



Licensing Panel

Minutes

8 October 2024

Present:

Chair: Councillor Ramji Chauhan

Councillors: Matthew Goodwin-Freeman Asif Hussain

1. Appointment of Chair

RESOLVED: That Councillor Ramji Chauhan be appointed Chair of the Licensing Panel Hearing.

2. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by members.

3. Licensing Procedures

The Chair asked the Panel Members, officers, Responsible Authorities and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

Resolved Items

4. Application - IZZY FOOD CENTRE, 380 Kenton Road, Harrow, HA3 8DP

Notification of decision following a licensing panel hearing to determine an application for a variation of a premises licence pursuant to s.34 Licensing Act 2003

PREMISES: IZZY FOOD CENTRE, 380 Kenton Road, Harrow, HA3 8DP

TO: The applicant, CB Market Ltd

All persons who made representations

TAKE NOTICE THAT following a hearing before the Licensing and General Purposes Sub Committee (the “**Licensing Panel**” or “**Panel**”) on 8th October 2024

HARROW COUNCIL, as the Licensing Authority for the Premises

RESOLVED AS FOLLOWS:

1. The Licensing Panel convened on 8th October 2024 to determine an application to vary an existing premises licence for the IZZY FOOD CENTRE, 380 Kenton Road, Harrow HA3 8DP (the “**Premises**”).
2. The Premises are currently licensed for the sale of alcohol for Monday to Sunday 06:00 to 23:00 and are open Monday to Sunday 00:00 to 23:59 (the “**Existing Licence**”). A copy of the Existing Licence, which includes licence conditions, is shown in Appendix 1, at pages 11-17 of the Agenda.
3. The Applicant seeks to vary the licence to vary the hours of the sale of alcohol to match the opening hours, namely Monday to Sunday 00:00 to 23:59 the following day (the “**Application**”).
4. As part of the consultation, the Licensing Authority received a representation from one councillor, understood to be acting on behalf of various residents (“the **Objector**”). The Objector, Councillor Rabadia provided a petition confirming a request from the residents to lodge objections on their behalf for this Premises which is shown at pages 31 to 33 of the Agenda. The representation submitted by Councillor Rabadia is shown at pages 35 to 37 of the Agenda along with correspondence from the Licensing Team requesting the list of residents whom the petition was submitted on behalf of. The representation reflects concerns with the upholding of the four licencing objectives focussing on the possible risk of increased antisocial behaviour, street drinking, noise nuisance and general unlawful behaviour.
5. The Panel Members also received a Supplemental Agenda, in which the Applicant submitted a document making reference to crime statistics and data against the residents addresses of whom signed the petition. A further statement rebutting these statistics was submitted by the Objector less than 2 hours before the scheduled start time of the hearing. With this further information received at such a late stage, in accordance with regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the consent of all the other parties at the hearing was sought before the Panel considered this information. The Applicant confirmed they were happy for the Objector to submit the majority of the document produced save for two pages which were accordingly removed.

6. 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 Statutory Guidance issued under section 182 of the Licensing Act 2003 (“the **Statutory Guidance**”)
 - London Borough of Harrow Statement of Licensing Policy (“the **Council’s Policy**”)
 - Human Rights Act 1998
7. The Licensing Panel hearing was held in person and in making its decision, the Licensing Panel carefully considered the Application and all written representations, as set out within the report and the oral representations made at the hearing. Mr Baroti, his wife and a friend attended as the applicant company’s representative and were represented by a Licensing Agent (all of whom are collectively described as the Applicant for the purposes of this Decision).
8. As a preliminary point, members of the Panel outlined that there was an interest to declare in that they knew members of the Applicant / and or had visited the Premises and sat on a previous Licensing Panel hearing for this premises. The Panel also declared that they knew Councillor Rabadia, the Objector, but these were all deemed to not be pecuniary interests and so the members could proceed to sit on the Panel.
9. The Applicant explained that they had recently been granted a Licence in February, however, despite their request to seek a 24 hour licence for the sale of alcohol at the time, the licence was restricted to hours of 06:00 to 23:00 Monday to Sunday. Whilst they intended to proceed with an appeal against that decision, following discussions with the Licensing team and a desire to work with the licensing officers, they instead have sought to seek a variation to the Licence. The Applicant stated that there had been five visits from the Licensing Team since the Existing Licence was granted and due to the positive outcome of these, they chose to submit an application for variation. In response to queries about when these visits had taken place and what had been found / discussed, the Applicant was unable to provide evidence of these, however, the Panel sought to confirm this with the Licensing Officers who confirmed that two of the visits were logged on the system taking place at 11am on 15 April and 11am on 8 May. Whilst the other visits were not logged, the Licensing Officers confirmed that not all visits are logged or recorded but that it did not necessarily mean they did not take place. The Objector disputed the stated five visits and suggested it was not evidenced. In response to queries about what happened during these visits, the Applicant confirmed that during the visit, cameras were checked, training logs were checked, drink labels were checked, notices for a challenge 25 policy were checked, and they checked whether staff were able to show recordings of CCTV if

required and compliance of the Existing Licence. The Applicant confirmed they had not had any feedback to suggest there were any issues to resolve. The Panel further queried whether any visits had taken place during the night, whilst this was said to not have been recorded, the Licencing Officers and the Applicant confirmed that there was at least one late night visit which had taken place. The Applicant also added that trading standards had visited and found everything to otherwise be in order.

10. The Applicant further explained that they had other premises including one which was just up the road from this Premises. The Panel queried why they had sought to extend the hours of this Licence when the other premises appeared to be more established with likely a longer period of data to support the needs for an extended licence. In response, the Applicant confirmed that this was a much larger shop than the other premises and provided for a wider variety of goods, hence the desire for this Premises to be able to sell alcohol for a longer period. This was a commercial decision and one which would benefit the Applicant from the extra income.
11. The Applicant highlighted that the Objector's representation focussed on fear and speculation and did not provide any evidence to support the argument that further issues would arise from the extended times sought to sell alcohol. The Applicant had provided data obtained from the Police.uk website which was suggested to show crime had fallen in the vicinity of the Premises since they began operating. It was further stressed by the Applicant that there had not been any objections or representations from the Police or other responsible authorities. Furthermore, the Applicant argued that in accordance with Statutory Guidance, the Police were the main source of advice on crime and disorder and that beyond the immediate vicinity of the Premises was a matter beyond the Licence holder's control.
12. In further addressing the Objector's representation, the Applicant stated that the Objector had suggested there was a concern about the location being near a hospice, however, the hospice themselves had not objected or submitted a representation. The Applicant relayed that they already had conditions in place as part of the Existing Licence which promoted the licensing objectives. The Applicant added that in any case, in the event of issues arising, there was a mechanism in place for the Applicant to be held accountable following a grant, which is by way of a review of the Licence.
13. The Panel sought to make enquiries about the businesses and the management of the same. The Applicant confirmed they had five businesses in operation which all have premises licences, albeit this was the first 24-hour licence they were seeking. They have operated since 2019 and have grown to learn how to train staff and accordingly have a company policy in place. They run their own trainings in which staff are required to ascertain a certain score or are otherwise re-trained. Furthermore, the Applicant added that they have 15 employees in total and 6 specifically at this shop, all staff receive 1-2-1 training and

are re-trained every six months with monthly reminders sent out to the employees to remind them of alcohol sale rules. The Applicant also makes use of both an incident log and an alcohol refusal log. In response to the Panel, the Applicant confirmed they had around 10 refusals logged over the last six months which varied from refusals to sell alcohol due to it being out of hours, refusal due to a lack of photo ID or due to customers being already intoxicated.

14. Queries were raised around security, particularly given the proximity of the Premises to a bar, to which the Applicant confirmed they had a Verisure alarm in place along with a panic alarm button. As per current conditions of the Existing Licence, they also ensure that there are 2 people working during the night and the Applicant confirmed they ensure that at least one of these staff members is male. The Panel were somewhat concerned that only two staff members are present during the night / early morning hours particularly if the Applicant was proposing to sell alcohol for that period too, however they acknowledged there had not been any issues identified. The Panel also made enquiries in relation to the location and accordingly the reported crime statistics data produced by both parties. The Objector argued the data produced by the Applicant did not show the full extent of the of the crime statistics whereas the Applicant argued it was obtained from reliable sources.
15. Further queries were made around engagement and dialogue around the application. The Applicant confirmed that they had not had dialogue with residents by door knocking per say but had engaged with customers and other businesses. Most people suggested that they did not have issues with the proposal and it was highlighted that there was a significant reduction in objections from the previous application for grant of a licence to the current application to vary.
16. In response to the Applicant's submissions, the Objector confirmed he was representing residents and that he would be speaking on their behalf. He explained that the residents were concerned about the location of the Premises and proposed 24 hour licence to sell alcohol. As per his representation, the Objector thought this could lead to increased antisocial behaviour, street drinking, noise nuisance and general unlawful behaviour. The Objector highlighted that the Existing Licence was one which seemed to work for everyone and that the Premises was not situated in a town centre but rather one where residents live and have regular daytime jobs. The residents were aware of what worked for them and other businesses had evidently chosen to work with residents by choosing to stop operating at a certain time. He also suggested that the idea that extended opening hours had contributed to a reduction in crime was 'not possible.' The Objector also expressed his disappointment that further meaningful dialogue had not been undertaken in relation to this variation request and given the Applicant had only been operating for 6 months, there was no justification for seeking the extended hours.

17. The Panel queried whether the Objector had evidence to suggest that the current licence worked for everyone. The Objector confirmed that the middle ground had been accepted by the terms of the Existing Licence and given that outcome the residents chose not to appeal the same when it was granted. The Panel further queried whether the residents had benefited from the 24-hour opening times of the Premises to which the Objector stated that there were already plenty of established grocery shops and that no store can sell everything. He also clarified that the residents were not a population of drinkers. Queries were also put to the Objector as to whether he had evidence of the suggestion that the residents were clearly against the 24-alcohol licence. The Objector stated that he had lodged a signed petition on the residents' behalf, however, it was also alluded to by the Applicant and Panel that the petition only appears to give authority for the Objector to 'lodge objections' on their behalf in relation to the licensing objectives but did not specify the objections themselves.

Statutory Guidance

18. The Panel considered the Statutory Guidance further which states:

“2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).”

19. Furthermore, the Statutory Guidance states the following:

“Public safety

2.9 A number of matters should be considered in relation to public safety. These may include:

...

Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);

...

Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

.....

Public Nuisance

2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the

licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.22 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

.....

2.25 *Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.*

.....

2.27 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.*

.....

Protection of children from harm

2.29 *The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.”*

The Council's Statement of Licensing Policy

20. At 1.3 of the Policy, it states:
"As the licensing authority the council is under a duty to promote the objectives of the Act, each of which is considered of equal importance:
- *the prevention of crime and disorder*
 - *public safety*
 - *the prevention of public nuisance*
 - *the protection of children from harm."*

At section 2, under Fundamental Principles, the Panel notes that it states at 2.1:

"Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the licensee of the premises concerned. However the licensing authority considers that licensing legislation plays a key role in seeking to ensure premises are managed well in order to promote the licensing objectives...."

21. As per the Council's Policy and indicated within the Council's aspirations, the Panel wanted to *"maintain low crime and improve community safety by keeping Harrow one of the safest boroughs in London."* The Panel considered that the use of the CCTV, signage, a challenge 25 policy, restriction on single can sales and staff training would help address any potential issues and promote the four licensing objectives.
22. In addition, the Panel noted that the Police, nor any other responsible authorities had decided not to put in a representation. The Panel were aware that as per the Statutory Guidance above and as highlighted by the Applicant, *"Licensing authorities should look to the police as the main source of advice on crime and disorder."*
23. In relation to said crime data within the locality of the area, the Panel considered that in accordance with the Statutory Guidance above, beyond the immediate area surrounding the Premises, these are matters for the personal responsibility of individuals under the law. Furthermore, as per the Statutory Guidance and the overriding principle within the Council's Policy, the application was to be considered on its own merits and there was no evidence of a history of issues, nor could any of the said reported crimes be confirmed to be attributed to or be as a result of the Premises operating.
24. The Panel was of the view that dialogue between the Applicant and residents / Objector ought to continue irrespective of whether the variation is granted to promote the neighbourliness and cohesiveness set out in the Council's Policy and hoped this would be the case going forward.

25. Overall, the Panel also took consideration of the factors to consider set out in the Council's Policy for each Licensing objective, namely, the degree of confidence in the management of the premises, responsible alcohol sales including provision of customer information and staff training and the use of CCTV under the prevention of crime and disorder. These were items the Applicant already seemed to be complying with. Under the prevention of public nuisance noise mitigation is considered and the Panel noted the existing condition relating to notices requesting people leave the Premises quietly. Under public safety, a factor to consider is *'identifiable high levels of alcohol consumption in the vicinity of the premises that might be increased by the grant of an authorisation.'* The Panel noted that a high level of alcohol consumption has not been evidenced. The Panel also considered the current measures were satisfactory in the protection of children from harm under the Council's Policy.

Decision

26. Having taken all the representations into account, the Statutory Guidance and the Council's Policy, the Panel were satisfied that the Applicant could continue to comply with the licensing objectives with the extended hours for alcohol sales sought.
27. The Panel took on board the Objector's comments and the Council's Policy about wanting to maintain low levels of crime rate in the borough and accordingly sought to add / vary some of the Existing Licence conditions in order to ensure it was further robust, compliant and promoting the four licensing objectives. The Applicant had also stated that the Panel ought to grant the Licence as applied for with any additional conditions they deemed fit to add.
28. In this regard, the Panel considers the following conditions on the Existing Licence should be amended or added:
- a. Whilst the Existing Licence requires CCTV covering both internal and external areas of the premises to which the public have access at condition 3(i), the Panel deemed that this should be clarified to state that all areas of the Premises should be covered by CCTV including specific cameras pointing at the entry / exit points and the till. This Panel considered that this would further enhance promotion of the licensing objectives.

Therefore, a further condition 3 (iii) is to be added to state:

"The CCTV shall cover all areas of the Premises with cameras specifically recording the entry / exit points and the till."

- b. The Applicant confirmed that regular training was provided to staff members. In order to ensure this remained consistent, the Panel amended the condition relating to regular training to ensure training is provided every 6 months so as to again

ensure better promotion of the licensing objectives. The amended condition is to therefore read:

“All staff to be regularly trained and at least every 6 months in responsible alcohol retailing (a copy of this training manual and log of training will be available at the premises).”

29. The Panel further sought to add the following conditions to strengthen the promotion of the licensing objectives:

a. Whilst it was noted that the Applicant retained a log for alcohol refusal, the Existing Licence only contained a condition to keep a log for refused sales relating to age. Therefore, in order to ensure good promotion of the licensing objectives, the Panel added the following new condition to cover all aspects of alcohol sale refusals from the Council’s pool of model conditions.

“A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises is open.”

b. In addition, whilst it was also noted the Applicant retained an incident log, this was noted as not being a condition on the Existing Licence. Accordingly in order to again ensure promotion of the licensing objectives, the Panel added the following from the Council’s pool of model conditions:

The Designated Premises Supervisor shall be responsible for maintaining a record for at least 12 months of “Significant Incidents” that occur on the Premises whilst licensable activities are being provided.

“ Significant Incidents” to be recorded include (but are not limited to):

- (a) failures of or faults with the electronic identification system*
- (b) failures of or faults with the CCTV system*
- (c) refusals of alcohol sales*
- (d) calls to the police arising from illegal drugs on the Premises*
- (e) other matters that may affect the licensing objectives*
- (f) assaults or other injuries whether or not police or medical assistance is required*
- (g) CCTV and electronic identification system records supplied to Police and Licensing Authority officers*
- (h) seizures of false identification*
- (i) records of reasonable requests from authorised officers in accordance with condition*

30. The Licensing Panel has therefore decided to **GRANT** the Application, with the amended licensing conditions and new licence conditions as follows:

Sale of alcohol for consumption off the premises

Monday to Sunday: 00:00 to 23:59

Hours open to the public

Monday to Sunday: 00:00 to 23:59

A. The conditions on the Premises Licence are as follows:

1. Strict implementation of challenge 25, whereby any person attempting to purchase alcohol (or other age restricted product) and who appears to be under the age of 25 years will be asked to provide proof (passport, drivers licence or some other form of accredited photographic identification), that they are over the age of 18 years. Signs will be displayed advising that such a policy is in operation and a record of age related refusals of sale will be kept and be made available to officers of the police or local authority upon request.
2. All staff to be regularly trained and at least every 6 months in responsible alcohol retailing (a copy of this training manual and log of training will be available at the premises)
3. The premise licence holder shall ensure that CCTV camera and recorders are installed at the premises.
 - (i) The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days, the CCTV views should not be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
 - (ii) A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage immediately upon request.
 - (iii) The CCTV shall cover all areas of the Premises with cameras specifically recording the entry / exit points and the till.
4. Notices are to be displayed asking customers to leave quietly from the premises, also customers will be told in person to leave quietly and not to disturb the local neighbourhood.
5. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

6. A minimum of 2 members of staff to be present at the premises between the hours of 22:00 to 06:00, save for any unplanned absences.
7. No single cans or bottles of beer, larger or cider shall be sold at the premises.
8. The movement of rubbish shall not occur between the hours of 23:00 and 06:00
9. All deliveries to the premises will be carried out between 07:00 and 22:00 and in a manner as to not impact neighbouring properties.
10. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises is open.
11. The Designated Premises Supervisor shall be responsible for maintaining a record for at least 12 months of "Significant Incidents" that occur on the Premises whilst licensable activities are being provided.

" Significant Incidents" to be recorded include (but are not limited to):

- (a) failures of or faults with the electronic identification system
- (b) failures of or faults with the CCTV system
- (c) refusals of alcohol sales
- (d) calls to the police arising from illegal drugs on the Premises
- (e) other matters that may affect the licensing objectives
- (f) assaults or other injuries whether or not police or medical assistance is required
- (g) CCTV and electronic identification system records supplied to Police and Licensing Authority officers
- (h) seizures of false identification
- (i) records of reasonable requests from authorised officers in accordance with condition

31. The Panel would like to remind the Applicant that a breach of the licence including the conditions set out above could result in a review of the conditions and even a revocation of the premises licence.

Right to appeal

32. Any party aggrieved with the decision of the licensing panel on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

(Note: The meeting, having commenced at 7.04 pm, closed at 8.58 pm).

(Signed) Councillor Ramji Kanji Chauhan
Chair