

Date: 16 October 2023

Hearing date: 19 October 2023

Premises: South Parade Express, 50 South Parade, Mollison Way, Edgware, HA8 5QL.

The below information contains email communication between the applicant's agents and myself.

This communication highlights concerns about outstanding points that have arisen in addition to my representation in respect of the application for a premises licence.

I will address the points and my concerns.

1. The statutory guidance is clear that the applicant needs to show clear and unclouded accountability towards the premises. To date, the applicant has been unable to evidence this in any way, shape or form.

The authority has received an email from the applicant's agents on 21 September @ 09:31 which states (in part):

Applicant hasn't taken over the premises yet, and we don't expect him to be accountable.

The full details of this email can be found on the correspondence below.

2. The applicant states that they cannot deal with imaginary concerns. This authority does not believe anything that may undermine one or more of the licensing objectives are to be deemed as imaginary. As the applicant will be using external delivery partners, how can he guarantee that these drivers will only use electric bicycles to fulfil deliveries within a two-mile radius. I note from below, that this only covers a two-mile radius from the premises. The applicant has not explained what the process is for deliveries that exceed this two-mile radius. Despite our correspondence, the applicant has still failed to provide a suitable risk assessment to explain how this activity will not undermine the public nuisance objective and therefore protect the right of peaceful amenity of persons living in close proximity of the premises.

3. The applicant has failed to provide a copy of the training content that all members of staff will receive before carrying out licensable activities. We note that the applicant has offered a condition around training, however, it is unclear to what this training will include and whether this will be sufficient in that trainees will have suitable knowledge in the retail sale of alcohol and how to uphold all four licensing objectives.

The condition that has been offered in section 18 (operating schedule) of the application states: The Licensee shall ensure that each member of staff authorised to sell alcohol has received appropriate training on the law with regard to age-restricted products, proxy sales, and the licensable hours and conditions attached to the licence, including refresher training every six months, and that this is properly documented, and training records kept. The training record (either written or electronic) shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards, or the Police, on request.

4. Despite the agreement with the police, this authority believes that the sale of single cans and/or bottles that exceeds 500ml (readily available in imperial pint size cans – 568ml), will impact on the local amenity as this could possibly lead to an increase in street drinking and therefore could undermine a licensing objective.

6. As per point 4, this would apply to miniature bottles and/or containers of spirits.

7. With reference to covenants on the documents provided by Land Registry, the authority understands that this should be covered under a different discipline and that there may be a risk of the applicant simply ignoring this requirement if a licence should be granted. Despite the applicants comment, no conditions have been agreed in this regard.

Additional observations:

The plans of the premiss provided with the application do not comply with the requirements of regulations prescribed under the Act. The perimeter of the premises (as per the land registration document) does not match the permitter of the premises as stated on the plans. This in itself is enough to invalidate the application.

The panel is reminded where it is considered that the applicant may need more time to resolve these issues, it does have the right to adjourn the hearing to a later date and time.

The authority still recommends that this licence application be refused in its entirety as the applicant has failed to provide suitable evidence of accountability towards the premises and also failed in providing suitable answers to the authorities concerns. It is also recommended that when the applicant has worked with the authority and resolved its concerns that the applicant make a new application to the authority.

From: ARKA LICENSING [REDACTED]
Sent: 27 September 2023 13:28
To: Ash Waghela [REDACTED]
Cc: Alan Riley [REDACTED] license [REDACTED];
Darren.Cowley [REDACTED]
Subject: Re: 719514 - Representation for South Parade Express

Dear Mr Waghela,

We are dealing with the content of your objection, and we have agreed with the police and addressed their concerns.

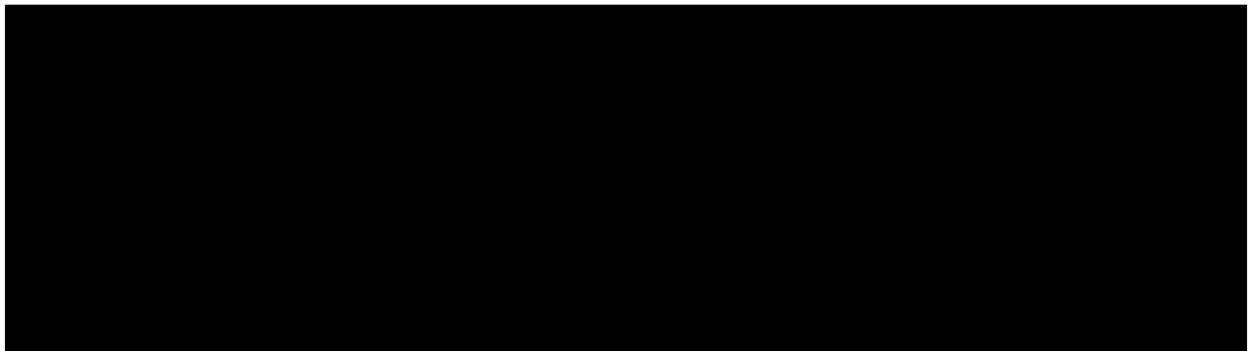
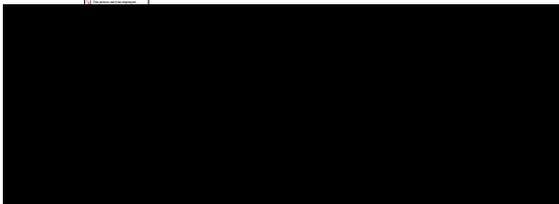
1. The question of accountability still remains, and still needs to be proven - **WE WILL HAVE OUR LAWYER TO DEAL WITH THIS POINT AT THE HEARING - IF IT GOES TO THE HEARING.**
2. Not all delivery partners will use electric vehicles for fulfilling online orders. There are residential premises in close proximity to this shop; i.e. flats above the shop, adjacent and directly opposite the shop. This is the reason for asking for a written risk assessment to mitigate noise from delivery drivers. - **WE HAVE NO OBJECTION FROM THE ENVIRONMENT OFFICERS OR THE RESIDENTS NEARBY AND YOU SPECIFICALLY SAID NOISE EARLY IN THE MORNING AND THE STORE DON'T OPEN BEYOND MIDNIGHT. APPLICANT DONT SEE NOISE NUISANCE WITH THE DELIVERY PARTNERS - DELIVERY PARTNERS ARE USING ELECTRIC BICYCLES AND THEY ONLY COLLECT DELIVERY WHEN DELIVERY READY. RISK ASSESSMENT IS ALREADY DONE AS DETAILED IN OUR PREVIOUS EMAIL. WE CANNOT DEAL WITH IMAGINARY CONCERNS.**
3. We would like to see the content of the training that will be provided to individuals. This could be in the form of a training manual- **THERE ARE CONDITIONS AGREED - CAN YOU EXPLAIN WHY YOU ARE REQUESTING THIS AND WHAT ARE YOUR REAL CONCERNS.**

4. With reference to the condition that has been agreed with the police regarding single cans, the authority is aware that cans of alcohol are available in quantities that exceed 500ml (pint cans). We would be looking to amend the condition to read “no single cans or bottles of beer, lager or cider to be sold at the premises”
WE DON'T AGREE - WE BELIEVE THE CONCERNS ARE ADDRESSED WITH AGREED CONDITIONS.
6. Addition condition: No miniature bottles of spirits (5cl) or below to be sold at the premises.
WE DON'E AGREE - WE AGREED CONDITIONS THAT ADDRESS THE CONCERNS EXIST
7. The question regarding covenants that appear on the Land registry still remain - **ANY LEASE CHANGES WILL TAKE TIME - CONDITIONS HAVE BEEN AGREED IN THIS REGARD THAT PREVIOUS OPERATOR HAS HAS NO INVOLVEMENT - OUR LAWYER WILL ADDRESS THIS AT THE HEARING, IF IT GOES TO THE HEARING.**

We are aware any conditions, should be fair, proportionate and should address the real concerns, and promote the licensing objectives.

Regards
Nira

Consultant
Arka Licensing



From: Ash Waghela [REDACTED]
Sent: 27 September 2023 12:46
To: ARKA LICENSING [REDACTED]
Cc: Alan Riley [REDACTED] license [REDACTED]
'Darren.Cowley@[REDACTED]
Subject: RE: 719514 - Representation for South Parade Express

Dear Nira,

Thanks for your email below.

1. The question of accountability still remains, and still needs to be proven.
2. Not all delivery partners will use electric vehicles for fulfilling online orders. There are residential premises in close proximity to this shop; i.e. flats above the shop, adjacent and directly opposite the shop. This is the reason for asking for a written risk assessment to mitigate noise from delivery drivers.
3. We would like to see the content of the training that will be provided to individuals. This could be in the form of a training manual.
4. With reference to the condition that has been agreed with the police regarding single cans, the authority is aware that cans of alcohol are available in quantities that exceed 500ml (pint cans). We would be looking to amend the condition to read "no single cans or bottles of beer, lager or cider to be sold at the premises"
5. Addition condition: No miniature bottles of spirits (5cl) or below to be sold at the premises.
6. The question regarding covenants that appear on the Land registry still remain.

I understand that the licensing authority has applied for a date for a hearing to take place but this has not yet been confirmed with me. Hopefully we will be able to reach agreement which will negate the need for a hearing.

Kind Regards,

Ash Waghela | Commercial Licensing Enforcement Officer

Commercial Licensing | Environmental Services Division | Place Directorate

[REDACTED]



LONDON BOROUGH OF HARROW

From: ARKA LICENSING [REDACTED]
Sent: 21 September 2023 09:31
To: Ash Waghela [REDACTED]
Cc: Alan Riley [REDACTED] license [REDACTED]
Subject: Re: 719514 - Representation for South Parade Express

Dear Mr Waghela,

Thank you for your response.

Applicant hasn't taken over the premises yet, and we don't expect him to be accountable. In the meantime we will get the details for your visits if necessary.

We would like to address your representation:

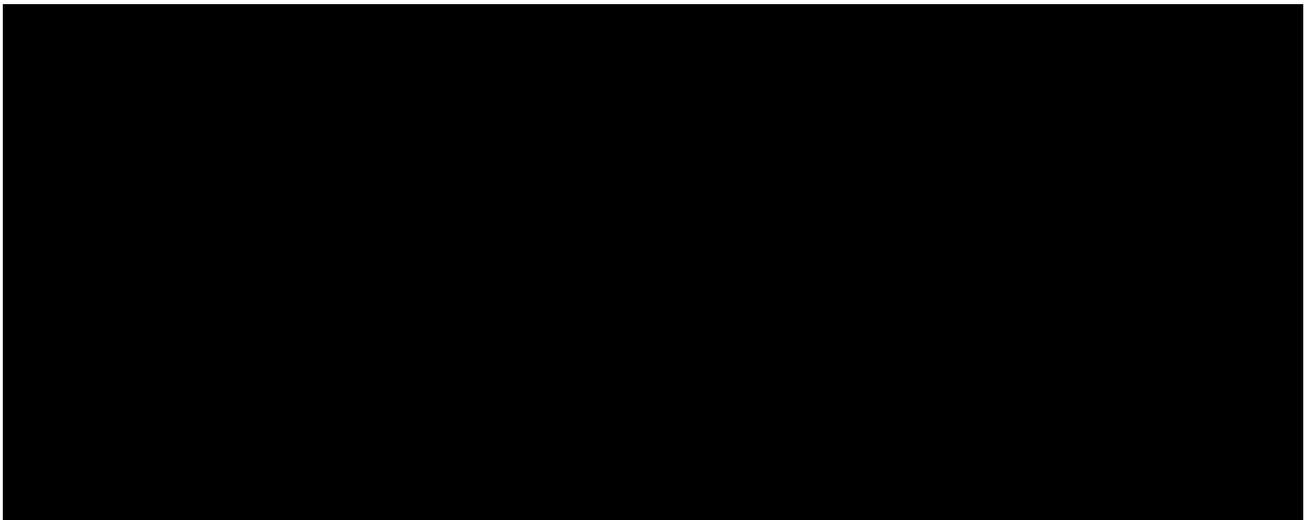
1. Legal entitlement to trade - it will be provided - new lease under applicant name
2. Comment on deliveries:
The area is busy 24 hours with passing vehicles, there are considerable parking areas in the front, the residential houses are not close or front, there are other many other late night premises in the area. The delivery will be through uber, just eat etc. They uses Electric bicycles. The delivery expected to be minimal, if any the orders will be within 2 miles radius to deliver by electric cycles.
3. Staff Training - All training records will visible to visiting officers - as provided by conditions on the application.

The store is not opening on the early hours in the morning, the store will be shut at 00.00 hours. considering the assessment done by applicant above - and applicant will carry out the risk assessment ongoingly. - we don't see additional measures necessary.

If you can confirm that by supplying a document to proof legal right occupy the premises by applicant, you will be able to withdraw the representation.

Regards
Nira

Consultant
Arka Licensing



From: Ash Waghela [REDACTED]
Sent: 20 September 2023 10:02
To: ARKA LICENSING [REDACTED]
Cc: Alan Riley [REDACTED] license [REDACTED]
Subject: FW: 719514 - Representation for South Parade Express

Dear sir or madam,

Thank you for your email below which confirms receipt of my representation.

The details you have requested have not been formally documented as there was no reason to do so.

If the individual was under caution (which they were not) then it would have been necessary to document the questions and answers.

This goes back to the question of your clients accountability – Can your client get details of conversations that took place between the inspecting officer and the person present at the premises at the time of the visit.

Kind Regards,

Ash Waghela | Comercial Licensing Enforcement Officer

Commercial Licensing | Environmental Services Division | Place Directorate



LONDON BOROUGH OF
HARROW

From: ARKA LICENSING [REDACTED]
Sent: 19 September 2023 12:15
To: license [REDACTED]
Subject: Re: 719514 - Representation for South Parade Express

Caution: External email

Dear Farima,

Thank you for your representation enclosed by LA.

We would like to get some clarifications and details of the points stated on the objection.

Visit on 7th August - we need the following details:

1. Did the officer visit inside the premises or check the blue notice only?
2. Did he had a conversation with the person behind the counter?
3. If he has, can we have the conversation that took place please - question and answer format

Visit on the 14th of September

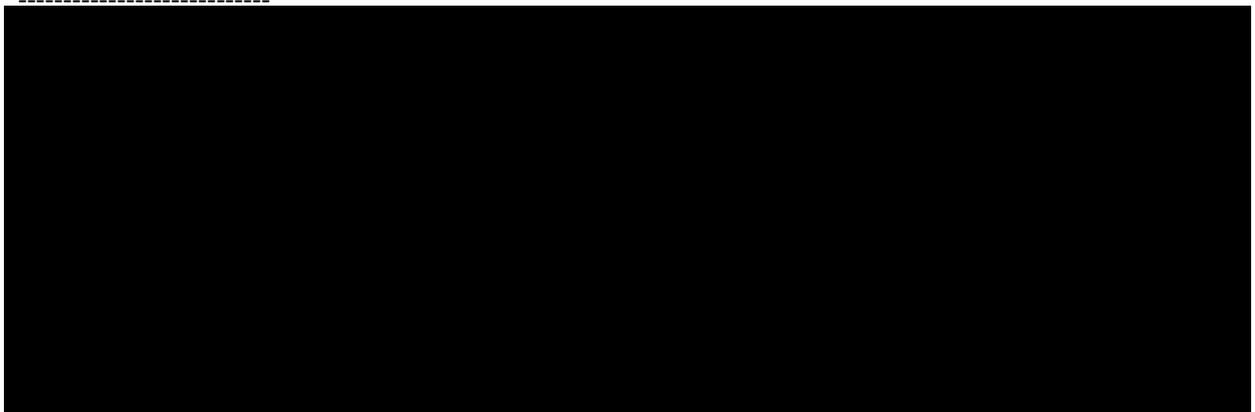
1. Did the officer visit inside the premises or check the blue notice only?
2. Did he had a conversation with the person behind the counter?
3. If he has, can we have the conversation that took place please - question and answer format

We would be grateful if you could get back to us on this matter today or tomorrow please.

Regards

Nira

Consultant
Arka Licensing



[REDACTED]

From: license [REDACTED]
Sent: 13 September 2023 11:43
To: ARKA LICENSING [REDACTED]
Subject: RE: 719514 - Representation for South Parade Express

Good Afternoon,

Please find representation attached for the premises licence application submitted for the below premise:

SOUTH PARADE EXPRESS, 50 South Parade Mollison Way, Edgware, HA8 5QL

Please note that should no agreement be reached with the parties that have made representations and reps withdrawn then a hearing will be set up.

Kind regards,

Farima | Technical Support Officer |

Address Harrow Council, Harrow Council Hub, Forward Drive, Harrow, HA3 8NT

