



Licensing Sub-Committee Report

Item No:

2

Title of Report:

ZB Retail 24
41 Streatham Hill
London SW2 4TP

Applicant:

Licensing Authority

Application Type:

Premises Licence (review application) (adjourned at 05.02.19 LSC)

Application Date:

3rd December 2018

Ward:

Streatham Hill

Premises Type:

Convenience Store and Off licence

Policy Context:

Lambeth Statement of Licensing Policy 2014 - 2019

Report Author:

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Application Summary:

This is an application for the review of the Premises Licence made under Section 51 of the Licensing Act 2003 by Licensing Authority following an allegation of employing illegal workers.

Full details are contained within the application.

Consultation Information:			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<u>Internal</u>			
Health & Safety Section	Y	-	
Noise Service	Y	-	
Social Services	Y	-	
Licensing Service	Y	Applicant	
Planning	Y	-	
Trading Standards	Y	-	
<u>External</u>			
Fire Authority	Y	-	
Police Licensing Unit	Y	27.12.18	Y
Health Authority	Y	-	

Policy implications:
<p>The Licensing Objectives engaged by this application are;</p> <p>The prevention of public nuisance. The prevention of crime and disorder.</p> <p><i>Complaints, Representations and Licensing Reviews (chapter 19, pages 26 to 28 and 29 of the policy)</i></p> <p>19.6 Representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of the licensing objectives.</p> <p>19.8 The licensing committee, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.</p> <p>19.10 The Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.</p> <p>19.15 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence- even in the first instance - will be seriously considered (Amended Guidance, paragraph 11.27). Revocation also remains an option if other licensing objectives are being undermined.</p>

1. Application

1.1 This is an application to review the premises licence under section 51 of the Licensing Act 2003. The application was submitted by the Licensing Authority on 3rd December 2018 as they believe illegal workers were employed at the premises.

1.2 The applicant is seeking revocation of the premises licence, as in their opinion, the premises is being used to further crime.

I can confirm that all statutory requirements were complied with

A copy of the application is attached as **Annex A**

Supporting witness statements are attached as **Annex B**

2. Representations:

2.1 Lambeth Police Licensing support the revocation of the premises licence as they believe the employment of illegal workers undermine the Prevention of Crime and Disorder licensing objective.

A copy of the representation is attached to the report as **Annex C**

3. Current Licence:

3.1 The current premises licence is held by Rashid Akhter and Shamim Rashid and the Designated Premises Supervisor (DPS) is Rashid Akhter. The licence authorises the sale of alcohol for consumption off the premises on Monday to Saturday from 08:00 to 05:00 hours and on Sunday from 10:00 to 05:30 hours.

A copy of the current premises licence is attached as **Annex D**

4. Background History:

4.1 The premises licence was first granted in 2005 following an application to convert the existing Justices' Off Licence previously held at the premises.

4.2 The premises licence was varied in July 2007 to extend the hours authorised for the sale of alcohol on Monday to Saturday from 08:00 to 05:00 hours and on Sunday from 10:00 to 05:30 hours. There were representations against the application from two local residents and submission from the applicant, which were considered by the Licensing Sub-Committee at a hearing before the application was granted.

4.3 The premises was found to be trading beyond their permitted hours in June 2007 by licensing officers and also sold alcohol to a child during a test purchase under the supervision of Trading Standard officers in October 2007.

4.4 The premises licence was transferred to Rashid Akhter and Shamim Rashid in February 2009 and Mr Akhter has been the DPS since.

4.5 Since Mr Akhter became one of the licence holders and the DPS, an allegation was made against the premises by a local resident in 2013 that they contributed to littering and street drinking in the area. A multi-agency licensing inspection of the premises was

conducted in 2015, which officers found satisfactory. A copy of the inspection summary and complaint are attached to the report as **Annex E**

5. Observations:

- 5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representations received are Chapters:
- 2 – The Licensing Objectives;
 - 3 – Licensable Activities;
 - 9 – Determining Applications;
 - 10 – Conditions Attached to Premises Licenses and Club Premises Certificates;
 - 11 – Reviews
- 5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:
- 1. Introduction
 - 5. The Licensing Objectives
 - 6. The Prevention of Crime and Disorder
 - 8. Prevention of Public Nuisance
 - 10. Conduct of Licence Holders and DPS
 - 11. Compliance with other Legislation
 - 19. Complaints, Representations and Reviews

6. Conclusion:

- 6.1 Members are required to consider the application in light of all the relevant information. The Licensing Sub-Committee may take such steps as are appropriate for the promotion of the licensing objectives.
- The options available to Members of the Licensing Sub Committee are;
- 1 - To modify the conditions of the licence
 - 2 - To remove a licensable activity from the scope of the premises licence
 - 3 - To remove the designated premises supervisor from the licence
 - 4 - To suspend the premises licence for a period of 3 months
 - 5 - To revoke the premises licence
- 6.2 Where the authority modifies a condition of the licence or removes a licensable activity it may provide that this takes effect for such period as it may specify (but not exceeding three months).

Appendices:

Annex A – Application
Annex B – Supporting witness statements
Annex C – Representation in support
Annex D – Premises Licence
Annex E – Inspection report and Complaint

Reference Documents:	
Local Government Act 1972 – Access to information documents used in the preparation of this report	<ol style="list-style-type: none">1 The Licensing Act 2003 (“the Act”)2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)3 Lambeth Statement of Licensing Policy 2014 – 2019 (“the Policy”)