

LICENSING SUB-COMMITTEE MINUTES

Friday 7 January 2022 at 2.00 pm

Members Present: Councillor Fred Cowell, Councillor Rezina Chowdhury and Councillor Becca Thackray

1 Election of Chair

MOVED by Councillor Rezina Chowdhury, SECONDED by Councillor Becca Thackray

RESOLVED: That Councillor Fred Cowell be elected Chair for the meeting

2 Declaration of Pecuniary Interests

There were none.

3 Minutes

RESOLVED: That the minutes of the previous meeting held on 18 November 2021 and 30 November 2021 be approved and signed by the Chair as a correct record of the proceedings.

4 Licensing Applications for the Grant / Review of a Premises Licence

4a Costcutter Local, 300 Streatham High Road, London SW16 6HG (St Leonards ward)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new premises license. The Sub-Committee's attention was drawn to chapters 2, 3, 8 and 9 of the Statutory Guidance, and to Sections 1, 3, 4 and 8 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 5.11 of the report on page 12.

Ms Pam Riley, the Licensing Officer, confirmed:

- This was an application made by Mr Nira Suresh, the licensing agent for the applicant, Mr Soosairaj Arokiasamy,
- The applicant was seeking authorisation for the Sale by Retail of Alcohol, Monday to Sunday from 00:00 to 00:00 (off the premises), 7 days a week.
- The applicant had confirmed that they would surrender the current licence in place at the

premises if this application was successful.

- A copy of the application form and the floor plan can be found on page 21 to 30 of the reports pack.
- The applicant had provided an operating schedule that could be found at page 31
- There were six representations received against the application, from the Licensing Authority, Public Protection, the Metropolitan Police and three residents and based on all four of the Licensing Objectives.
- The representations had been made available to the applicant via his agent and can be found on pages 31 to 41 of the main reports pack.

Presentation by the Applicant

In response to questions from Members, the applicant, Mr Soosairaj Arokiasamy informed the Sub-Committee that:

- He was applying for a 24 hour licence as he seeking to grow the business and extend the operating hours to meet his personal expenses and financial obligations.
- Although a 24 hour off-licence in a residential area was contrary to Lambeth's Licensing Policy, he said that he would follow the regulations by training staff and refuse the sale of alcohol to 'street drinkers'.
- He would contact the previous owner to surrender the current licence in place as soon as the application was granted.
- Following training for four members of staff, they would be able to identify the difference between a street drinker or residential customer.
- He had ten years of experience and was able to manage aggressive patrons politely, while it was not often that they had to respectfully decline the sale.
- It was not believed that seeking a 24 hour licence would contribute to the Anti-Social Behaviour already experienced in the area, related to alcohol consumption, as there was already a 24 hour off-licence close by.
- Noise nuisance was not seen to be an issue as patrons were not believed to consume alcohol outside the premises.

Presentation by Interested Parties

Ms Bina Patel, representing the Licensing Authority said that:

- Whilst each application must be assessed on its individual merits and there is another premises in the vicinity with a 24 hour licence, this does not mean the application should be granted for these premises as doing so may aggravate existing nuisance issues in the area.
- Nuisance issues existed in the area and the Licensing Authority was not confident that the applicant had adequately addressed these issues in his operating schedule so as to minimise the risk of nuisance or to otherwise maintain the Licensing Objectives.
- The applicant had failed to provide adequate measures to mitigate the issues, and while training the four members of staff was new information to the Licensing Authority, no specifics had been provided on the type of training.
- The Licensing Authority accordingly recommended the application be refused.

Mr Dave Watson, representing the Metropolitan Police, said that:

- The area was prone to issues surrounding street drinkers who often congregated around Streatham Green Church and it was not correct to assume all street drinkers are homeless, often leaving an area once a licensed premises has closed.
- Street drinkers are often victims to abuse of alcohol and have not received the help they require, sometimes committing low-level crime to facilitate their habit.
- The Metropolitan Police believed that granting this application and thus extending the

Sale by Retail of Alcohol to 24 hours at these premises would enable street drinkers to remain in the area and attract street drinkers from other areas.

- The mentioned premises with the 24 hour licence was in fact a large supermarket which was managed with security and had large numbers of staff present on the premises.
- This premises would attract commuters who had frequented the night-time economy who would then remain in the area thus increasing the risk of Anti-Social Behaviours.
- The Metropolitan Police recommended the application be refused.

Mr Keith Badrick, representing Public Protection said that:

- The area had daytime services that specialised on dependency issues, but was prone to gang-related vulnerabilities and dependency issues.
- There was an incident at a 24 hour off-licence in the area relating to gang violence and the shop owner was unable to prevent this from happening.
- Youth groups and other groups gather outside of these types of premises and Public Protection was not confident that the applicant would be able to ensure these types of incidences did not have a negative impact on the local community or his business or would be able to uphold the Licensing Objectives as necessary.
- Public Protection recommended the application be refused.

At this point in the proceedings, the interested parties confirmed that the application's lack of detail meant no conditions could be imposed that would satisfy the concerns they had in respect to the introduction of another 24 hour license.

In response to questions from Members, Mr Soosairaj Arokiasamy confirmed:

- That growing the business was his motivation for the application and he would meet legal requirements by prohibiting the sale of alcohol to nuisance persons.
- He had not undertaken local business research prior to the hearing but had extensive experience.

Adjournment and Decision

At 14:53, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from the Licensing Authority, Metropolitan Police, Public Protection, and submissions made during the hearing. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be appropriate and proportionate.

The Sub-Committee decided to refuse the application for the following reasons:

- The operation of a licence for extended hours raised additional concerns that were not present in the operation of the current licence and stand a risk of increasing a number of issues and matters that currently affect residents such as ASB and street drinking.
- Resident concerns and concerns raised by the Responsible Authorities were of such a magnitude that they needed to be outweighed and addressed by carefully drafted conditions in the licence application, with the applicant demonstrating a detailed knowledge of the area and crafting conditions on the licence that were appropriate to the area it was operating in. The Sub-Committee were of the view that this wasn't addressed either in the written application or during the questioning of the Sub-Committee.
- The Sub-Committee considered it appropriate to refuse the application and believed this was a proportionate step, given the increased risk and potential for harm that a 24-hour licence can cause, as well as the increased potential for the objectives of the Licensing Act not to be met in the course of a 24 hour licence's operation.

RESOLVED: To reject the application for the reasons as outlined above.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to reject the application and provided reasons for the decision as outlined above. The Sub-Committee had considered all the options available to them and ultimately felt that the license application did not meet the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course and the applicant had 21 days to appeal the decision.

The meeting ended at 15:00

CHAIR
LICENSING SUB-COMMITTEE
Thursday 13 January 2022

Date of Despatch: Monday 17 January 2022

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