

**HARROW COUNCIL**  
**LICENSING ACT 2003**

**Sections 17 – 18**

**Notification of decision following a licensing panel hearing to determine an application  
for a premises licence**

**TO: C.B. Market Ltd (the “applicant”)**

**All persons who made relevant representations**

**PREMISES: 380 Kenton Road, Harrow, HA3 8DP**

**TAKE NOTICE:**

THAT following a hearing before the Licensing & General Purposes Sub-Committee (the  
Licensing Panel)

ON 13th February 2024

HARROW COUNCIL, as the Licensing Authority for the premises

**RESOLVED TO TAKE THE FOLLOWING STEPS IN RELATION TO THE  
PREMISES LICENCE, AS APPROPRIATE TO PROMOTE THE LICENSING  
OBJECTIVES:**

RESOLVED TO **GRANT** THE APPLICATION SUBJECT TO THE CONDITIONS AND  
MODIFICATIONS STATED BELOW.

**Sale of alcohol for consumption off the premises**

Monday to Sunday: 06:00 to 23:00

**Hours open to the public**

Monday to Sunday: 00:00 to 23:59

THE CONDITIONS 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 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.
  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.

## **REASONS:**

1. The application seeks the following hours for licensable activities:

### **Supply of Alcohol for consumption off the premises**

Monday to Sunday 24 hours

### **The Opening Hours of the premises to the public**

Monday to Sunday 24 hours

The application included proposed conditions on the licence, which are set out in Appendix 4 of the application. There is a further set of conditions marked as ‘final conditions agreed with licensing and police,’ at the same appendix.

2. The Premises are not currently licensed and is situated in an area of mixed commercial and residential properties.
3. The licensing panel carefully considered all the relevant information including:

- Written and oral representations
  - The Licensing Act 2003
  - The Guidance issued under section 182 of the Licensing Act 2003
  - Harrow Council's Licensing Policy
  - Human Rights Act 1998
4. During the licensing panel hearing the facts giving rise to the application for the grant of a premises licence were set out by the licensing officer and were agreed by the Applicant.
  5. The panel heard from the applicant's representative regarding the new business set up and the 24-hour application sought for a premises licence. They offered a convenience store for the benefit of the local neighbourhood, with investment having gone into layout and design to ensure it meets neighbouring standards and would create employment opportunity in the area. The applicant addressed how they would promote the licensing objectives and presented the conditions, as agreed by the responsible authorities, were adequate to promote the licensing objectives. They confirmed challenge 25 would be adopted and the designated premises supervisor (DPS) was experienced, with a number of other businesses. They confirmed that the DPS has never come to the attention of any responsible authorities. The applicant addressed the panel as to the need for an evidence-based decision and stated there were controls and measures in place to promote the licensing objectives through the experienced DPS, the licensing conditions as agreed and the low crime in the area. They presented data for crime and ASB in the vicinity of 380 Kenton Road, as reported. They concluded nothing in their application undermined the licensing objectives.
  6. The panel heard from numerous objectors, through written representations to the Licensing authority and those that had attended in person, including local Councillors, who spoke on behalf of the residents. The representations from the objectors were based on the prevention of crime and disorder, the prevention of public nuisance, protection of children from harm and public safety. They presented all four licensing objectives were not promoted by the licence sought and raised concerns about the possible consequences of the licence being granted as sought. Summary of the relevant representations:
    - A. Street drinking at unreasonable hours and concerns regarding littering on the adjacent streets and alleyway
    - B. Anti-social behaviour (ASB) centring around street drinking, drug use, loitering, noise (particularly when groups congregate, being amplified by the availability of alcohol), fly-tipping, littering (empty alcohol and food containers) and public urination. This was identified by local residents as a potential to spill into local Parks.
    - C. Lack of resources to deal with littering and minor ASB matters
    - D. Alcohol consumption can lead to a higher level of crime and disorder
    - E. Underage drinking and intoxicated customer to be able to purchase alcohol 24 hours

- F. Concerns over the DPS being able to effectively supervise the premises 24 hours, as well as other premises he supervises
  - G. Disturbance of the tranquillity of the area late at night and this being an inappropriate location for such a licence
7. Other representations that were made, that were considered irrelevant for the purposes of the legislation were not taken into account included business commercial need, planning, parking, traffic and proximity to a temple.
  8. The panel noted that there were no representations made by any responsible authorities. The licensing authority and the police had agreed conditions with the applicant to be attached to the licence sought.
  9. Questions were put to the applicant by the objectors and the panel. The training of staff was covered and the applicant responded to say all staff would be trained to level one in responsible alcohol retailing. They also addressed CCTV concerns laying out they had 20 cameras on site, with high digital quality, positioned at entry and point of sale. They had more than adequately covered what was recommended by the police/licensing authority via CCTV. They further stated that the alcohol spirits were behind the counter and to the far left by the till and were safeguarded by those on the till. The fridge to the left would contain the beers, they confirmed they would not be selling single cans. Regarding security at the premises the applicant stated they had the essential CCTV and they had a contract with VeriSure, who had supplied a panic button, they stated they use this company at their other sites. They confirmed there would be two people on site one at the till point and one would be stationed outside, who would be a 'strong guy.' This was to protect their property and stock. They could not answer the question as to what research they had undertaken regarding incidents not reported and stated they rely on the responsible authorities for this information. It was confirmed the other sites they owned, did not operate on a 24 hour basis.
  10. The objectors were asked about the temple use and were told the opening hours were 6am-11.30am and then 3.30pm to 8pm, however there were activities most nights to 10pm. The panel asked the opening hours of Cost Cutter, and were informed that they close at 10pm, although they have a licence to sell alcohol off the premises from 06:00 to 01:00.

## **THE PANEL'S DECISION**

11. Although there were no representations from any responsible authority, the Panel attached significant weight to the representations received by residents who lived within the locality and know the area very well. This was a community who were made of families including elderly and young, that live near a vibrant street with various shops and restaurants. The collective community reported local nuisances and wished to safeguard their locality. The Panel took on board that official reports may not tie in with what may be happening on the ground. They considered each licencing objective:

### **Prevention of crime and disorder**

12. The panel accepted that the licensing objective of the prevention of crime and disorder, was the responsibility of the police, who had not raised any concerns. The crime and ASB data showed a low level of reported crime and ASB, as represented in Appendix 5. The panel therefore concluded the safeguards of conditions in place meant this licensing objective was not undermined. The safeguards surrounding CCTV, challenge 25 and the offences created under various statutes sufficiently promoted the licensing objectives. The Panel were impressed with the layout of the applicant's store and the provisions, regarding CCTV and security put in place to promote this licensing condition.

### **Public Safety**

13. Statutory Guidance states that: "2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning."
14. The panel decided that the applicant had adequately safeguarded this objective, they had two members of staff, to deal with any issues, CCTV and a panic button installed to ensure help was received at their premises if needed. The staff would be qualified in responsible alcohol retailing. They had challenge 25 in place and they adhered to the law for underage sales of alcohol and not supplying to those intoxicated. They could not control those not on their premises. They had promoted this licensing objective to the panel's satisfaction.

### **Protection of children from harm**

15. The Panel saw the only harm this premise could have to children was in underage sales of alcohol, taking into account paragraph 2.28-2.38 of the statutory guidance. The panel again felt that underage sale of alcohol was covered by the challenge 25 scheme, adequate CCTV in place to enforce if required for those offences created by the Licensing Act 2003. Responsible authorities also had the ability to carry out test purchase for the unlawful sale/ consumption of alcohol to minors.

### **Prevention of public nuisance**

16. The panel took account of para 2.21-2.27 of the statutory guidance.
17. The panel concluded that the representations made regarding this licensing objection, needed to be balanced. It was noted from the agreed conditions that the licensing authority and the police accepted that there needed to be more control during the night time hours between 22:00 to 06:00, as highlighted in the 'agreed conditions' affecting deliveries of goods and waste management at the premises. The panel concluded this is

to protect noise and disturbance of the local community. The guidelines describe this time period as a 'sensitive period.' The panel noted the numerous representations received reporting low level ASB in littering, urination and gatherings in the area with street drinking, which ultimately caused disturbance/ affected the area to a detriment. The panel noted that such low-level nuisances may not have been reported/ recorded on any police data base.

18. The panel accepted alcohol consumption may increase low-level nuisances to be committed. They concluded the 24 hour availability of alcohol would have an impact and could increase public nuisances. The panel ultimately wanted to prevent such nuisances, and decided that limiting the sale of alcohol in the night time hours would be the only way to promote this licensing objective effectively and prevent any/ an increase in public nuisances from occurring. Any public nuisance issues would be outside of the remit of the premises and no conditions imposed on the applicant could satisfy the panel to further promote this licensing objective.
19. Taking all of the above into account, the Licensing Panel has decided to grant the premises licence, but amended to restrict sale of alcohol for consumption off the premises between the hours of 06:00 to 23:00 Monday to Sunday and to accept the licensing conditions agreed between the Licensing Authority and the Police and to include a new condition to deal with the signage indicating the permitted hours for the sale of alcohol, at condition 5. The Panel considers these amended conditions with the restricted hours are appropriate to satisfy the licensing objectives.
20. The Licensing Panel has therefore decided to GRANT the application as amended as follows:

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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.
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### **Right to Appeal**

21. Any party aggrieved with the decision of the Licensing Panel on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the local Magistrate's Court within 21 days of notification of this decision.