacts from activity both inside and outside of the premises.

If we are understanding correctly, an alcohol licence allows for a number of forms of entertainment to take place inside the premises in question. This includes the potential for loud recorded or live music and other amplified sounds to be played.

The ground floor space at 114 Chamberlayne Road, confined as it is in the middle of our terrace which is lined with residential uses on the upper two floors, is wholly unsuitable for this type of activity, and immediate neighbours would certainly be impacted by the associated noise. This would severely detract from the enjoyment of our premises for normal domestic activities and working from home.

The granting of the licence could also lead to noise disturbance from activities outside of the premises, from customers who may be under the influence of alcohol leaving the premises, going outside to smoke cigarettes, hanging around outside and/or waiting at the bus stop (potentially still drinking alcohol purchased at the premises), especially after the 11pm closing time.

We already experience loud and at times antisocial behaviour from passengers at the bus stop directly outside of our premises ( [REDACTED] ) at night, and a new licensed premises next door would add to this.

Refuse storage could also lead to unacceptable noise disturbance at unsocial hours, especially if glass waste (as would be expected to be generated by a premises with an alcohol licence) is being transferred outside at night and in the morning outside of opening hours (stated on the alcohol licensing application as 7am-11pm Monday to Saturday and 8am-11pm Sunday).

Similarly on-street servicing of the premises with supplies of alcohol could lead to noise disturbance for neighbouring residents.

The applicant has referred to orders taken over the phone or via the internet in the application appendices. It is unclear if the applicant intends to provide a delivery service for food and drink ordered at the premises, but if so this could lead to an extra noise issue caused by motorised delivery vehicles picking up the orders.

### **Odours**

As noted above, serving of alcohol at the premises will encourage cigarette smoking outside leading to odours and poorer air quality, affecting people in residential dwellings with windows to habitable rooms in close proximity ( [REDACTED] ) people at the bus stop and passers-by.

This is especially problematic for us at all times, especially when we have our front windows open, due to the unpleasant smell of tobacco wafting in.

We already experience this from cigarette smoking that takes place by passengers waiting at the bus stop directly outside of our premises ( [REDACTED] ), and a new licenced premises would unacceptably increase this impact by customers who go outside to have a cigarette and those leaving the premises by bus.

### **Litter**

Smoking in public also leads to littering of cigarette butts which is already a problem on the footway and in the surrounding area. Other litter such as food packaging could also be dropped at the bus stop and in the surrounding area by people leaving the premises on foot.

### **Public Safety**

An increase in smoking on the footway would also lead to increased public danger from the known effects of passive smoking to members of the public waiting at the bus stop and to residents of properties above when the smoke wafts in.

Servicing of the premises by alcohol suppliers could give rise to danger for the general public given the challenging loading conditions for shops on this stretch of

carriageway that sometimes lead to mounting of the pavement in close proximity to the bus stop during unloading.

There is clearly no opportunity for off-street servicing of the subject premises at the rear and the stretch of carriageway in front of the premises is occupied by a bus stop serving four routes and a Zebra crossing with associated Zig Zags and other road markings.

Given the above, if the applicant intends to provide a delivery service for food and drink ordered over the phone or via the internet from the premises, the use of motorised delivery vehicles for this purpose could lead to public danger.

### **The prevention of crime and disorder**

There is also the potential for the serving and selling of takeaway alcohol at the premises to lead to an increase in more serious late night antisocial behaviour, crime and disorder (which is known to be associated with alcohol consumption) outside the premises, at the bus stop and in the general locale.

### **The protection of children from harm**

The points about encouraging cigarette smoking, specifically increasing exposure to passive smoking, and the potential danger to the public caused by unloading of alcohol supplies to the premises, and possible deliveries of orders from the premises, are also relevant to this objective as there are children who use the bus stop, and the footway including on their journeys between home and school.

### **Promotion of the licensing objectives/ compliance**

For whatever reasons, the applicant, D'Broa has breached a number of regulations/ requirements by: building an unauthorised extension; in so doing carrying out noisy construction work on Saturday afternoons, some Sundays and bank holidays; and providing an inaccurate plan drawing with the licensing application.

Regrettably, we therefore doubt the diligence of the applicant to promote the licensing objectives and comply with the licensing times, especially if there is a lack of enforcement.

Against this backdrop, we are concerned that, with the benefit of the alcohol licence, the premises could well operate as more of a bar rather than a café/ patisserie serving alcohol and possibly staying open later than authorised. The onus will clearly be on neighbours to monitor and prove this and report it to the council. We are also aware of the difficulties, not least around resourcing, of enforcing these matters.

We are also concerned about the granting of this licence might pave the way for a licence to be granted for an even later hour at the premises in the future under the current or another proprietor.

## **Conclusion**

For the above reasons, the council is respectfully requested to refuse the application (28885) for a new premises licence at 114 Chamberlayne Road, NW10 3JP.

Failing that, we would request that the hours of the licence are reduced from those that have been applied for.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]