

Licensing Officers:	Alex Liwoski, Harrow Council
Relevant Representations:	Niall McCann Mr Ganatra

The Licensing Panel carefully considered all the relevant information including:

- Written and oral representations by all the parties
- The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives
- The Guidance issued under section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998

The Panel hearing was held remotely and via an online platform. The Panel were present throughout and were able to see and hear all representations made.

- It was confirmed that the Applicant planned to carry out remote sales which would be conducted from the Premises.
- A written statement of case had been submitted by the Applicant's agent prior to the meeting of the Panel. He said that this dealt with most of the concerns raised by the objectors. It noted there had been a flurry of representations in support of the Application, but that they had been received outside of the 28 day statutory consultation period. Further, one objection had been withdrawn, and another objector was now supporting the Application.
- The Applicant's agent noted that the Premises was right next door to the Estate Office and that, together with the training the staff would receive and the state of the art CCTV system (confirmed to consist of 12 cameras) would prevent the congregation of people outside the Premises or the Premises becoming a source of Anti Social Behaviour (ASB).
- Questions were asked of the Applicant as to why the Premises needed to sell alcohol from such an early hour. Mr McCann submitted that customers expected all of the offering to be available from the time the Premises opened and that having to shutter or move alcohol if sales were to begin later than the opening time was unduly onerous. Mr McCann also submitted that the Applicant's business was new and that they were still getting a feeling as to what demand would be and when.
- The Panel had read very carefully the objector's written representations, which mostly related to the protection of children from harm; the prevention of public nuisance; and, public safety. The Panel noted that most of the objections appeared to be written using a 'template' and raised exactly the same concerns. Objectors were concerned about the proximity of the Premises to a nursery; the Premises causing an increase in public nuisance; and, the Premises causing greater traffic within the Estate, causing a risk to public safety.

- The Panel heard from Mr Rashid and Mr Riley who attended the meeting in order to support their written representations. The Panel was grateful to both for their attendance at and participation in the meeting.
- In support of the written representations, Mr Rashid submitted that contrary to what Mr McCann had told the Panel, the Premises was not next door to the Estate Office. Rather, there were a number of other premises and the gates to the car park between the Premises and the Estate Office. Mr McCann conceded this was correct but submitted that the Estate Office was a 'stone's throw' away from the Premises.
- Mr Rashid submitted that there were other parades of shops 30 seconds away from the Premises and that there were off licences within those parades. He therefore questioned the need for the Applicant to sell alcohol.
- It was further submitted by Mr Rashid that the estate management team had recently been changed as the outgoing team had been incompetent. He also submitted to the Panel that the 24 hour security team was incompetent and had failed to stop a number of catalytic convertor thefts from the car park on the estate. They could not therefore be relied upon to deal with problems caused by the Premises if the Licence were granted.
- Mr Rashid drew the Panel's attention to an external ashtray installed a few doors down from the Premises. He submitted that people congregated around the ashtray and that there was an equal chance people would congregate around the Premises. Mr Rashid submitted that it was naïve to think everyone would follow the rules. Mr Rashid highlighted problems with people parking on the estate to use nearby shops, such as Tesco, and said that a shop on the estate would exacerbate the situation.
- Mr Rashid submitted that people had come onto the estate during lockdown and damaged lights with their strollers. He said adding alcohol to the mix would make people's behaviour worse and that people would congregate around the lake and make noise and litter. Mr Rashid directed the Panel to his photographs as page 79 of the bundle onwards to show problems with littering on the Estate.
- Some incidents of crime and ASB were drawn to the Panel's attention by Mr Rashid who had unfortunately been the victim of an assault on the Estate himself. Mr Rashid submitted that granting the Premises a licence would make the situation worse and highlighted again the ineffectiveness of the estate security.
- The Applicant submitted that they had been engaged in negotiations with both the Estate Manager and the Business Centre manager for a number of months and neither had raised any concerns about the Premises causing ASB. The Applicant highlighted that as part of their lease they were paying a service charge which contribute to the provision of estate security. Mr McCann submitted that having a shop

open until late in the evening might deter crime. Mr Rashid did not agree, submitting that the fact the estate was well lit and had CCTV had not prevented crime so far. He further submitted that adding alcohol to the mix would make matters worse.

- Having heard from the parties, the Panel deliberated over the Application. The Panel resolved that the Licence should be granted.
- The Panel did not consider the issue of need, or the number of other Premises in the area with a licence to sell alcohol as Harrow Council has not adopted a cumulative impact policy in any part of the borough.
- The Panel also did not consider parking or traffic as these are not licensing considerations.
- The Panel considered that the conditions offered by the Applicant and those agreed with the Police and Licensing Authority were sufficient to prevent the licensing objectives from being undermined and would promote them.
- The Panel put weight on the fact that no responsible authority had objected to the Application and that the Applicant had worked with the Police and Licensing Authority.
- The Panel did not accept that the mere proximity of the Premises to a nursery would cause harm to children. The Panel put weight on the fact that there was no representation from the Area Child Protection Service and the conditions the Applicant was offering in order to prevent underage sales.
- In respect of ASB and nuisance behaviour, the Panel accepted that the Premises was pitching itself as an artisan food market and that the alcohol that the Premises intended to sell was not the sort of product that would attract customers looking for cheap, strong alcohol. The Panel also put weight on the fact that alcohol could easily be brought onto the estate from a number of other licensed premises that were nearby. Despite this, people were not bringing alcohol onto the estate and drinking it near the lake, or congregating under covered areas of the Estate in order to consume alcohol. There was no reason to believe that people would purchase alcohol from the Premises and do this.
- The Panel agreed that Mr Rashid's photographs showed littering around the estate. However, most of the photographs showed discarded alcohol containers which could not have come from the Premises as it was not selling alcohol. The Panel therefore concluded that there was no evidence to show that the premises was responsible for the littering and therefore concluded that it was not causing a public nuisance in this regard. The Panel also put weight on the fact that the Premises was willing to agree to a condition that they would keep the area around the Premises free from litter. The Panel determined that such a condition should be added to the Licence.

The Panel accepted that the objectors had genuine concerns that the Premises might cause the licensing objectives to be undermined. The Panel wishes to remind the Objectors that an application for a review of the Licence may be made at any time, should that prove to be the case.

RESOLVED: To grant the premises license for the following hours and subject to the following conditions:

1. New premises licence granted as applied for.

Conditions

The Panel agreed that the conditions agreed by the Applicant with the Police and the Licensing Authority are to be applied to the Licence in full without amendment.

The Panel also resolved that the following condition should be applied to the Licence:

1. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

REASONS: As detailed in the Decision Notice sent to all interested parties and set out in brief in the preamble above.

(Note: The meeting, having commenced at 6.30 pm, closed at 7.50 pm).

(Signed) Councillor Maxine Henson
Chair

[Note: Licensing Panel minutes are:-

(1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;

(2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].