



**Report for: Licensing Panel Sub-
committee**

Date of Meeting:	13/02/2024
Subject:	Application for a new premises licence for IZZY FOOD CENTRE, 380 Kenton Road, Harrow, HA3 8DP.
Responsible Officer:	Dipti Patel, Corporate Director, Place
Exempt:	No
Wards affected:	Kenton East
Enclosures:	Appendix 1 – Application and premises plans for a premises licence Appendix 2 – Location map Appendix 3 – Representations Appendix 4 – Proposed conditions agreed with the Police and Licensing Authority Appendix 5 – Submission from Applicant

Section 1 – Summary

An application for a new premises licence under Section 17 of the Licensing Act 2003 (the “Act”) has been received for IZZY FOOD CENTRE, 380 Kenton Road, Harrow, HA3 8DP.

Representations have been received from other persons including bodies representing local residents.

The representations express concerns about the possible undermining of one or more of the licensing objectives should the licence be granted.

Section 2 – Report

- 2.1 This report asks the Sub-Committee to consider an application for a new premises licence.
- 2.2 C.B. Market Ltd (the “**Applicant**”) submitted an application on 14 December 2023 for a new premises licence for IZZY FOOD CENTRE, 380 Kenton Road, Harrow, HA3 8DP (the “**Premises**”). A copy of the application is included as Appendix 1 to this report.
- 2.3 The period for representations for this application was from 20 December 2023 to 17 January 2024, As representations remain unresolved a hearing is required for the application to be considered by the Sub-Committee.
- 2.4 The applicant has applied for the following hours open to the public and licensable activities:

	Retail sale of alcohol – off sales	Hours open to public
Monday	00:00 – 23:59	00:00 – 23:59
Tuesday	00:00 – 23:59	00:00 – 23:59
Wednesday	00:00 – 23:59	00:00 – 23:59
Thursday	00:00 – 23:59	00:00 – 23:59
Friday	00:00 – 23:59	00:00 – 23:59
Saturday	00:00 – 23:59	00:00 – 23:59
Sunday	00:00 – 23:59	00:00 – 23:59

*The applicant has applied to trade and sell alcohol for consumption off the premises for 24 hours a day 7 days a week. The application includes proposed conditions.

- 2.5 The application proposes Mr Claudiu Baroti, to be the Designated Premises Supervisor.

Description of premises

- 2.6 Currently the Premises is under refurbishment and closed to the public. In the relevant section of the application, The Applicant describes the Premises as the following

“The premises will be used for the retail of Food and Drinks, hence an application is being made as we are planning to sell drinks for personal/at home consumption. We will not be offering a place for the consumption of these supplies.”

The Licensing Authority understands the Premises will be a grocery store that includes the sale of fresh fruit, vegetables; and alcohol should a premises licence be granted.

2.7 A location map for the Premises is shown in Appendix 2.

Representations

2.8 During the consultation period the Licensing Authority received 42 representations, with 41 of these objecting to the application and 1 in support.

2.9 The objections have been received from:

- The London Assembly Member for Brent and Harrow
- 4 Councillors, including the 3 Ward Councillors for Kenton East
- 36 residents

The representation in support was received from a resident.

2.10 The representations objecting to the application reflect concerns with the upholding of all four of the licencing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. All the representations received are shown in Appendix 3 of this report. These representations remain outstanding these can be found in Appendix 3.

2.11 The Police have not submitted a formal representation but did agree conditions with the Applicant, which are shown in Appendix 4 to this report.

2.12 The Licensing Authority has advised of the possible ambiguity of these conditions and advised of amendments to these conditions, to further underpin the licensing objectives. These amendments have been agreed by the Applicant and the Police have also been informed of the amendments to the agreed conditions and they have not commented. The amendments to the conditions agreed between the Applicant and the Licensing Authority, are also shown in Appendix 4 of this report.

2.13 The Agent representing the Applicant has also sent an email, which includes crime statistics of the area and that can be found in Appendix 5 to this report.

2.14 Where a relevant representation is submitted under Section 35(3) of the Act the Authority must hold a hearing to consider such representations, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary.

2.15 Relevant representations mean those which are about the likely effect of the grant of the application on the promotion of the licensing objectives, and have been made in time, not withdrawn, and in the case of

representations made by a person (other than a responsible authority), are not considered by the Licensing Authority to be frivolous or vexatious.

Officer Observations

- 2.16 Representations that have been received are mainly based on concerns with the upholding of the core licencing objectives, particularly with regard to street drinking, the potential for further crime and disorder, the potential for noise nuisance, litter and the proximity of the Premises to nearby schools as well as a general objection to a 24/7 alcohol licence. The received representations provide more details on this. The representations also raise other issues, such as traffic and other retailers selling alcohol, which are not relevant issues for the Sub-committee to consider.
- 2.17 Consideration should be given on how these issues could directly affect the licensing objectives.
- 2.18 The most critical part of the operating schedule are the steps proposed by the Applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be transferred into conditions on the licence.
- 2.19 The Sub-Committee has the discretion to add or modify conditions in light of the representations where it is appropriate to do so to promote the licensing objectives. Any such conditions should be tailored to the size, type, location, characteristics and activities at the premises, and the Panel should be aware of any indirect costs that may arise from the imposition of conditions.
- 2.20 When imposing conditions relating to CCTV the Sub-Committee should bear in mind the Information Commissioner's guidance that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives.

Statutory guidance

- 2.21 The Sub- committee's attention is drawn to section 2 of the current statutory guidance which refers to the licensing objectives: [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK.pdf)

Harrow licensing Policy

- 2.22 The Licensing Authority's Statement of Licensing Policy sets out the matters that the Sub- committee may take into account when considering representations (although the Sub- committee is not limited to these matters).
[Harrow Council Statement of Licensing Policy 2016 2023.pdf](#)

3. Recommendation

- 3.1 The Licensing Sub- committee is required by the Act to take one of the options listed below as it considered appropriate for the promotion of the licensing objectives.
- 3.2 The steps are—
- (a) To grant the licence subject to—
 - (i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates.
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.

4. Legal implications

- 4.1 The Licensing Sub-Committee is required to hold a hearing to consider any relevant representations made in relation to a premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 Under Part 3A of the Council’s Constitution (18 May 2023), the Licensing Panel has the power to determine applications and to make Orders in respect of licences where objections have been received.
- 4.3 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Act, the Council’s Statement of Licensing Policy 2022 and the steps that are appropriate to promote the four licensing objectives.
- 4.4 Having considered those relevant matters, the Licensing Panel is required to take such steps (as outlined in section 3.2) as it considers appropriate for the promotion of the licensing objectives.
- 4.5 It should be noted with all options that –
- clear reasons should be given for the decision.
 - any additional or modified conditions should be clear, practical and enforceable.
- 4.6 In addition to determining the application in accordance with the legislation, Members must have regard to the –
- common law rules of natural justice

- provisions of the Human Rights Act 1998
- considerations in section 17 of the Crime and Disorder Act 1998

4.7 By section 6 of the Human Rights Act 1998, the licensing Sub- committee is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property)

4.8 If any party wishes to challenge the decision of the Licensing Sub- committee on one of the grounds set out in Schedule 5 to the Act, they can appeal to a Magistrates' Court within 21 days from notification of the decision.

5 Financial Implications

5.1 There are no financial implications, other than a small fee income if the new licence is granted.

6. Risk Management Implications

Risks included on corporate or directorate risk register? **/No**

Separate risk register in place? **/No**

The relevant risks contained in the register are attached/summarised below. **No**

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Failure to determine the application for a new premises licence would put the Licensing Authority in breach of its obligations under the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.	The Authority must determine this application within the timescales set by prescribed regulations	Green

Section 3 - Statutory Officer Clearance

Statutory Officer: Comie Campbell

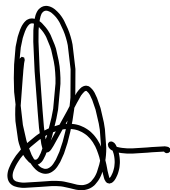
Signed on behalf of the Chief Financial Officer

Date: 26/01/2024

Statutory Officer: Baljeet Virdee
Signed on *behalf of/by the Monitoring Officer

Date: 02 February 2024

Chief Officer: Cathy Knubley
Signed on behalf of the Corporate Director



Date: 29 January 2024

Mandatory Checks

Ward Councillors notified:

Section 4 - Contact Details and Background Papers

Contact: Alan Riley, Enforcement Officer.
Alan.Riley@harrow.gov.uk

**Background Papers: Background Papers: Licensing Act 2003
Statutory Guidance (issued December 2023).**

[Revised guidance issued under section 182 of the Licensing Act 2003 - December 2023.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/124444/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)

London Borough of Harrow – Statement of Licensing Policy

<https://www.harrow.gov.uk/downloads/file/23077/statement-of-licensing-policy-2016-2023> .