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1. THE APPLICATION

On 07 August 2020, Mr Mahalingam Sivakumar (“the applicant”) submitted an application for a Premises Licence to be granted in respect of the premises 81-85 Bloemfontein Road London W12 7DA.

1.1 Application Requested

The applicant has applied for a new premises licence for the supply of alcohol for consumption off the premises as outlined below:

Sale of alcohol – Off the premises only

Monday to Sunday 10:00 -23:00

A copy of the application and plan can be seen on pages 8-32 of this report.

1.2 Applicants Operating Schedule

The applicant has proposed a number of additional steps to promote the four licensing objectives if the application is granted. A copy of the proposed conditions can be seen on pages 33-35 of this report. The applicant has further submitted a case summary which can be seen on pages 69-74 of this report

On 20 August 2020, following correspondence from PC Stewart, the applicant agreed to amend the application to include the following conditions to the licence if granted:

- 1. No beers, lagers, or ciders over 5.5% ABV shall be sold at the premises save for premium beers, lagers, or ciders in glass bottles. This list of products will be agreed in writing with the Police Licensing Team.*
- 2. There shall be no sale of single cans or bottles of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml. For the avoidance of doubt customers are permitted to purchase two (or more) single cans/bottles from different brands.*
- 3. The Premises Licence Holder shall, on receipt of a request in writing (email will suffice) from the Police, suspend alcohol sales at the premises on days when Queens Park Rangers Football Club (QPR) have a 1st team match at Loftus Road that the police consider to be high risk in terms of supporter behaviour. Such requests from the police must be on at least 48 hours; notice and will be limited to the period of 2 hours before the stated kick of time and the period of 1 hour after the match ends.*

A copy of this amendment and relevant correspondence can be seen on pages 36-37 of this report.

2. BACKGROUND

The main access to the premise’s unit is located on Bloemfontein Road. There is a mixture of both residential and commercial premises within the area. A map showing

the location of the premises and neighbouring licensed premises can be seen on pages 38-39 of this report.

Units 81-85 Bloemfontein road are currently two separate premises known respectively as 81 - Suzy's Newsagent and 83 to 85 - Euro International Supermarket Sheena. Both premises fall under the ownership of the applicant who plans to merge the two premises into one larger premises. The premises will still operate as a small, family owned convenience store and the application is made to permit the sale of alcohol as part of the convenience store. The premises is currently under construction.

There are several options for transport away from the area including buses and taxis which run from in and around the Bloemfontein Road area. White City tube station is a 11-minute walk away and Wood Lane tube station is a 14-minute walk away.

3. CONSULTATION

A public notice was displayed at the premises for 28 days. The application was advertised in a local circular and all statutory consultees were notified as required by the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

3.1. Relevant Representations

The licensing section received thirty-two representations in total from local residents, three objecting to the licence application and twenty-nine supporting the licence application. One representation objecting to the licence application included two petitions. A copy of these representations can be seen on pages 40-68 of this report.

4. OTHER INFORMATION

4.1 Enforcement History

There have not been any warnings, simple cautions or prosecutions given in respect of the premises during the past twelve months.

4.2 Temporary Event Notices ("TENs")

No TENs have been submitted in respect of this premises in the past twelve months.

5. POLICY CONSIDERATIONS

5.1 Section 5.1 page 12 of the Statement of Licensing Policy ("SLP") states that where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:

- Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance; and
- Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

5.2 Section 5.2 page 12 of the SLP states that the Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application, the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an 'hours' restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example, if the closing time on the application is stated as 12 midnight, the latest time that a licence would be granted to serve alcohol would be 11:30pm, as the Licensing Authority will normally allow a minimum of 30 minutes to consume alcohol that has been purchased before the terminal hour.

5.3 Section 5.4 page 13 of the SPL states that the Licensing Authority advises applicants that it would be beneficial if a lawful planning use can be demonstrated for the activities proposed in all applications for premises licences.

5.4 Section 8.1 page 15 of the SLP states that the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises.

5.5 Section 8.8 page 16 of the SLP states that off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as easy premises from where to acquire alcohol. Such premises can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

5.6 Section 8.9 page 16 of the SLP states that the Licensing Authority expects operators of off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.

5.7 Section 8.10 page 16 of the SLP states that it is important that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
- Any relevant representations.

6. DETERMINATION

6.1 In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Grant the application in full.
- (b) Modify the conditions of the licence.
- (c) Reject the whole or part of the application.

It is the Council's duty under the Licensing Act 2003 ("The Act") to determine applications with a view to promoting the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

In reaching a decision the Council shall consider the details of any relevant representations received; the applicant's Operating Schedule; the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Act.

If the Committee is minded to grant the application conditions may be attached to the licence to alleviate the concerns raised through representations.