**Licensing Sub-Committee Report**

<table>
<thead>
<tr>
<th>Item No:</th>
<th>4b)</th>
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</thead>
</table>
| Title of Report: | Presco Food & Wine  
Ground Floor, 67 Stockwell Road, London SW9 9PY |
| Applicant:       | Sohrab Sherafghani |
| Application Type:| Premises Licence (new application) |
| Application Date:| 5 July 2018 |
| Ward:            | Stockwell |
| Premises Type:   | Off Licence |
| Report Author:   | Mr Peter Agbley |
| Contact Details: | 020 7926 1644 pagbley@lambeth.gov.uk |
| Application Summary: | This is an application for a premises licence (new application) to allow authorisation for the following licensable activities:  
**Supply of Alcohol**  
Monday - Sunday  10:00 - 23:00 |
### Consultation Information:

<table>
<thead>
<tr>
<th>Department(s) or Organisation(s)</th>
<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
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</thead>
<tbody>
<tr>
<td><strong>Internal</strong></td>
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<tr>
<td>Health &amp; Safety Section</td>
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<td>-</td>
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<tr>
<td>Noise Service</td>
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<td>02/08/2018</td>
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</tr>
<tr>
<td>Social Services</td>
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<tr>
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<tr>
<td>Planning</td>
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<td>-</td>
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<tr>
<td>Trading Standards</td>
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<td>01/08/2018</td>
<td>Y</td>
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<tr>
<td><strong>External</strong></td>
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<td>Fire Authority</td>
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<td>Police Licensing Unit</td>
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<td>Health Authority</td>
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<td>-</td>
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### Policy implications:

**Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)**

The Licensing Objectives engaged by this application are;
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance and
- Protection of Children from Harm

**Special Policy Area (chapter 15 and appendix 2, pages 24 and 31 of the policy)**

The premises is not located in the Cumulative Impact Zone,

**Hours policy (chapter 4 and appendix 1, pages 11 to 12 and 29 to 35 of the policy)**

- The premises is classified within Lambeth’s Licensing Policy (the Policy) as an ‘Off Licence’

- The applicant proposes to operate the premises as an off licence. The Policy recommends a terminal hour for premises of this kind in this area of 23:00

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 new premises licence under section 17 of the Licensing Act 2003

1.2 The application is seeking authorisation for the following licensable activities:

   **Supply of Alcohol**
   
   Monday - Sunday 10:00 - 23:00

   It is proposed to open the premises to the public during the following times:

   Monday – Sunday 06:00 - 03:00

1.2 A copy of the application form is attached to this report as Annex A

2.2 A copy of the plans are attached to this report as Annex B

2. **Representations:**

2.1 Two representations were received against the application. These were from Community Safety (acting under the duties of Environmental Health) and Trading Standards. The representations were based on the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

2.2 The responsible authorities’ concerns were based on the previous history of the premises and they are of the view that, if the licence is granted, the previous issues at the premises will re-surface. They are also of the view that the current management are linked to the previous licensee. Trading Standards have asked for the application to be refused.

2.3 Copies of the representation were provided to the applicant’s agent and are attached as Annex C.

2.4 The applicant has agreed conditions suggested by the Licensing Service and the Police in the event the application is granted. The Police requested a reduction in the hours sought and the exclusion of certain individuals from working at the premises. The list of the agreed conditions is attached to the report as Annex D.

2.5 The last date for making representation was 2 August 2018. I can confirm that all statutory requirements have been complied with.

3. **Current Licence:**

3.1 There is no premises licence in place for this venue.
4. **Background History:**

4.1 The premises licence was first granted to Mr Mazar Iqbal Khan and Mr Tanveer Hasham in 2005 following an application to convert the existing Justices Off Licence previously held at the premises.

4.2 The premises licence was varied in February 2006, to authorise the sale of alcohol for 24 hours per day. There were no representations against the application and it was granted under delegated authority.

4.3 On 22 April 2015, a review application which related to all four licensing objectives was submitted by the Trading Standards. On 18th May 2015 and prior to the determination of the review application, an application to transfer the premises licence to Mr Tariq Mahmood was submitted and to vary the designated premises supervisor so that Mr. Mahmood became the DPS. These applications were granted. The review application came before the LSC and the application was granted with conditions attached. Minutes of the hearing is attached as **Annex E.**

4.4 On 18 November 2016 a review application was submitted by Trading Standards for breaches of the premises licence conditions. The application was granted and the LSC decided to remove the DPS and impose conditions. A copy of the minutes is attached as **Annex F.**

4.5 On 26 June 2017 the premises licence holder submitted an application to vary the designated premises supervisor and nominated Jameel Hussain as the new designated premises supervisor

4.6 On 4 July 2017 a review application was submitted by Trading Standards for breach of conditions. The application was granted and the licence revoked. The Review decision was however subject to an appeal. A copy of the decision is attached as **Annex G.**

4.7 In August 2017 the licence was transferred to Presco Food and Wine (Stockwell) Ltd., a company set up and operated by Assad Hussain, the son of Tariq Mahmood. There were numerous breaches during the appeal period. The appeal was subsequently withdrawn a few days before the appeal was due to be heard. The Consent order is attached as **Annex H.**

4.8 The premises is close to Stockwell town centre with underground station, which is also frequented by public buses towards Brixton and central London destinations.
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 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:

- 4. Location of Premises and Hours of Operation
- 5. The Licensing Objectives
- 6. The Prevention of Crime and Disorder
- 7. Public Safety
- 8. Prevention of Public Nuisance
- 9. Protection of Children from Harm
- 16. Applications
  - Appendix 1 – Preferred Hours
  - Appendix 4 – Premises Types
  - Appendix 6 – Applications
  - Appendix 7 – Crime and Disorder
  - Appendix 8 – Public Safety
  - Appendix 9 – Public Nuisance
  - Appendix 10 – Protection of Children from Harm

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** – Redacted Application
- **Annex B** – Plan of the premises
- **Annex C** – Trading Standard and Community Safety representation
- **Annex D** – Agreed Police and Licensing Conditions
- **Annex E** - 2015 Review Decision
- **Annex F** – 2016 Review Decision
- **Annex G** – 2017 Review Decision
- **Annex H** – Consent Order

Reference Documents:

| Local Government Act 1972 – Access to information documents used in the preparation of this report | 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 2014 - 2018 (“the Policy”) |