

<u>Contents</u>	<u>Page</u>
1. THE APPLICATION	4
1.1. Application Requested	4
1.2. Applicants Operating Schedule	4
2. BACKGROUND	4
3. CONSULTATION	4-5
3.1 Relevant Representations	5
4. OTHER INFORMATION	5
4.1 Enforcement History	5
4.2 Temporary Event Notices (“TENS”)	5
5. POLICY CONSIDERATIONS	5-6
6. DETERMINATION	7

## APPENDICES

Copy of application and plans	8-27
Map showing location of premises and neighbouring licensed premises.....	28-32
Copy of representation from a local resident objecting to the application .....	33

## 1. THE APPLICATION

On 27 January 2022, Mr Michael Nickson (“the agent”) submitted an application on behalf of Cloud Retail Ltd (“the applicant”) for a Premises Licence to be granted in respect of the premises trading as Jiffy Grocery and located at Unit E, 1st Floor, West 12 Shopping Centre, Shepherd's Bush Green, London, W12 8PP.

### 1.1 Application Requested

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

#### **Sale of alcohol – Off the Premises Only**

Monday to Sunday 07:00 - 00:00

#### **Hours open to public:**

Monday to Sunday 10:00 - 18:00

A copy of the application form and plans can be seen on pages 8-27 of this report.

### 1.2 Applicants Operating Schedule

The applicant has proposed a number of steps to promote the four licensing objectives if the application is granted. A copy of these steps can be seen on pages 18-19 of this report.

## 2. BACKGROUND

Based on the application form ‘Jiffy Grocery’ occupies the 1st floor Unit E in the W12 Shopping Centre at Shepherds Bush. The applicant states that the business is an online grocer providing home delivery of a range of ambient, chilled and frozen products, as well as alcohol, and responding to internet orders, serving customers locally. Additionally, there will be an opportunity for customers to click and collect groceries from this location, but not alcohol.

The main access to the premise’s unit will be located on Shepherd's Bush Green. There is a mixture of both residential and commercial premises within the selected 75m buffer zone. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 28-32 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Shepherd's Bush Green area. Shepherd's Bush tube station and Shepherd’s Bush Overground station are a 2-minute walk away and Goldhawk Road tube station is a 7-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 one representation from a local resident objecting to the licence application. A copy of this representation can be seen on page 33 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 three years.

### **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 5.4 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.

**5.3** Section 5.5 page 13 of the SPL states that it will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons

based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol.

**5.4** Section 6.1 page 13 of the SPL states that in determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.

**5.5** 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.

**5.6** 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.

**5.7** 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.

**5.8** 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) Grant the application in part – modifying the proposed hours, activities or conditions.
- (c) Reject 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 any representation(s).