

**Green Acharaike T/A Xpress World 248 Brixton Road SW9 6AQ**

As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the following Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder and
- Public Safety
- Protection of Children from Harm

The premises are operated as an off licence

The licensable activity and hours currently permitted are: Sale by Retail of Alcohol - Monday - Sunday 10:00 - 23:00

The variation application is seeking: To extend sale of alcohol (Off the Premises) until 02:00 hours on Friday to Sunday

**Lambeth Statement of Licensing Policy**

**Cumulative Impact Area (Saturation Zone)**

The premises is not within the cumulative impact area zone as identified within the Council's Statement of Licensing Policy ('The Policy') on pages 26 and 59.

**Classification of Area within the policy**

According to the current Licensing Policy, Appendix 5 page 47, the premises is located in local centre shopping parade and also in close proximity to residential properties. There are residential properties located on the upper floors of the building in which the premises is located.

Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include the Authority considering an earlier terminal hour than that proposed by the applicant. This is regardless of the designation assigned to the area in which the premises is situated under this policy, i.e. as a Major or District Town Centre.

In such cases and where relevant representations are received, the Licensing Authority will have regard to the potential for, and the risk of, nuisance occurring to nearby residents, particularly when considering an application which proposes the conduct of licensable activities after the hours indicated in Appendix 5. It is important to stress that the terminal hours set out in Appendix 5 are intended as guidance only. The Licensing Authority may recommend or agree an earlier or later terminal hour where this is considered appropriate.

### Classification of Premises within the policy

The premises is classified as off-licences and the recommended terminal hours in the Policy is 23:00 hours on Monday to Sunday

According to Appendix 6, page 49 of the policy the potential impact from the premises of this kind includes:

- Street drinking and associated anti-social behaviour
- New applicants are required to demonstrate how their premises will not contribute to street drinking in the area
- Premises more likely to be targeted by underage drinkers

### Operational Schedule

There is insufficient information in the applicant's operating schedule to adequately promote the licensing objectives. The completion of a full and detailed operating schedule will give greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives. Applicants are expected to:

- demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives;
- to undertake enquiries about the area in which the premises are situated to inform the content of the application;
- to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities;
- any local initiatives for example, local crime reduction initiatives which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application as to how they will manage any potential risks. They should be able to demonstrate an understanding of any measures they will take to mitigate the impact and why their application should be considered as an exception to the policy.

The Authority expects existing authorisation holders to be able to demonstrate the measures they use or propose to adopt, to prevent and actively discourage the sale of alcohol to individuals who are already intoxicated and thus potentially pose a risk to themselves and others.

### Operational Schedule

The conditions on the existing premises licence and those proposed by the applicant in the application does not go far enough to promoting the following licensing objectives for which we have concerns:-

- Prevention of Crime and Disorder
- Prevention Public Nuisance
- Public Safety

- Protection of Children from Harm

There are street drinking and anti-social behaviour issues in the area. Street drinkers are vulnerable individuals who sometimes engaged in street begging which causes distress to members of the public. The hours sought in the application has the potential to exacerbate public nuisance associated with street drinking and anti social behaviour.

The Licensing Authority would recommend the application be refused as the hours sought are beyond those recommended by the Policy. However, should the Committee be minded to grant the application, I recommend that the conditions below are attached to the premises licence during the extended hours.

#### Conditions

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of Lambeth Council.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
3. The premises shall display signage which informs customers of the presence of the CCTV system and that recording is in operation.
4. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority or UK Border Agency without difficulty, delay or charge.
5. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
6. All CCTV electrical and data storage equipment shall be connected via a surge protected extension lead/cable.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Lambeth Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder

- d) any incidents of disorder
- e) all seizures of drugs or offensive weapons
- f) any faults in the CCTV system, searching equipment or scanning equipment
- g) any refusal of the sale of alcohol including date, time and name of staff member
- h) any visit by a relevant authority or emergency service.

Such log shall be available to a Police Officer or Officer of Lambeth Council upon request.

8. The premises shall not sell ales, beer, lager or cider or similar above 6% ABV (Alcohol By Volume).
9. Any cans or bottles of ales, beers, lagers, cider or similar will be sold in a minimum of 4.
10. There will be no sale of white cider in bottles larger than 750ml at the premises.
11. The Premises will be an active member of a Business Crime Reduction Partnership (BCRP), its linked radio scheme and / or intranet site; or similar group where there is one in operation.
12. The premises shall not sell or supply miniature bottles of spirits of 50ml or less.
13. Signage shall be displayed at the exit of the premises requesting customers leaving the premises to do so quietly so as not to disturb nearby residents.
14. The premises shall operate a proof of age scheme (minimum Challenge 25). Under such scheme the only forms of acceptable identification will be photographic identification cards such as driving licences, passports or proof of age cards bearing the "PASS" mark hologram.
15. The list of approved identification may be amended or revised from time to time in accordance with guidance issued by the Secretary of State or with the Police and Lambeth Council.
16. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and checkout locations.
17. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
18. Induction training must be completed prior to any sales being made by an individual and refresher training shall be provided at least every 12 months.
19. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised Officers of Lambeth Council.
20. All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

21. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers.
22. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
23. All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid label attached.
24. Invoices, or copies of invoices, for all alcohol and tobacco products purchased for sale at the premises, will be retained and kept at the premises for a minimum period of twelve months, and made available to officers from the Council, the Police or HMRC, upon request
25. A stock control system will be maintained, to enable the licensee and designated premises supervisor to quickly identify where and when alcohol and tobacco products were purchased.
26. An ultra-violet light will be available at the premises and will be used for the purpose of checking the UK Duty Stamps on spirits as soon as practicable after purchase. The premises licence holder shall notify the Council's Trading Standards team and HMRC as of any spirits that do not fluoresce under ultra-violet light and the bottles shall be removed from display and stored separately for collection by Council officers.
27. The premises licence holders shall keep and maintain right to work documents and copies of associated acceptable forms of identification for all staff members. These records shall be retained on the premises for not less than twelve months and be made available to police, HMRC, UKBA or Lambeth Council officers on request.
28. No paper or plastic cups will be kept behind the counter, and they are not to be sold or given away with alcohol.
29. No open vessels containing alcohol shall be allowed off the premises.
30. At least two members of staff (one to be a personal licence holder) shall be at the premises when opened beyond 23:00 hours.

Bina Patel  
Licensing Manager  
7<sup>th</sup> October 2019