



Licensing Sub - Committee Report

Item No:

2

Title of Report:

Jey's Offie
215 Clapham Park Road, London, SW4 7EX

Applicant:

Mrs Shiyamala Jeyabalasingam

Application Type:

Premises Licence (Grant)

Application Date:

24th June 2020

Ward:

Ferndale

Premises Type:

Off-licence

Policy Context:

Lambeth Statement of Licensing Policy 2019- 2024

Report Author:

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Application Summary:

This is an application for a new premises licence authorising the sale of alcohol for consumption off the premises, during the following times:

Monday – Sunday 11:00 – 23:00

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	18/07/2020	Y
Social Services	Y	-	
Licensing Service	Y	23/07/2020	Y
Planning	Y	29/06/2020	N
Trading Standards	Y	05/08/2020	Y
<u>External</u>			
Fire Authority	Y	07/07/2020	N
Police Licensing Unit	Y	17/07/2020	Y
Health Authority	Y	-	

Policy implications:
<p><u>Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the policy)</u></p> <p>The Licensing Objectives engaged by this application are;</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p><u>Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)</u></p> <p>The premises are not situated in the Clapham Cumulative Impact Zone.</p> <p><u>Types of Premises and Recommend Hours (appendix 5, pages 46 to 47 and appendix 6, pages 48 to 50 of the policy)</u></p> <p>The premises are classified within Lambeth's Licensing Policy (2019 - 2024) as an off-licence.</p> <p>The premises are located on Clapham Park Road which isn't mentioned within the Policy. According to the Policy any areas which aren't specifically mentioned should be deemed residential in nature, unless the applicant can demonstrate otherwise.</p> <p>The Policy recommends licensable hours for a premises of this kind in a residential area as 11:00 - 23:00 Monday to Sunday.</p>

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

1. Application:

- 1.1 This is an application for a premises licence under section 17 of the Licensing Act 2003.
- 1.2 The applicant is seeking authorisation for the sale of alcohol for consumption off the premises, during the following times:

Monday – Sunday 11:00 – 23:00
- 1.3 The opening hours for the premises are proposed as Monday – Sunday 09:00 – 23:00.
- 1.4 A copy of the application form and plan are attached as **Annex A**.

2. Representations:

- 2.1 There have been 3 representations received against this application. These were from the Metropolitan Police Service, Lambeth's Trading Standards and Public Protection Teams.
- 2.2 The representations are based on all four of the licensing objectives.
- 2.3 The representations raise concerns regarding a drugs warrant which was executed at the premises on the 28th May 2020. This resulted in four arrests. Drugs were found on the premises, as were items used in connection with drug-dealing.
- 2.4 The Police have provided a witness statement dated 14th October 2020 as supporting information to their representation.
- 2.5 Copies of the representations and the Police witness statement were provided to the applicant and are attached at **Annex B**.
- 2.6 The Licensing Authority agreed a number of conditions with the applicant, these can be seen at **Annex C**.
- 2.7 The last date for making representations was initially 22nd July 2020 but this was extended until 14th August 2020 due to a failed statutory notice check.

3. Current Licence:

3.1 There isn't a current premises licence in place for this address.

4. Background History:

- 4.1 The premises were previously licensed under reference Prem233. The previous licence authorised the sale of alcohol for consumption off the premises, during the hours; 10:00 – 01:00 Sunday to Thursday and 08:00 – 04:00 Friday & Saturday. A copy of the licence can be seen at **Annex D**.
- 4.2 However, this licence lapsed on the 8th December 2019 due to the licence holder Mr Kandiah Jeyabalasingam passing away. A letter was sent to the occupier of the premises on the 28th May 2020 by the Licensing Authority, which resulted in this new premises licence application. A copy of the letter can be seen at **Annex E**.
- 4.3 The premises are located on Clapham Park Road, which has good bus links to the premises and Clapham Common, Clapham North and Clapham High Street underground and over ground services are within a 10-minute walk from the premises.
- 4.4 Although the premises do not have their own dedicated car parking, there is chargeable public parking at the front of the premises on Clapham Park Road, with a maximum 4 hour stay.

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;
 - 8 – Applications for Premises Licences;
 - 9 – Determining Applications;
 - 10 – Conditions Attached to Premises Licences and Club Premises Certificates;
 - 16 – Regulated Entertainment.
- 5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:
- 5. The Licensing Objectives
 - Policy 1: Process for applications
 - Policy 3: Partnership working
 - Policy 4: Enforcement approach
 - Policy 8: Hours of sale and locations
 - Appendix 1: Prevention of Crime and Disorder
 - Appendix 2: Public Safety

Appendix 3: Prevention of Public Nuisance
 Appendix 4: Protection of Children from Harm
 Appendix 5: Types of premises and recommended hours
 Appendix 6: Types of premises and potential impact
 Appendix 8: What to expect from a Licensing Sub-Committee Hearing

6. Conclusion:

- 6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.
- 6.2 The options available to Members of the Licensing Sub Committee are;
- 1 – Grant the application as it currently stands.
 - 2 – Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives.
 - 3 – Exclude from the scope of the licence any of the licensable activities to which the application relates.
 - 4 - To refuse to specify the individual named in the applications as the DPS
 - 5 – Reject the application.

Appendices:

Annex A – Application form and plan
 Annex B – Representations
 Annex C – Conditions agreed with the Licensing Authority
 Annex D – Premises Licence Prem233
 Annex E – Letter from the Licensing Authority, to the premises occupier on the 28th May 2020

Reference Documents:

<p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<p>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 2019 - 2024 (“the Policy”)</p>
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