

M & G Alliances Ltd**(the “Applicant”)****Application for a new Premises Licence****Stanmore Place Food Market, Retail Unit 5, Stanmore Business and Innovation Centre HA7 1FW (the
“Premises”)****Statement of Case**

This statement is made in support of an application for a new Premises Licence with the intention of outlining the Applicant’s case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing.

The Applicant

The Applicant is a family company which already operates a coffee shop, a newsagent and a coffee van at Transport of London sites. The shareholders and their experience are as follows:

Shilan Ganatra

Degree qualified with 10 years of experience as a Business and Finance Analyst in Financial Services, Retail and Telecommunications. A successful entrepreneur for the last 5 years managing the day-to-day operations of a portfolio of existing retail businesses. Will be the day-to-day manager and Designated Premises Supervisor.

Shreya Ganatra

Private Banking Manager with 10 years’ experience managing a portfolio of high net-worth individuals. Strong retail experience with 4 years at Boots the Chemist in the Harrow area.

Ameesh Manek

MBA Qualified with over 22 years' experience in the retail, financial services and sport industries. Specialising in both large corporate and small business environments with a background in category management, procurement, strategy and corporate development.

Sikesh Manek

Qualified Management Accountant with over 25 years' experience in Financial Services and retail.

The Premises

The Premises is part of the new Stanmore Place development comprising over 800 new homes and over 60 retail/business units. The Applicant opened the Premises on Saturday 17 April 2021 as an artisan food market selling high end British, Afro Caribbean, East Asian, South Asian and Persian food. A selection of pictures is at **annex 1**. The hope is to offer a limited range of alcoholic products to compliment the food on offer. These are to be located towards the back of the Premises, next to the tills to aid supervision. Attached at **annex 2** is a proposed list of alcoholic products the Applicant wishes to sell. Due to space limitations, these products will not necessarily all be stocked at the same time. The prices of the wines start at approximately £7.50 with the most expensive sparkling wines being more than £50.00. The average price for a still wine is projected to be £12.00. Only international bottled beers will be sold including the likes Hoegaarden, Kingfisher, Asahi and Tusker with prices starting at £1.80 a bottle. Whilst the financial projects only predict that 10% of total profit will come from alcoholic products this is still an important source of revenue.

Amendments to the Application

Before lodging the application, the Applicant met with representatives of the Licensing Team at Harrow Council to discuss the application and once lodged, conditions were discussed with the Metropolitan Police.

The agreed conditions (which are in the Committee Report) are as follows:

1. CCTV shall be installed to Home Office Guidance standards, covering all entrances and exits, capturing clear facial images. This system shall be maintained & recordings shall be kept for 31 days and shall be made available to police and licensing officers immediately upon request. A member of staff fully conversant with the use and operation of the CCTV system and how to provide footage to police or local authority requests shall be present throughout the permitted hours for sale of alcohol. Suitable CCTV signage regarding the use of CCTV must be displayed.

2. A sign stating “No proof of age - No sale” shall be displayed at the point of sale.

3. A “Challenge 25” policy shall be adopted and adhered to. Signage to be displayed at point of sale.

4. An incident/refusal book shall be kept at the premises, and made available for inspection on request to an authorised officer of Harrow Council or the Police; Which will record the details (including day, date, time, summary of incident) of any of the following:

-all crimes reported to the venue

-all ejections of patrons

-any complaints received

-any faults in the CCTV system

-any refusal of the sale of alcohol including ‘Off Deliveries/sales of alcohol’

-any visit by a relevant authority or emergency service.

5. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training, and all managers, will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

6. Any staff directly involved in delivering alcohol to consumers will undergo regular training of Licensing Act 2003 legislation. This training must be completed before the staff member can conduct deliveries. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant

authorities upon request.

7. Any staff directly involved in selling and/or delivering alcohol must be authorised to do so in writing by the Premises Licence Holder. A record of the authorisation for each member of staff will be kept on the premises and made available for inspection by police and relevant authorities upon request.

8. Promotions that encourage irresponsible drinking shall not be permitted.

9. No beers, lagers, and ciders above 6% ABV shall be stocked with the exception of premium beers.

10. No single cans of beer, lager or cider to be sold.

11. No miniatures to be sold – (5cl or 50ml).

12. Alcohol will be kept by the till area (as per the plan of the premises).

13. A suitable intruder alarm complete with panic button shall be fitted and maintained.

14. The store will be well lit to ensure clear visibility for staff.

15. Notices asking customers to leave quietly shall be displayed at the exit.

16. The app or internet site for the remote sale of alcohol and cigarettes must contain the information that these sales are only for people aged 18 or over. The buyer should confirm on the app or internet site that they are aged 18 or over. When the alcohol or cigarettes are delivered to an address, the person delivering them must confirm that the persons they give the goods to are aged 18 or over.

Representations

The Applicant is pleased that no representations have been made by the statutory authorities: the 'independent experts'. Whilst thirty-five representations have been received, as the Committee Report correctly highlights, the vast majority are identical. The Applicant has had several cordial conversations

with Vice-Chairs of the Stanmore Place Residents' Association and is particularly keen to engage with its Chairman who has been left voicemail and text messages.

Rather than addressing each representation separately, this report will instead comment on the concerns raised in turn:

Proximity of a Nursery

The Protection of Children from Harm licensing objective is, as the Section 182 Guidance explains, usually engaged when children are at risk from moral, psychological or physical harm. For example, a pub or off-licence next to a Sixth Form College or where a premises is offering adult entertainment. This is not the case here. Nursery children are in no way close to drinking age and the application is for an artisan food market. Licensed premises and nurseries commonly sit on the same parade of retail units without concern. Crucially, there is no representation from the Area Child Protection Service, nor the nursery itself. Their staff have actually taken the children into the Premises to explain how a shop works.

On the broader issue of the Protection of Children from Harm, as can be seen above, onerous conditions have been agreed with the Metropolitan Police to avoid underage sales.

Risk of Public Nuisance and Anti-Social Behaviour

As with the concern about the nursery, it is unclear why a grant of a premises licence will lead to public nuisance and anti-social behaviour in the new estate. If the concern is that cheap alcohol will be purchased and consumed on the street nearby, there is no reason to suspect that this will be the case. Given the conditions agreed with the Metropolitan Police the Premises will not be attractive to people wishing to purchase cheap, strong alcohol and the price of products will be higher than other licensed supermarkets in the nearby area including Tesco next to Cannons Park Station.

Increased Traffic

Traffic flow is generally considered at the planning, rather than licensing level, and the Premises does have E (a) planning use to sell goods. The purpose of the Premises is to serve residents of Stanmore Place who

can access the Premises on foot. If any customers from other surrounding areas wish to shop at the Premises, they can use the excellent local bus and tube services. There is no reason for customers to drive into the residential part of Stanmore Place.

Litter

The premium alcohol the Premises wishes to sell is not designed for immediate consumption and thus the Applicant does not anticipate that the Premises will generate litter. No single cans will be sold. Bottled beers and wines usually require a bottle opener or corkscrew to open.

Harrow Licensing Policy (the "Policy") and Case Law

The Premises is not located within a Cumulative Impact Area, hence there is no presumption to refuse the application if a grant is likely to add to cumulative impact and as suggested, advice was sought from the Licensing Authority.

Whilst a relevant argument Pre-Covid, the consideration of economic factors is now even more important. The Applicant wishes to remind the licensing sub-committee of the case of *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others* [2011] EWCA Civ 31, and the observation of Toulson LJ that:

*"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand**, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on."*

A considerable amount of money has already been invested in the Premises and to be left without a premises licence would leave with Applicant in a difficult financial position.

Conclusion

The Applicant wishes to be a 'good neighbour' and is desperately keen to be seen as an asset to Stanmore Place. If it is not, the business will fail. It has hired employees who live in Stanmore Place and the intention is to be in business for the long term. It is pleased to have received several positive messages from its residents who have been pleasantly surprised about the quality of the fitout and the products on offer. As a responsible operator the Applicant has liaised with the statutory authorities and agreed appropriate conditions to uphold the licensing objectives. It would also welcome further discussions with those that have made representations. The writer of this statement can be contacted at niall.mccann@keystonelaw.co.uk.

Niall McCann
KEYSTONE LAW