

<b>Application No:</b>	<b>Consultees Name:</b>	<b>Received:</b>	<b>Comment:</b>	<b>Response:</b>
2021/4792/P	Philippa Graff	07/12/2021 09:33:27	OBJ	<p>I strongly object to this planning application. This company and those like them have a proven record of causing extreme disturbance in the neighbourhoods they enter with scant regard for residents and the problems that inevitably ensue.</p> <p>The constant smell of food ( even worse in Summer) is extremely unpleasant; delivery riders constantly whizzing round without adhering to the rules of the road and pavement is very dangerous indeed; the constant rubbish with overflowing bins and smell is a health hazard;even more delivery vehicles in the area causing obstructions to name but a few of the problems which arise. Commercial kitchens and delivery centres should not be in the centre of a densely populated area. This idea is not feasible in this already congested area. Problems on the streets multiply in every area such an idea is mooted. I vigorously oppose this planning application. Thank you.</p>
2021/4792/P	Nicholas Aleksander	07/12/2021 12:32:47	OBJ	<p>This is an unsuitable location for a commercial delivery kitchen - with issues of noise (particularly arrival and departure of motorbikes in the evening) and smells.</p>

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/4792/P	Mark Hutchinson & Lis Fields	07/12/2021 23:23:38	OBJ	<p>We wish to object to Deliveroo's application in the strongest possible terms.</p> <p>The fundamental, unsolvable problem with the application is that the site is not suitable for the use to which Deliveroo puts it. At the Public Inquiry, the Council pointed out that they had a special unit to help businesses such as Deliver find a suitable site; Deliveroo admitted that they ignored the possibility of using this help. This is, no doubt, because they knew they would not get permission in advance to open on an unsuitable site. All of the problems which have plagued, and continue to plague, the local community follow from the simple fact that this site is not suitable for Deliveroo's business.</p> <p>At the Public Inquiry, the Inspector gave Deliveroo, in effect, a year's trial to prove that they could manage to resolve the considerable problems caused by locating their business in an inappropriate site. Despite a considerable extension to this period of time, they have continued to fail to comply with the O.M.P. on a daily basis.</p> <p>To show that these problems are ongoing, we recorded 69 incidents in a 30 minute period, in the early evening of a quiet Tuesday (7th December 2021). These involved 14 instances of bikes cycling on the pavement (either to or from the site); 2 instances of cyclists running red lights; 17 instances of cyclist not turning left upon exiting the site but cycling straight across Finchley Road; 2 instances of cyclists blocking the pavement; 14 instances of bikes not stopping when exiting the site; and 20 instances of bikes cycling across the pavement to enter the site (and of these, 8 did not stop to allow a Marshal to check their order). This representative sample shows that there must be thousands and thousands of instances of Deliveroo riders breaking the law and/or the O.M.P. every single week – and this just within view of the site entrance.</p> <p style="text-align: center;">Behaviour of riders working for Deliveroo.</p> <p>Against the argument put forward by Deliveroo's lawyers at the Public Inquiry, to the effect that their riders behaviour off-site was nothing to do with them, the Inspector at the Public Inquiry made it absolutely clear that it was Deliveroo's responsibility to control the behaviour of their riders, so that they do not disrupt the local community. This they have proved unable to do.</p> <p>Deliveroo used to dismiss many residents reports of riders misbehaviour by saying that there was no rider logged onto their app at the location and time given. In order to test this, I documented a rider waiting for an order, riding slowly on the pavement on Avenue Road and then proceeding to cycle to the site entrance. I submitted a photograph of the rider on Avenue Road to which I received the standard response. Giles Derrington wrote: "I have now received the results of the investigation by our site and operations teams and can confirm that the rider you saw was not logged on to the Deliveroo app at the time, and therefore was not riding with Deliveroo or fulfilling an order for us. It is possible, as previously mentioned, that they were riding for a different company at the time of this incident." When I subsequently replied with a photograph showing the same rider entering the site entrance moments later, I got a reply which simple avoided the issue. Giles Derrington wrote in an email of 18th January 2021: "While this additional insight is appreciated, as per our previous investigations, we have been unable to identify the riders in question on these occasions." However, the point is not about this particular case. Rather, this incident proves that Deliveroo cannot identify riders by whether they are on their app or not. Given that Deliveroo have admitted that they have no other way of identifying whether riders are working for them or not, this means they have no way at all of keeping track of their rider's behaviour.</p>

**Application No:**    **Consultees Name:**    **Received:**    **Comment:**    **Response:**

Several irresolvable issues arise from the location of the site entrance on Finchley Road.

Riders riding straight across Finchley Road.

At the Public Inquiry the Inspector said that riders exiting the site should turn left and that, if needing to cross Finchley Road (to head South or East from the site entrance), could use the dedicated cycle route next to the pedestrian lights. However, many riders exit the site and ride straight across five lanes of traffic, more or less at right angles to the traffic. Not only is this not what was intended by the directive to 'turn left' in the O.M.P., it is also dangerous.

For a long time Deliveroo have argued against local residents that riding straight out of the site entrance is turning left because it is not turning right. Deliveroo have belatedly painted a sign on the floor near the site exit instructing their riders to turn left. Whilst we can take this is a very late admission on Deliveroo's part that going straight on and turning left are not the same thing, this sign has had no noticeable effect on their riders, who continue to cut across the traffic. The Marshals at the site entrance do nothing to stop this behaviour and have even been observed to encourage it by stepping into the road to halt traffic!

This problem is not confined to riders exiting the site; some riders enter the site from the pavement opposite the site by riding straight across five lanes of traffic, sometimes even riding diagonally against the oncoming traffic. The Marshals also seem unconcerned with such behaviour.

Riders cycling through red lights.

It is, of course, illegal for cyclist to run red lights. However, many riders (having ridden straight across Finchley Road) run the lights leading to southbound section of the one-way system (Avenue Road) if they are red. Any diligent observer could witness this on a brief visit at any busy time. I have noted as many as one a minute over a typical 20 minute period at a peak time for Deliveroo.

Riders have also been seen running red lights leading north up Finchley Road, having exited the site entrance. Riders have also been seen running various red lights at the junction with Hilgrove Road on the way to the site entrance.

Cycling on the pavement.

It is both illegal and dangerous to cycle on the pavement, especially on a busy thoroughfare such as Finchley Road. However, the difficulty of getting to the entrance of the Deliveroo site means that many cyclists do just that. The cyclists tend to use the bus stop and telephone boxes to the north of the site on Finchley Road to shield them from being seen by the Marshals at the site entrance; they cycle up to this point before dismounting for the short walk to the site. Many cyclists cross Finchley Road from the lights to ride up to this point and many of these ride amongst pedestrians rather than using the dedicated route for cyclists. Some other riders cycle down from the north on the pavement of Finchley Road. We have also observed, on numerous occasions, cyclists riding right up to the site entrance on the pavement and being allowed to enter the site by the Marshals.

Application No:    Consultees Name:    Received:

Comment:    Response:

We should emphasise this is a major problem. At busy times there can be several cyclists every minute riding on the pavement; at less busy times it is still a regular occurrence.

Sometimes this problem is reversed: a cyclist will leave the site and push their bicycle until out of sight of the Marshal and then ride off on the pavement. On one occasion, an electric motorbike left the site and rode off on the pavement at speed.

The O.M.P. resulting from the Public Inquiry explicitly banned cyclists leaving the site by turning right and cycling south on Finchley Road pavement. However, this still happens. On occasions when there is no Marshal present at the site entrance, which is not meant to happen but does, riders soon revert to using this route to head south. We have also observed it happening when a Marshal is present.

Cyclists often use other pavements, too. Particular problems are caused by cycling up Belsize Road (to the west of Finchley Road) on the pavement, in order to loiter, waiting for an order. Riders also frequently use the pedestrian walkways around the library. This is of particular concern as there are often children playing in these areas.

Problems at the entrance to the site.

Whilst the introduction of Marshals has stopped large numbers of riders waiting in a gang at the site entrance, it has caused another problem. In order to stop riders waiting further into the site, each rider entering the site must stop and show the Marshal that he or she has an order to collect. Most riders stop on the pavement at the site entrance, obstructing pedestrians.

A similar problem arises with riders leaving the site. Riders routinely wait for a break in the traffic on Finchley Road and, in so doing, obstruct pedestrians. Despite a brand new sign telling riders to stop before leaving the site, many still cycle onto the pavement, right under the noses of Marshals.

Since there are so many riders entering and exiting the site at peak times, the pavement is obstructed a great deal of the time.

Further irresolvable issues arise from the simple fact of many hundreds of Deliveroo riders occupying the local area every day.

Riders loitering in the local area waiting for orders.

At the Public Inquiry Deliveroo's lawyers argued that there was no reason for riders to loiter in the local area waiting for orders and that, therefore, it did not happen, despite the ample evidence to the contrary provided by the Local Residents Group.

The Inspector agreed with the Local Residents Group and suggested that Marshals should stop riders loitering as they wait to be assigned orders. However, this continues to be a considerable problem. Whilst most Marshals do stop riders loitering at the entrance to the site, Deliveroo riders simply gather in spots slightly

Application No:    Consultees Name:    Received:

Comment:    Response:

further away.

Deliveroo's introduction of Roaming Marshals has not fixed the problem. Indeed, the introduction of these Roaming Marshals proves that Deliveroo are incapable of controlling the behaviour of their riders and preventing problems before they arise. Riders are loitering all the time and the occasional Marshal coming by and moving riders on does not alleviate the problem.

Riders are still consistently seen gathering in the following places before preceding to the Deliveroo site: on Belsize Road (down the steps to the west of Finchley Road); on Dobson Close; near the bus stop on Hilgrove Road; on Finchley Road (on the far side of the brick structure on the pavement opposite 131-137 Finchley Road); outside Overground House; on the steps of the entrance to Castleden House on Finchley Road; on the bench outside the Ye Olde Swiss Cottage pub (by the lights); on the far side of the Odeon cinema; and outside the library. These are the main places but individual riders can be seen loitering all over the the place within a radius around the site which enables them to reach it within minutes. Riders in all these places can be observed waiting for an order to be assigned to them on their phones and then riding to the Deliveroo site.

The sheer quantity of riders are unsightly and intimidating to local residents in themselves. However, they also block pavements, monopolise benches and have even verbally abused residents trying to document their presence. All of which inhibits local residents from using and enjoying their local area and amenities, and has a detrimental effect on the quality of life of the community.

It should also be noted that throughout the COVID-19 pandemic, there has been no little social distancing observed between riders in these gangs and usually no face coverings. Given the nature of their work, handling and dispersing packages of food throughout the borough, their reckless behaviour constitutes a grave health hazard. This is again due to the inappropriate nature of the Deliveroo site; if Deliveroo moved to a site where they could accommodate waiting riders within the site itself, without disturbing local residents, then appropriate health and safety measures (such as proper social distancing) could be monitored.

The use of Dobson Close and Belsize Road.

At the time of the Public Inquiry it was understood by all parties that Deliveroo riders should not use Dobson Close. However, after the Public Inquiry, Deliveroo started to claim that Dobson Close was a public highway and their riders were free to use it. This is not true. Dobson Close is part of the Hilgrove Estate and, as such, a private road owned by the Council. There is a 5 m.p.h. speed limit and cycling is prohibited.

Riders should not be using Dobson Close at all. However, a particular concern is riders going to and from the site use the pedestrian walkway next to the childrens' playground. Nearly all riders going this way mount the pavement and ride down the walkway, expecting pedestrians to get out of their way. This is not only illegal but especially dangerous, given that young children are likely to be around.

Deliveroo riders also routinely ignore the 5m.p.h. speed limit.

We have also witnessed orders being collected from the site on foot and then taken away in cars parked illegally in Dobson Close.

Application No:    Consultees Name:    Received:

Comment:    Response:

Riders also get to and from the site via the steps at the top of Belsize Road (west of Finchley Road). This is a pedestrian area and the frequent coming and going of cyclists, carrying their bikes up and down the stairs, obstructs and discomforts pedestrians. Riders carrying their bikes routinely expect pedestrians to get out of their way. Many riders also cycle on the pavement up to, or away from, the steps.

The sheer number of riders.

Many of the problems above are exacerbated by the sheer number of riders Deliveroo needs to use to fulfil its orders. The local area is swamped by hundreds of riders coming, going and loitering every day. This has an impact on the amenity of the local community in a way that a few take-aways from a local restaurant would not.

A particular problem is the number of cyclists pushing their bicycles along Finchley Road just north of the site entrance (going to and from it). Since many cyclists only dismount close to the site entrance, it is the pavement just north of the site entrance which is most crowded. This pavement is narrow and busy: there are a bus stop and shops here. The constant traffic of cycles on the pavement obstructs and hinders pedestrians using the pavement. One cyclist pushing a bike once in a while would not be a problem. However, according to Deliveroo's own information, there are in the region of 200 orders an hour leaving their site at peak times. This means in the region of 400 journeys to and from the site in total. If only a third of these journeys involve using the pavement, this still means 2 bikes every minute.

However, the problem is not limited to this area. For example, the narrow stretch of pavement at the top of the steps to Belsize Road is another particularly troublesome spot. Not only are bicycles being carried up and down the steps (as already mentioned) which have a narrow stretch of pavement at the top, but also groups of riders and bicycles loiter to the north of the brick structure here. The popularity of this haunt for Deliveroo cyclists creates problems of riding on the pavement and bicycles being pushed on the pavement in order to get to and from it. Similar problems arise at other favourite loitering spots for Deliveroo riders.

Once again, the site is not in an appropriate location for the amount of traffic it generates and Deliver has proved incapable of controlling the behaviour of the cyclists it uses to collect its orders.

Limited effectiveness of Marshals

The local residents argued at the Public Inquiry that one Marshal at the site entrance could not possibly manage all the tasks assigned to him or her. This has proved to be correct, even when there are two Marshals there. Marshals are expected to stop riders using Dobson Close, stop riders loitering waiting for orders, monitor riders entering the site, monitor riders leaving the site, check that riders entering the site have a legitimate order, stop cyclists riding on the pavement and stop riders causing problems for pedestrians. The Marshals' effectiveness is limited to stopping loitering at the site entrance (sometimes) and monitoring the immediate comings and goings at the site entrance (sometimes). Marshals cannot be effective because the inappropriate nature of the site combined with the pressure put upon riders means that there are simply too many problems and that problems cannot be resolved but are simply pushed from one place to another.

Application No:    Consultees Name:    Received:

Comment:    Response:

Deliveroo are untrustworthy.

Here are a few illustrations of ways in which Deliveroo are untrustworthy.

1.

As mentioned above, Deliveroo had the opportunity to consult with the Council before opening their divisive operation but refused to do so. They also did not inform or consult with the local community. When they were eventually forced to arrange meetings with the local residents they did so grudgingly and arranged the meetings at inconvenient times and advertised them poorly. They have failed to meet their obligation as outlined in the O.M.P. to arrange regular meetings with the local community. In one case, where they had managed to arrange a meeting, they promised in advance to let all residents who wished to attend the meeting to join, only to break this promise at the last minute, by not allowing us to join the meeting.

2.

Prior to switching to cyclists and electric bikes Deliveroo had given local residents a cast-iron promise that under no circumstances whatsoever would riders be allowed to congregate outside the kitchens. However, they broke this promise. And despite claiming to want to be 'good neighbours' and work with the local community there was no consultation about breaking this promise. When challenged about this at the Public Inquiry, Deliveroo's barrister claimed there was no need to do this as Deliveroo were in the position to make the best decision for everyone.

3.

Deliveroo did not tell local residents nor the Council of their plans to switch to cyclists and electric bikes, just prior to the Public Inquiry. It would seem that this was an attempt to subvert the preparation for the Inquiry by local residents and the Council. Regardless, it is another instance of Deliveroo acting without the slightest attempt at consultation.

4.

On the site visit at the Public Inquiry, I asked one of the Deliveroo team if the ugly fence they had erected (next to the stairs up from Dobson Close to Finchley Road) could be removed because it had, by making the stairs darker and less visible, spawned graffiti and litter. She replied: "It is not as though this is a nice place to live anyway!"

5.

More recently, when reports of a rider incidents have been given to Deliveroo by residents, Deliveroo have stopped providing us with a response to each incident, which we had understood was their obligation, and instead given a blanket reply with words to the effect that all incidents have been dealt with.

6.

Speaking to riders who work for Deliveroo (who wish to remain anonymous for obvious reasons), we have been told that, in the experience of these riders, there has been next to no social distancing nor mask wearing within the Editions site. Whilst this claim cannot be verified by residents, it is an indication that Deliveroo have as little concern for the health and safety of those who work for them – and those to whom they deliver – as they do for local residents.

Application No:    Consultees Name:    Received:

Comment:    Response:

7.

When Deliveroo told residents there was no need for us to monitor the site because the site was to be "independently" monitored, I asked Giles Derrington for details. He replied on January 18th 2021: "Independent monitoring has been carried out by our planning consultants, First Plan, as is detailed within the Planning Application submitted to the Council." Looking on First Plan's website, they boast that their business is to help companies, such as Deliveroo, gain planning permission by presenting them in the most favourable light possible. First Plan are thus technically independent in the sense of being a different company to Deliveroo but they are not independent in the everyday sense of being disinterested: they are employed by Deliveroo for the benefit of Deliveroo. Needless to say, Deliveroo refuse to divulge either what is being monitored nor how effective this 'independent' monitoring is at recording the daily breaches of both the OMP and the law caused by Deliveroo occupying this unsuitable site. We would hazard a guess that the incidents recorded are negligible. This is not the kind of monitoring in which residents are interested.

8.

Deliveroo insinuate that the majority of problems caused by delivery riders in the area are not caused by riders working for the Deliveroo Editions site. They base this insinuation on the claim that less than 10% of delivery bikes in the area are working for the Editions site. When questioned, Deliveroo refused to say how they derived this figure.

In response, I conducted a survey on Saturday 19th December 2020, between 12.58pm and 13.18pm. Of 45 bicycles on the section of Finchley Road containing the site entrance, 26 went into the site. This is 68.42% of ALL bicycles. Discounting bicycles which were clearly not delivery bikes (19 in all), gave a figure of 89.66% of delivery bicycles working for Deliveroo. I submitted this survey to Deliveroo and got the response that I had done it at the wrong time. When I volunteered to redo the survey at the time of Deliveroo's choosing, I was ignored.

Giles Derrington did claim, however: "I can assure you that the information we have provided to the Council corroborate the statements about order volumes in previous emails and that the calculations you provide in your email of the 19th do not reflect a true overall picture of the site." He then ignored my request as to who it was at the Council who might confirm their corroboration.

However, based on Deliveroo's own figures, the 10% figure would entail the manifestly ludicrous claim that there is a non-Editions site delivery rider entering or leaving the vicinity of the site, on average, every 5 seconds, 12 hours a day, 365 days a year. Anyone acquainted with the area can confirm this is not true. This is how that figure is calculated:

At the Planning Committee on October 15, 2020 Giles Derrington stated that Deliveroo Editions delivered 200,000 orders in the 14 months of the previous trial period [GD: Camden Webcast:15.10.202@3:09]. If this is taken as the 10% Deliveroo claims, it would mean that non-Editions riders in the immediate Swiss Cottage area will have delivered 1,800,000 orders in that same 14 month period. This figure would mean roughly 4,235 deliveries a day. Assuming a 12 hour period for deliveries, this works out at 356 deliveries an hour, which is 712 journeys to and from points of collection or delivery; or one every 5 seconds.

Giles Derrington's reply to this was (22 January 2021): "I would like to take this opportunity to remind you that the purpose of this mailbox is for local residents to notify us of any actual specific breaches of the OMP and we would respectfully ask that you only use it for that purpose going forward." In other words, after having



Application No:    Consultees Name:    Received:

Comment:    Response:

started a conversation, using his email, in order to try to pacify residents with an outrageous claim, he then refused to engage with us any more when we showed the claim was manifestly false. This is a recurring theme.

These few examples reveal not only Deliveroo's dismissive attitude towards the concerns and priorities of the local community but also the unrepentant way Deliveroo breaks promises and makes claims which are untrue.

#### Conclusion

The considerable problems caused by a combination of the specific nature of Deliveroo's business and the inappropriate nature of the site for such a business continue unabated. The problems we have noted are not occasional lapses but happen every hour of every day that Deliveroo are open.

As regards the nature of the business, the manner in which riders are employed and paid puts an enormous amount of pressure on them: not only do they have to wait near enough to the site to have a chance of being allocated orders, they then have to deliver those orders as quickly as possible. This puts the riders in competition with each other and pressures them to behave recklessly in order to make a living.

Deliveroo have argued at community meetings and at the Public Inquiry that any problems are caused by the occasional misdemeanours of individual riders. However, this simply does not wash: the extent, persistence and wide-spread violation of the terms of the O.M.P. happen all the time the site is open; this is testament to the fact that the problems are caused by the nature of the business and the inappropriate site and, moreover, that they are irresolvable.

The site is inappropriate for Deliveroo's business for two main reasons:

Firstly, it is located in a densely populated residential area. The immediate effect of this is that the noise of operating the kitchens, and the smells generated, disturb residents around the site. It also means that the site cannot accommodate riders waiting to collect orders without further disturbing local residents with more noise. Deliveroo initially provided facilities for riders but ceased doing so precisely for this reason. However, the knock-on effect is that waiting riders simply swamp the local area, loitering in unsuitable areas, where there are no facilities for them. In other words, the problem is simply spread out over a larger area. The sheer number of riders who need to wait nearby and descend quickly upon the Deliveroo site (because the site itself cannot accommodate them) cannot be accommodated safely and amicably in the local neighbourhood.

Secondly, the entrance to the site, in relation to the surrounding area, creates insurmountable problems. Riders, under the pressures we have described, in order to earn a living, are forced to behave in all manner of unsafe ways getting to and from the site. The many places in which these transgressions take place cannot be seen by a Marshal situated at the site entrance and therefore cannot be controlled.

We do not object to Deliveroo as a business in principle nor to this site being used for an appropriate business. It is simply that Deliveroo is not an appropriate business for this site, as is proved by the relentless daily aggravation its presence causes for local residents and the general public.

**Application No:**   **Consultees Name:**   **Received:**                      **Comment:**   **Response:**

---