

IN THE MATTER OF AT BEST ONE, 308 WANDSWORTH BRIDGE ROAD, FULHAM

HEARING NOTE

Application

1. The variation application is to:
 - Add late night refreshment from 23:00 to 24:00 hours.
 - Vary the hours for the sale of alcohol for consumption off the premises from the 1964 Act hours of 08:00-23:00 (Mon-Sat) and 10:00 -22:30 (Sun) to 06:00-24:00 seven days (and regularise Christmas/Good Friday).
 - Update the premises licence plan

The premises

2. The premises, as noted in the representations, *is a hard-working Post Office, offering grocery, alcohol and all sorts of things we need/household goods and school supplies.* It has been at the present site for many years and been licensed for at least 20 years. The applicant took over the premises in April 2018. He introduced the post office and undertook a refurbishment of the store (spending some £60,000).

The Applicant

3. The applicant has some 20 years' licensing experience with 17 years as a DPS. He has run these premises for four years with no complaints regarding the way he runs his business from customers or complaints from the Local Authority regarding anti-social behaviour, noise or litter.

Representations

4. The Police and other responsible authorities were consulted prior to the submission of the application to discuss the hours of operation and the licensing conditions to be offered. Neither the Police nor any other responsible authority make representations against the variation.
5. There are no representations from local residents but four representations from Safer Neighbourhood Ward Panels. There is no representation from the Palace & Hurlingham panel area in which the premises are situated.
6. The representations express similar concerns. These may be summarised as: alcohol hours and sales area, LNR, the store plan and deliveries. No evidence is offered to support these matters. They are simply concerns about what may result and are to

some degree understandable being based on misunderstandings in relation to the premises current licence and the activities which the varied licence will allow.

The variations

7. *Updating the plan* – the plan is being updated to ensure it properly reflects the current shop layout. The variation will not adversely affect the licensing objectives.
8. *Licensing the whole shop for alcohol* – the whole shop is already licensed for the sale of alcohol – so that is not being varied. Further, it holds an off-licence. Therefore concerns expressed about it being turned into a cocktail bar (requiring an on-licence) are ill-founded. This cannot happen.
9. *Extending the hours for the sale of alcohol* – This will not undermine the licensing objectives as:
 - (1) This is a modest application in terms of hours and timings.
 - (2) The premises do not see their customer base changing; they will simply be able to provide a better service; and by matching opening hours to licensed hours any potential problems are lessened.
 - (3) The Applicant is an experienced and responsible operator.
 - (4) There have been no complaints from customers or responsible authorities regarding anti-social behaviour, noise or litter.
 - (5) The current licence contains no conditions other than the mandatory conditions. The variation application offers 15 conditions addressing the concerns raised.
10. *Late Night refreshment* – the premises can sell hot food and drinks until 23:00. After that time they can sell cold food and drinks. No problems or complaints have been experienced. The addition of heated, simple food such as pasties and hot drinks for one hour will not undermine the licensing objectives
11. *Deliveries* – there are/will not be deliveries of hot food. At the moment at most a couple of deliveries of alcohol each week are made. It is not envisaged that this will increase significantly if at all. Deliveries are handled by Uber who have their own safeguards in place. Deliveries can only be made to a residential or work address. The modest extension of hours may result at most in few extra deliveries which will not undermine the licensing objectives.

Evidence

12. The premises have been traded by the Applicant for four years. During that time no evidence has been presented that the premises have operated in a way that has undermined the licensing objectives. The modest variations sought together with the conditions offered support the view that the licensing objectives will not be affected.

13. Further, and significantly, all responsible authorities (RAs) were informed of the application and were able to make representations. None have done so.

14. If an RA does not make a representation it is reasonable to conclude that the RA has no concerns relating to the application. The s.182 guidance underlines the weight that should be given to the views of the RAs particularly the Police:

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective (para 9.12).

15. There are no representations from any other RA and notably Environmental Health which is the main source of advice in relation to the public nuisance licensing objective as made plain by the Government during the Report Stage of the Licensing Bill in the House of Lords:

Judgment of the merits of an application against the licensing objectives should be left to the experts. The experts on crime and disorder ... are the police ... The experts on public nuisance are the local environmental health authority.¹

16. Finally, the Committee will be familiar with the case of *Thwaites* and in particular para 63.²

17. The Committee is therefore respectfully invited to grant the application as applied for.

Roy Light
St John's Chambers

¹ HL Deb, vol.645, col.400, 27 February 2003.

² *Thwaites v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin)

**List of agreed/offered Conditions re Best One premises licence variation application – 308
Wandsworth Bridge Road, Fulham, SW6 2UA.**

1. Spirits will be located behind the counter.
2. The premises shall have sufficient cameras located within the premises to cover all public areas. One camera is to cover the front entrance to capture the head and shoulders of each customer entering the premises.
3. The system shall be able to cope with all levels of illumination throughout the premises. CCTV warning signs to be fitted in public places.
4. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
5. The recording system must record to evidential standard and be retained for a minimum of 28 days.
6. CCTV recordings shall be made available to the Police and any relevant officer of a responsible authority upon reasonable request by an authorized member of staff as soon as is reasonable practicable. There should be a staff member on duty to assist the police upon reasonable request with viewing the recordings at all times.
7. No high strength beer, lager and cider over 5.5% abv will be available for sale after 23.00 until store closing.
8. All sales of alcohol after 23.00 hours until store closing will be via credit card.
9. A till prompt system will operate instore to assist staff with identifying underage persons.
10. Staff shall be trained with regard to their responsibilities in the retail sale of alcohol before they start to sell alcohol. Written records shall be kept of all training. Written refresher training shall be undertaken annually. Training records are to be available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
11. A refusals book will be operated and maintained and the book will be available for inspection upon request by a relevant officer of a responsible authority.
12. A Challenge 25 policy will be operated at the premises. Acceptable forms of identification shall be a passport, a photo driving licence and a PASS accredited identification card.
13. Challenge 25 posters shall be displayed in prominent positions at the premises.
14. Notices requesting customers to be respectful of local residents when leaving the premises at night.
15. The store frontage will be swept daily.

End