

Dear Richard

Thank you for your insightful email. The Public Safety Team withdraw their presentations.

Kind regards

Mr Chris Pearce
Public Safety Officer
Community Protection
Regeneration & Environmental Services
Brent Council
020 8937 1031

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From: Richard Arnot [mailto:Richard.Arnot@wardhadaway.com]
Sent: 19 January 2018 14:22
To: Pearce, Chris <Chris.Pearce@brent.gov.uk>
Subject: RE: Our client COOP and their application for a Premises Licence at25 Olympic Way [WH-WH.FID2753631]

Hi Chris

In the context of an application under the Licensing Act 2003 none of the conditions that you propose are ‘ appropriate or proportionate ‘ and would, as a consequence and having reference to Bristol City (2009), be ultra vires – so I guess that’s a yes!

Rest assured that COOP will comply with all relevant safety legislation in any event.

Kind Regards,

Richard

Richard Arnot
Partner | Licensing & Regulatory Unit

From: Pearce, Chris [mailto:Chris.Pearce@brent.gov.uk]
Sent: 19 January 2018 14:20
To: Richard Arnot
Subject: RE: Our client COOP and their application for a Premises Licence at25 Olympic Way [WH-WH.FID2753631]

Richard

Is your intention to object to all of the conditions?

Kind regards

Mr Chris Pearce
Public Safety Officer

From: Richard Arnot [mailto:Richard.Arnot@wardhadaway.com]
Sent: 19 January 2018 13:19
To: Pearce, Chris <Chris.Pearce@brent.gov.uk>
Subject: Our client COOP and their application for a Premises Licence at 25 Olympic Way [WH-WH.FID2753631]

Chris,

Your e-mail of 17th January has been passed to me for comment. Apologies for the delay in replying but I have been in hearings for most of this week.

Unfortunately, we would not be able to justify adopting your conditions which, for the purposes of a licence authorising the sale of alcohol for consumption off the premises would be neither appropriate nor proportionate.

As a general comment, conditions should only ever qualify the permitted licensable activity. They should not regulate the premises usage simply as a shop. This is the role of planning and other legislation.

If you refer to R (on the application of Bristol City Council) v Bristol Magistrates' Court (2009) EWHC 625 (Admin), you'll see described the principle that, in any event, conditions shouldn't seek to duplicate the provisions of other legislation and regulation. The issues that you raise, when relevant to the use of the premises as a convenience store, are all dealt with elsewhere. In particular , the Regulatory Reform (Fire Safety) Order 2005 deals with fire safety. The premises must have, and will have, a fire risk assessment. So far as locks etc. are concerned, all fire escape routes will comply. The premises is a shop so rest assured there will be no DJ equipment installed. Similarly, no table and chairs are provided for the use of customers.

Kind Regards

Richard

Dear Sirs

I refer to the application for a new licence for the above named premises. After assessing the application, the Public Safety Team will be making the following representations to the Licensing Authority on the grounds of Public Safety.

Providing the licensee is willing to accept the following conditions Public Safety Team would withdraw the representation.

- The locks and flush latches on the exit doors and gates shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.
- The socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).
- Exits are not obstructed (including by curtains, hangings or temporary decorations), and accessible via non-slippery and even surfaces, free of trip hazards and clearly identified

- Where chairs and tables are provided, internal gangways are kept unobstructed
- All fire exit doors must open in the direction of outflowing traffic

In order for the Public Safety Team to withdraw this representation, it will be necessary for you or your client to confirm in writing or via Email that you accept the above licence conditions.

We will require these conditions to appear on the licence schedule should the licence be granted.

If you are in control of any part of a commercial premise, you are under a legal obligation to carry out a detailed fire risk assessment to identify risks and hazards in the premises. A fire risk assessment is essential in keeping your premises safe for everyone. You must keep a written record of your fire risk assessment if your business has five or more people.

More information can be found here: <http://www.london-fire.gov.uk/FireRiskAssessment.asp>

Please let me know if I can assist you further.

Kind regards

Mr Chris Pearce
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