

LG03 - Lincoln House, 1-3 Brixton Road, London, SW9 6DE (20/00381/PRMNEW)

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 Objective:

- Prevention of Public Nuisance

The application seeks to permit:

Sale by Retail of Alcohol (Off the premises)

Monday – Sunday 00:00 – 24:00

Hours of opening

Monday – Sunday 00:00 – 24:00 (premises will not be open to the public)

Classification of Area within the policy

According to the current Licensing Policy, Appendix 5 page 54, the area in which the premises are located is deemed to be a Local Centre / Shopping Parade. Local Centres have traditionally provided a range of small shops of a local nature, serving a small catchment. Typically, Local Centres might include shops, a small supermarket, newsagent, sub-post office and a pharmacy. Other facilities may include a hot food takeaway and launderette.

However, the premises are also located within close proximity to residential premises, these are located opposite the premises on the other side of Brixton Road and Cranmer Road. Surrounding areas include Offley Road, Prima Road, Bowhill Close and those roads leading off these.

Although the applicant has suggested within their Operating Schedule that they believe public nuisance to be greatly reduced, given there will be no customer attendance at the premises, the Licensing Authority wishes to acknowledge that the premises will be used for the distribution of alcohol to residential addresses, which could cause public nuisance, especially during unsocial hours as applied for by this application.

As such, this representation has regard to the premises being operational within residential areas and those hours deemed necessary for a residential area, as per the Licenisng Policy should apply.

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 licenses 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 are seeking sale of alcohol for consumption off the premises, but the premises are not likely to be associated with street drinking or be targeted by underage drinkers, as the premises are to be operated as online orders only. The applicant has indicated there will be no customers allowed on the premises.

According to the current Licensing Policy, page 36, the Authority expects licence applications for delivery services that include the delivery of alcohol, to take into account issues relating to reducing public nuisance related to delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age checks at purchase point and at point of delivery.

The types of services the applicant is offering, provide their own unique circumstances that need to be addressed. In particular, the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises and delivering to the recipients of orders.

The Authority is likely to place the following conditions on to a premises license for delivery services where it is appropriate and relevant to the individual license application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery **must** be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".
- Any delivery driver or third-party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- A refusals log will be maintained for deliveries and available for inspection on request.
- Appropriate security will be in place at the premises as agreed with Police.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.
- Website and all promotional material should be designed and set out in a way which is consistent with the responsible retail of alcohol.
- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused, and that refusal recorded.

According to the current Licensing Policy, Appendix 1 page 46, there is no recommended hours in the policy for this kind of business in a residential area, other than for an off licensed premises, which is 11:00 to 23:00 hours Monday to Sunday.

Conclusion

The applicant has proposed conditions in their operating schedule, but the hours sought are beyond those recommended in the Licensing Policy and are likely to impact adversely on residents in the area where deliveries are made from the premises, especially during unsocial hours and in the early hours of the morning.

However, should the Committee be minded to grant the application, I would recommend the application is granted with the hours 09:00 - 23:00 and the conditions below are attached to the licence in addition to those proposed by the applicant.

1. Orders containing alcohol may only be delivered between the hours 09:00 – 23:00.
2. Each delivery containing alcohol shall be labelled with the words "Age Restricted Product".
3. A signature at the point of delivery must be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature.
4. Any delivery driver or third-party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
5. Where sales are made via a third party, such as Amazon, the third party's age restriction policy will be adhered to and the licence holder will retain a copy of this.
6. Engines to delivery vehicles must not be left running whilst at the premises. Every step shall be taken to keep noise to a minimum when loading and unloading stock.
7. There shall be a dedicated area for delivery personnel to safely park their vehicle and collect the customer order.

Mrs Pamela Riley
Licensing Officer

11th January 2021



AS- Lambeth Licensing & Night
Time Economy Team
Civic Centre, 3rd Floor,
6 Brixton Hill,
SW2 1EG

12th January 2021

Contact: PC Mike Constable

Miss Bina Patel
Licensing Manager
Lambeth Borough Council

RE: New Grant – LG03 Lincoln House, 1 - 3 Brixton Road, London SW9 6DE

Dear Miss Bina Patel.

I write on behalf of the Commissioner of police for the Metropolis to make a representation on the grounds of the following Licensing Objectives;

- Prevention of crime and disorder.
- Prevention of public nuisance.
- Protection of child from harm.
- Public Safety.

The applicant has requested the following:

Supply of Alcohol

Monday - Saturday

00:00 - 23:59

Location

This application is located within Brixton Road, towards Kennington Park and Oval Tube Station.

Application

Much consideration has gone into this, as it is acknowledged that there is a heavy financial struggle. These late hours would assist, however this will be at the expense of residents.

Appendix 5 of Lambeth's Statement of Licensing Policy makes recommendation on operating hours. Due to the nature of this, deliveries would not just be local. Therefore the impact would be a lot wider. That is why an 11pm terminal hour is suggested, as not to affect residential properties elsewhere.

The noise caused by deliveries (predominately mopeds) would be far too loud and at extremely unsociable hours for residents. You would also have the interaction of the delivery as well, knocking on a door at an unsociable hour would undoubtedly disturb a nearby resident.

Due to the operation of this premises the wider impact should also be taken into consideration. This will impact other residential properties in Lambeth if the premises is allowed a 24 hour alcohol license.

With alcohol sales permitted in the late night and early morning this could easily encourage anti-social behaviour and alcohol fuelled violence. Those who are already intoxicated could order more alcohol online or through phone, whether that be at a local park or at home.

The proposed conditions and hours are deemed suitable to this application and in the spirit of the Licensing Act.

Conclusion

It is recommended that this application is only granted with conditions recommended by responsible authorities and operating hours of 0900 to 2300. This will ensure that licensing objectives are fully promoted.

Yours sincerely,

Mike Constable | PC 1596AS - Licensing & Night Time Economy Team |

Address Civic Centre, 3rd Floor, 6 Brixton Hill, SW2 1EG

Prevention of Crime and Disorder

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. 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 without difficulty, delay or charge.

4. CCTV Signage shall be prominently displayed throughout the premises.
5. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 6 months.
6. 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 officer of Lambeth Council.
7. All staff member should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated '*entitlement to work*' documents:
 - a) must be logged and kept on the premises for the duration of the employment; and
 - b) must be retained for a minimum of 12 months after employment has ceased.
8. An incident log shall be kept at the premises and retained for a period of 12 months and made available on request to an authorised officer of 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
 - (d) any incidents of disorder
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol and the name of the member of staff who refused the sale.

Public Safety

9. There shall be no consumption of alcohol on the premises.
10. The need for security shall be monitored internally via risk assessment or upon Police recommendation. This risk assessment shall be done monthly and available upon request to a Police Officer or authorised officer from Lambeth Council.
11. All SIA staff (when required) must sign a register detailing the information stated below. This register must be kept on the premises and made available immediately upon the request of Police or authorised officer of Lambeth Council. This will record the following:
 - a. start and end of shift times

- b. SIA badge registered number
- c. Full names

Protect children from harm

12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol storage and delivery pick up. This will be on website as well.
14. Where internet/telephone sales are placed, appropriate age verification software must be used to verify the age before the sale takes place. Acceptable forms of ID must also be checked on point of delivery.

Prevention of Public Nuisance.

15. The supply of alcohol shall only be to persons ordering a meal or food order online or via phone. Deliveries shall only take place at bona fide residential or commercial properties. No deliveries at public parks or spaces will be permitted.
16. Notices shall be prominently displayed at all pick up points requesting deliver drivers / riders to respect the needs of local residents and businesses and leave the area quietly.
17. During the hours of operation the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
19. There shall be a personal licence holder on duty on the premises at all times whilst licensable activities are taking place.
20. No beers, ales, lagers or ciders of 6% ABV or above to be sold.
21. No person shall be allowed to leave the premises whilst in the possession of an open drinking vessel or open glass bottle.