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1. REVIEW APPLICATION

On the 23rd December 2024, an application for a review of a premises licence under Section 51 of the Licensing Act 2003 was served by Licensing and Trading Standard Officer Mr Bill Massini, on behalf of Hammersmith and Fulham Council's Licensing Authority, 45 Beavor Lane, Hammersmith, London, W6 9AR. The review application is in respect of the premises known as the JMB Food and Wine, 143 Askew Road, London, W12 9AU.

The application for a review of the premises licence was made on the grounds of the protection of children from harm, the prevention of crime and disorder and public safety following several incidents at the premises, including the sale of alcohol and nicotine inhaling products to children.

On the 31st October 2024, the Trading Standards Team received a complaint claiming the premises had sold alcohol and nicotine inhaling products to five children. On the 05th November 2024, the Licensing Team received a complaint outlining the same incident at the premises.

On the 04th November 2024, a test purchase was carried out at the premises by the Trading Standards team, where a staff member at the premises sold a disposable vape (nicotine inhaling product) to a 16 year 0-month-old boy who was accompanied by a 16 year and 3-month-old girl.

On the 6th November 2024, an officer from the Trading Standard and Licensing Team carried out a joint visit to the premises where numerous breaches of premises licence conditions were identified.

Subsequent visits were made to the premises on the 11th, 17th and 27th November 2024 where outstanding breaches of conditions attached to the premises licence were identified.

On the 9th December 2024, the premises licence holder was interviewed under caution by Trading Standards and Licensing officers with respect to the recent incidents at the premises.

Mr Massini, on behalf of the Licensing Authority, explains in the review papers, that the premises licence holder and Designated Premises Supervisor ("DPS"), has shown complete disregard for their responsibilities and to those damage by and/or affected by his actions. Mr Massini, therefore, requests that the licensing sub-committee consider a revocation of the licence.

A copy of the review application and supporting documentation can be seen on pages **10-32** of this report.

2. CURRENT LICENCE

The premises currently benefit from a premises licence which permits the following licensable activities:

Sale of Alcohol Off the Premises

Monday to Sunday 09:00 – 23:00

Hours Premises Open to the Public

Monday to Sunday 06:30 - 23:00

A copy of the current premises licence and plan can be seen on pages **33-41** of this report.

3. BACKGROUND

Licensing records show that the initial premises licence was granted in respect of the premises on the 18th January 2019. On the 6th of December 2023, an application to transfer the premises licence and vary the DPS to Mr Subir Singh Bhatia was granted.

On the 23rd November 2023, a variation application requesting to extend the opening hours of the premises and hours for the sale of alcohol off the premises was received. The application was heard and determined at a Licensing Sub-Committee hearing on the 14th February 2024. A copy of the current premises licence and plan as granted by the Licensing Sub-Committee can be seen on pages **33-41** of this report.

The main access to the premise's is located on Askew Road. The premises operate as a convenience store. 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 **42-63** of this report.

There are several options for transport away from the area including buses and taxis which run from in and around Askew Road area. Stamford Brook tube station is a 15-minute walk away, Ravenscourt Park tube station is a 17-minute walk away and Goldhawk Road tube Station is a 19-minute walk away.

4. CONSULTATION

A public notice was displayed by the Council at and near the premises. A further public notice was displayed by the Council at Hammersmith Town Hall. Details of the application were also published on the Council's web site.

A notice of review was served on the premises licence holder and all the statutory responsible authorities as required by regulation.

4.1 Relevant Representations

The licensing section received one representation from Police Constable ("PC") Nicole Sondh on behalf of the Hammersmith and Fulham Metropolitan Police Licensing team, supporting the review application. A copy of this representation can be seen on pages **64-65** of this report.

The licensing section received one representation from Mr Doug Love on behalf of the Trading Standards team, supporting the review application. A copy of this

representation and supporting documentation can be seen on pages **66-69** of this report.

The licensing section received two representations from local residents supporting the review application. A copy of these representations can be seen on pages **70-73** of this report.

5. OTHER INFORMATION

5.1 Enforcement History

On the 6th November 2024, Trading Standards and Licensing Enforcement officers made a joint visit to the premises with a letter requesting CCTV footage to be produced. A full licensing inspection was carried out and breaches of conditions 9, 10, 12, 13, 14, 18 and 19 attached to the premises were identified. A verbal warning was given, and the inspection sheet was left at the premises as a warning letter.

On the 11th November 2024, Licensing Enforcement officer visited the premises accompanied by a Law Enforcement Officer (“LET”). Licensing Enforcement identified breaches of conditions 1, 4, 5, 7, 9, 13, 14, 15, 16 and 18 attached to the premises licence. A verbal warning was given, and the inspection sheet was left at the premises as a warning letter.

On the 9th December 2024, a PACE interview under caution was carried out by Licensing and Trading Standard officers with the current premises licence holder and his representative in attendance. The PACE interview was undertaken in relation to an incident which occurred at the premises surrounding sales of alcohol to persons under 18 years old. Following the PACE interview, the premises licence holder has been informed he will be reported for possible prosecution.

5.2 Temporary Event Notice (“TENs”)

There have been no TENs submitted in respect of this premises within the past twelve months.

6. POLICY CONSIDERATIONS

6.1 It is the Council’s duty under the Licensing Act 2003 to determine the review 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.

6.2 In reaching a decision the Council must have regard to the Council’s adopted Statement of Licensing Policy (“SLP”) and the guidance issued by the Secretary of State under section 182 Licensing Act 2003.

6.3 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (“the Guidance”) contains advice in paragraphs 11.16 to 11.28 in relation to the review of a premises licence. Paragraphs 11.16 to 11.28 of the revised guidance can be seen on pages **74-78** of this report.

6.4 The Council's own SLP gives guidance concerning the review of a premises licence.

6.5 Policy 10 pages 28 and 29 of the SLP in relation to reviews states that the Act describes two "groups" that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and "Other Persons".

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 5 of the SLP.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- (a) Take no further action.
- (b) Modify the conditions of the licence.
- (c) Exclude a licensable activity from the scope of the licence.
- (d) Remove the Designated Premises Supervisor.
- (e) Suspend the licence for a period not exceeding three months.
- (f) Revoke the licence.

6.6 Policy 11 pages 29 and 30 of the SLP states that in relation to the consideration of residents, the Licensing Authority expects that any licence applicant will give due consideration to the needs of Hammersmith & Fulham residents and any negative impacts from licensable activities and business operations.

Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Health to be successful.

6.7 Policy 16 pages 33 and 34 of the SLP in relation to the safety of women and girls in licensed settings states that the Licensing Authority expects licence applications to specifically include measures to ensure the safety of women and girls in licensed premises. The Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff,
- d) Require presence of CCTV, or to introduce entry searches for example.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

This would include but is not limited to the 'Ask for Angela' programme, Welfare and Vulnerability Engagement' training package (WAVE) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls. The Licensing Authority would also encourage off licensed premises to take part in the Ask for Angela scheme in an effort to increase the visible promotion of the scheme in all licensed premises across the borough.

Implementing these measures, particularly for on-licence premises, providing training for staff to increase awareness and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

As part of the Government's and the Council's Violence Against Women and Girls Strategy, venues may also wish to consider boosting their security measures e.g. the recruitment and training of additional door security staff, particularly female staff.

The Council are proud supporters of the Women's Night Safety Charter, and we would like to encourage all our licensed premises to consider how you and your business can contribute to making your workplace and H&F a borough where all women feel confident and welcome whenever and wherever they happen to be. The Women's Night Safety Charter is a voluntary pledge to show you take women's safety seriously. By signing the Charter, you show your acknowledgement of the issue and that you're ready to get proactive in improving women's safety.

6.8 Annex 4 page 52 of the SLP in relation to the grounds for considering a review states that the Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- a) Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- b) Use of licensed premises for the sale and distribution of illegal firearms and the laundering of illegal firearms money;
- c) Evasion of copyright in respect of pirated or unlicensed films and music;
- d) Underage sales and consumption of alcohol;
- e) Use of a licensed premises contrary to any emergency legislation requesting its closure;
- f) Use of licensed premises for prostitution or the sale of unlawful pornography;
- g) Serious risks to children;
- h) Use of licensed premises for unlawful gaming and gambling;
- i) Use of licensed premises as a base for organised criminal activity;
- j) Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- k) Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;

- l) The use of licensed premises for the sale of stolen goods;
- m) Incidents of disorder;
- n) Instances of public nuisance where warnings have been disregarded;
- o) Serious risks to public safety which the management is unable or unwilling to correct;
- p) Frequently operating outside permitted hours.
- q) There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

7. THE REVIEW HEARING

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) Take no further action.
- (b) Modify the conditions of the licence.
- (c) Exclude a licensable activity from the scope of the licence.
- (d) Remove the Designated Premises Supervisor.
- (e) Suspend the licence for a period not exceeding three months.
- (f) Revoke the licence.

Where the Committee takes a step mentioned in (b) or (c) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance
- public safety
- protection of children from harm

It must also have regard to its own SLP and the Guidance.

If the Committee is minded to amend the licence, conditions may be attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.