

## LICENSING SUB-COMMITTEE 19 OCTOBER 2021

**Item No:** 4a

**Report title:** Drop Clapham, 10A The Polygon, London, SW4 0JG

**Applicant:** Drop Clapham Limited

**Application type:** Premises licence (grant)

**Application date:** 30 July 2021

**Wards:** Clapham Town

**Premises type:** Other drinking establishment

**Policy Context:** Lambeth Statement of Licensing Policy 2019 - 2024

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### APPLICATION SUMMARY

This is an application for a Premises Licence (new application) authorising the following licensable activities: Sale by Retail of Alcohol.

### POLICY IMPLICATIONS

#### Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the Policy)

The Licensing Objectives engaged by this application are:

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

#### Cumulative Impact (Policy 7, pages 26 to 27 and Appendix 10, page 58 of the policy)

The premises are situated within the cumulative impact area zone as identified within the Council's Statement of Licensing Policy ('the Policy'). This area is subject to a special policy which amongst other things creates a rebuttable presumption that any new application for a premises licence or material variation to existing premises licences (such as an increase in hours, capacity or change of conditions) in the area to which this policy applies, will be refused, if representations are received. This may be rebutted by the applicant showing that a particular application will not impact adversely on the licensing objectives.

## **Types of Premises and Recommend Hours (Appendix 5, pages 46 to 47 and Appendix 6, pages 48 to 50 of the Policy)**

The applicant proposes to operate the premises as a wine merchant, with the sale of a range of wines for consumption on and off the premises. The premises are classified within the Policy as another drinking establishment within a District Centre.

District Centres have traditionally provided convenience goods and services for local customers. They typically range in size from 10,000m<sup>2</sup> to 50,000m<sup>2</sup> and contain at least one food supermarket or superstore and non-retail services.

We very much see these as places where the night-time economy does have a role, alongside other daytime shopping and other places of employment. Whilst not as big as our town centres they are generally well served by public transport and connected in numerous directions.

The premises is on the border of the cumulative impact zone; The Polygon is a highly residential area and the potential for public nuisance in the form of noise, litter from late night eateries and the targeting of individuals by criminals is high.

For premises of this kind in a District Centre, the Policy recommends a start time within the Policy for this type of premises as 11:00 until 00:00 (midnight) hours all week.

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.

The current Licensing Policy refers to Delivery Services businesses at Policy 16 (erroneously, marked as Policy 15), paragraph 22 and further guidance is set out at paragraphs 3.8 – 3.10 and 10.50 of the s. 182 Revised Guidance (2018).

## 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 Sale by Retail of Alcohol for consumption on and off the premises, during the following times:

Monday – Sunday 11:00 – 21:30

- 1.3 The opening hours for the premises are proposed as:

Monday to Sunday 09:00 – 22:00

- 1.4 Nonstandard timings  
From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day
- 1.5 A copy of the application form and plan are attached as **Annex A**.
- 1.6 The applicant has proposed a set of conditions to be considered, these are attached as **Annex C**.

## 2. REPRESENTATIONS

- 2.1 There were six representations received against the application. These were from a ward Councillor, one from the Metropolitan Police and four from local residents.
- 2.2 The representations are based on all four licensing objectives. The representations highlight concerns in respect of the sale of alcohol being consumed on the premises without food sales, which they believe indicates that the premises will be another vertical drinking establishment which could lead to more crime and disorder and public nuisance concerns in the already compact area.
- 2.3 The representations also highlight concerns in respect of the proposal to offer off-sales of alcohol. Off sales of alcohol purchased from the premises could be consumed in the immediate area with residents having to suffer with further crime and disorder and antisocial behaviour.
- 2.4 Copies of the representations were given to the applicant and are attached at **Annex B**.
- 2.5 The last date for making representations was on 27 August 2021.

## 3. CURRENT LICENCE

- 3.1 There is not a current premises licence in place for this address.

## 4. BACKGROUND HISTORY

- 4.1 The premises are located within a parade of shops close to Clapham Common. There is access to public transport offering the Underground as well as bus services within walking distance.

## 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 Licenses;
- 9) Determining Applications; and,
- 10) Conditions Attached to Premises Licenses and Club Premises Certificates.

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 8 - Hours of sale and locations

Policy 16: Delivery Services (note erroneously marked as Policy 15)

Appendix 1: Measures to promote the prevention of crime and disorder

Appendix 2: Measures to promote public safety

Appendix 3: Measures to promote the prevention of public nuisance

Appendix 4: Measures to promote the protection of children from harm

Appendix 5: Types of premises and recommended hours by type of location

Appendix 6: Types of premises and potential impact

Appendix 7: Major, District and Local Town Centres and South and Strategic Cultural Area

Appendix 8: What to expect from a Licensing Sub-Committee Hearing

Appendix 10 Communitive impact policy

## **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:

- a. Grant the application as it currently stands;
- b. Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives;
- c. Exclude from the scope of the licence any of the licensable activities to which the application relates;
- d. To refuse to specify the individual named in the applications as the DPS; or,
- e. Reject the application.

## CONSULTATION INFORMATION

Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
Health & Safety Section (internal)	Y	-	-
Noise service (internal)	Y	-	-
Social Services (internal)	Y	-	-
Licensing Service (internal)	Y	08/08/21	N
Planning (internal)	Y	08/08/21	N
Trading Standards (internal)	Y	-	-
Fire Authority (external)	Y	-	-
Police Licensing Unit (external)	Y	27/08/21	Y
Health Authority (external)	Y	-	

## APPENDICES AND REFERENCE DOCUMENTS

<b>Appendices</b>	Annex A – Application and Plan Annex B – Representations Annex C – Proposed Conditions
<b>Reference documents</b>  Local Government Act 1972 – Access to information documents used in the preparation of this report	<ol style="list-style-type: none"> <li>1. The Licensing Act 2003 (“the Act”).</li> <li>2. Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”).</li> <li>3. Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”).</li> </ol>