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Lidl Great Britain Limited
Minavil House
Ealing Road
Alperton
HA0 4EL

16 June 2020

Dear Sir/Madam,

Licensing Representation to the Initial Application for the Premises Licence at Lidl, Minavil House, Ealing Road, Alperton, HA0 4EL

I certify that I have considered the application shown above and I wish to make a representation that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the Act.

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Cumulative Impact Zone (CIZ)

The Council's current Licensing Policy came into effect in January 2020. Crime and complaints assessments in 2015, did not identify any requirement for a CIZs. However, since 2016 there has been a significant and notable increase in alcohol related crime and anti-social behaviour which is having an adverse impact in some areas and neighbourhoods generating complaints from residents, councillors and the Police. This is undermining the licensing objectives and also has potential to undermine the vitality of Brent's town centres.

Wembley Central which includes Ealing Road has been identified as one of ten Cumulative Impact Zones (CIZs) in Brent, where the authorising of further licences may undermine the promotion of the licensing objectives.

The Statement of Licensing Policy states: -

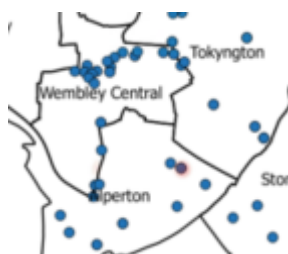
'Ealing Road

There are low level anti-social behaviour issues related to street drinking such as urination, defaecation etc. in this area. It is one of the areas where highest number of warning letters and fixed penalty notices have been issued to street drinkers. Further evidence has been provided by residents in the form of petition received during one of the licensing hearings. Therefore, it is proposed that a CIZ be introduced for off-licences on Ealing Road from the junction of High Road Wembley up to the junction of Bridgewater Road. The CIZ area includes Atlip Road, Mount Pleasant Road up to the junction of Orchard Close, Montrose crescent, Union Road and Coronet Parade'.

Data captured from various sources including alcohol related police and ambulance call outs has been mapped and shown sufficient evidence to implement CIZs in the specified area. In particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking.

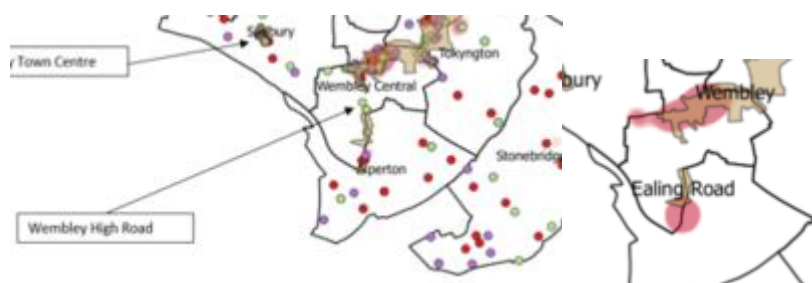
Street Drinking Hotspots

There are relatively few calls to police specifically about street drinking. This may be because they are recorded as other ASB types such as littering or noise. Between 01/06/2017 and 31/05/2018, there were only 53 calls to police. The following year, there were 142. This represents an increase of 168%. Part of this increase may be attributed to callers being aware of the borough wide PSPO on drinking in public which came into effect in October 2017.



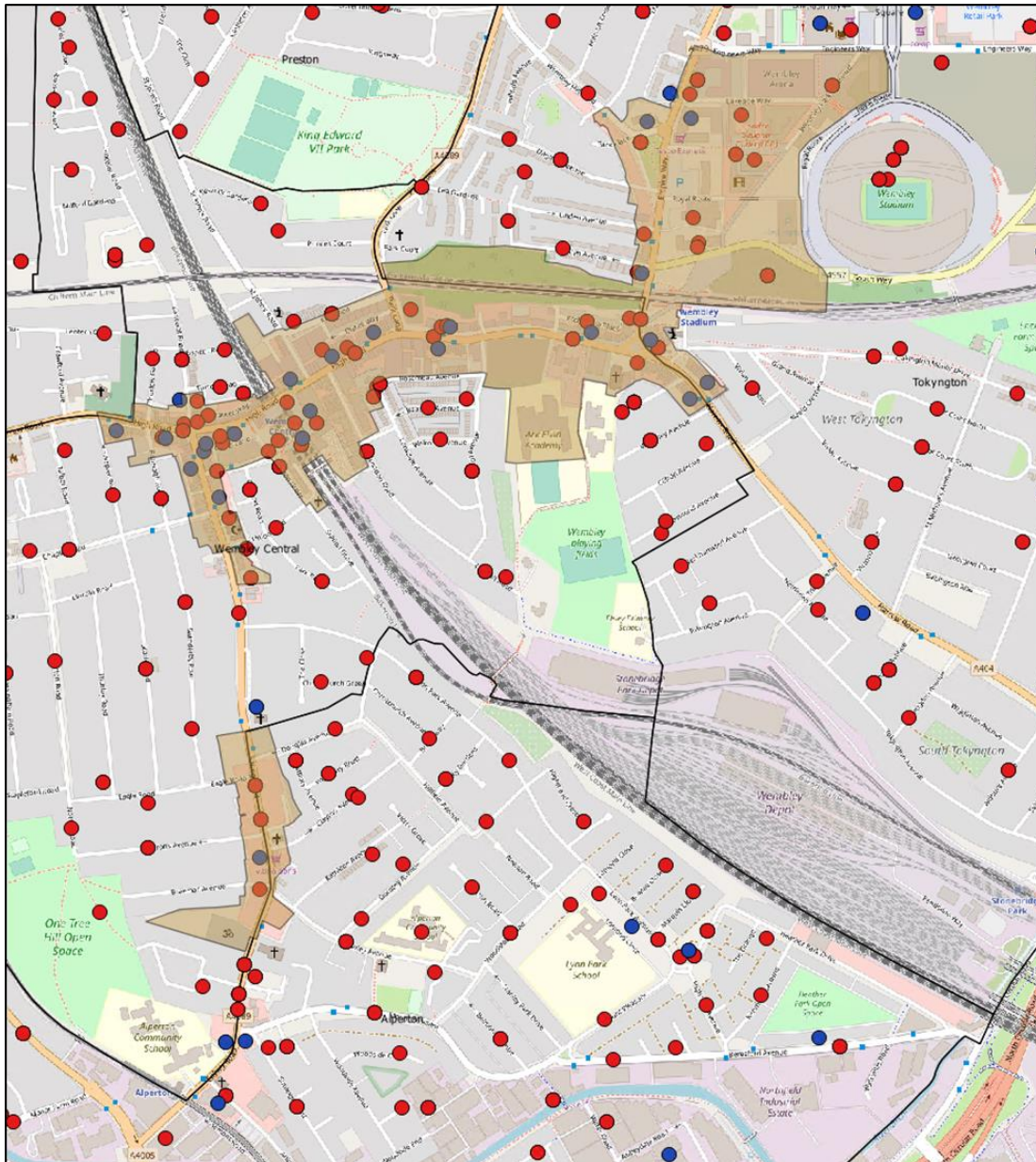
Calls to police specifically related to street drinking between 01/06/2017 and 31/05/2019

Hotspots in Brent in Ambulance and Police alcohol flagged call out data

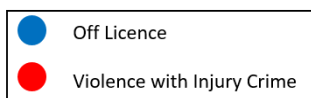


Alcohol-related ambulance and Police calls between 01/06/2017 to 31/05/2019

Hotspot of Violence with Injury Crimes

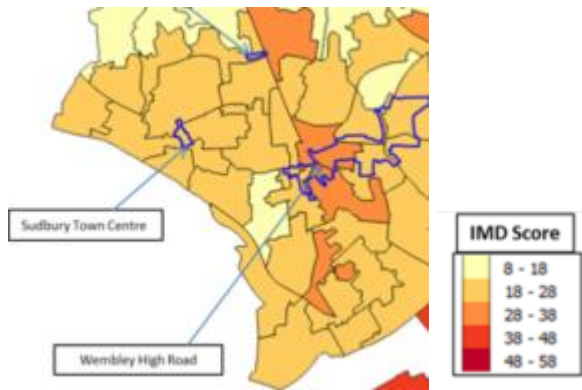


All violence with injury crimes and offences in Wembley (01/06/2017 and 31/05/2019)



Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

The Index of Multiple is made up of income deprivation, employment deprivation, education, skills and training deprivation, health deprivation and disability, crime, barriers to housing services and living environment.



Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

The purpose of the CIZ in Wembley Central and Ealing Road, is to address the issues mentioned above.

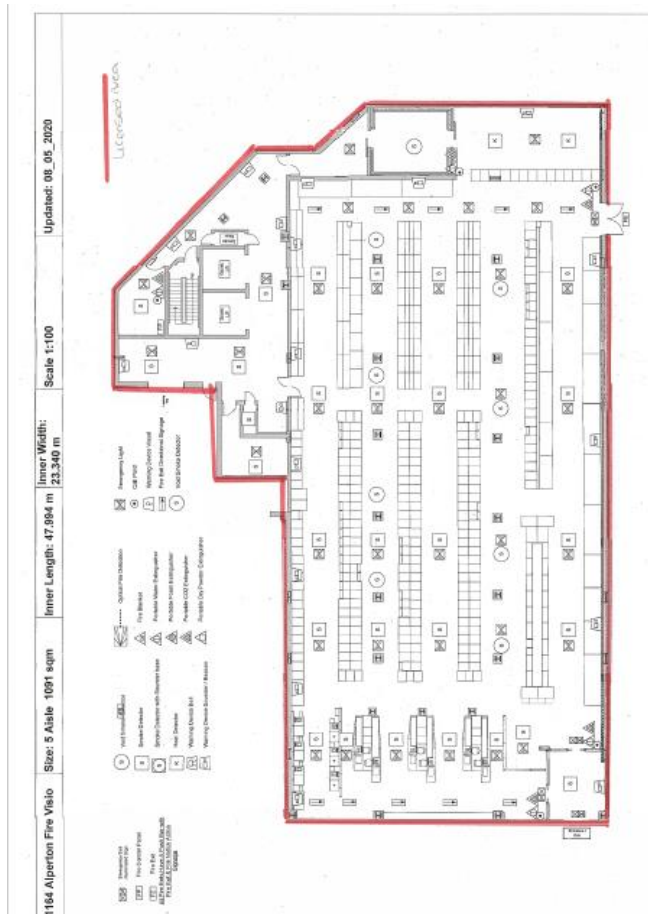
Evidencing the premises as being located in the CIZ

I am aware that the applicant questioned whether this premises fell within a CIZ because of its location. Below is the information taken from the Licensing Policy which confirms that the application for this off-licence does in fact fall within the CIZ.

'Any premises that are physically located, whereby any part of a building faces onto any of the above main roads and although the address does not form part of the above named road, it will be included in the CIZ. For e.g. a premises building that is positioned on the corner of Ealing Road and Braemar Avenue but where the address is Braemar Avenue, this premises will be included in the CIZ'.



In this case the building is located on Ealing Road and although it is unclear from the premises plan whether the entrance faces onto the section of Ealing Road that is included in the CIZ or not, the actual building falls within the CIZ.



The Premises

The premises, namely Lidl, Minavil House, Ealing Road, HA0 4EL, falls within one of Brent's ten CIZs.



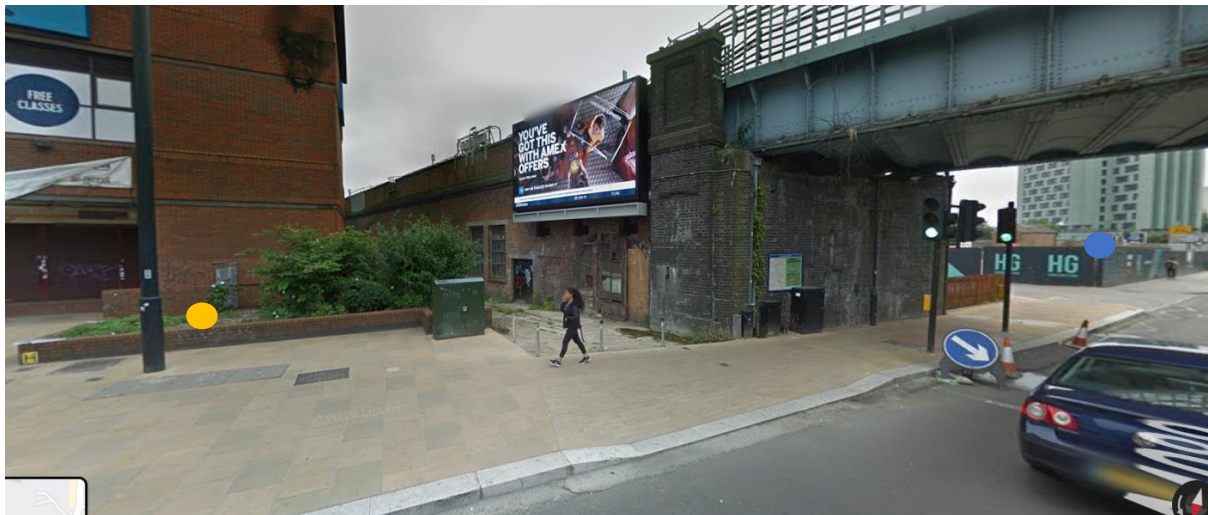
Proposed site for Lidl, Minavil House, Ealing Road, HA0 4EL

The premises itself is located at the junction of Ealing Road and Bridgewater Road.

Historically there have been existing issues of street drinking within a 1 minute walk from the proposed premises (more or less opposite Alperton station). The photograph below shows

where the proposed premises (marked in blue) is located in relation to where street drinking issues took place (marked in yellow). A sea of empty beer cans were frequently left behind a sectioned off brick wall shown in the photographs further below.

The proposed application is for the building marked near 'HG' in the photograph below, which shows where street drinkers used to frequent.



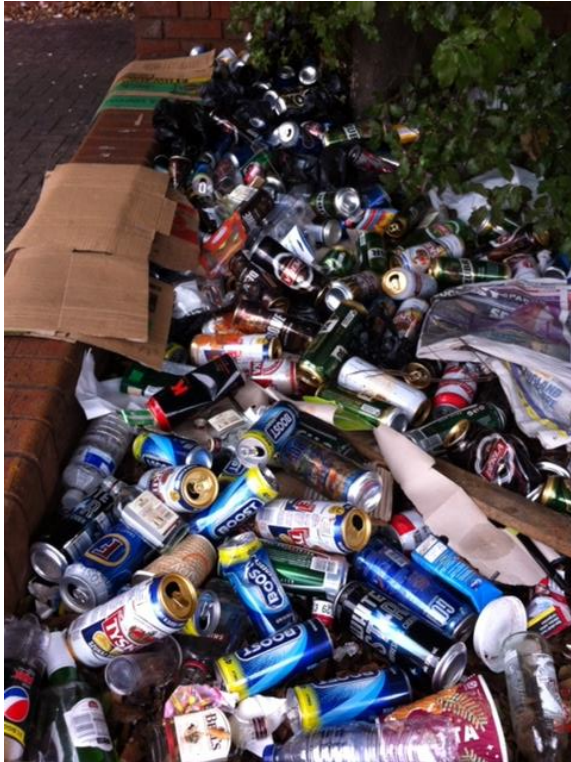
Key:

Location where street drinkers were known to drink ●

Proposed off licence ●



Ealing Road – Photograph taken 16th November 2017 @ 10.30am



Ealing Road – Photograph taken 16th November 2017 @ 10.30am



Ealing Road – Photograph taken 16th November 2017 @ 10.30am

As a result of an increase in complaints and enforcement action, the street drinkers no longer frequent this area. This however has not resolved the problem, but instead moved it to another location. The local Anti-Social Behaviour officer has advised that the street drinkers have now

moved off the main thorough-fare onto the end of Atlip Road, where they drink on top of and underneath the canal bridge.

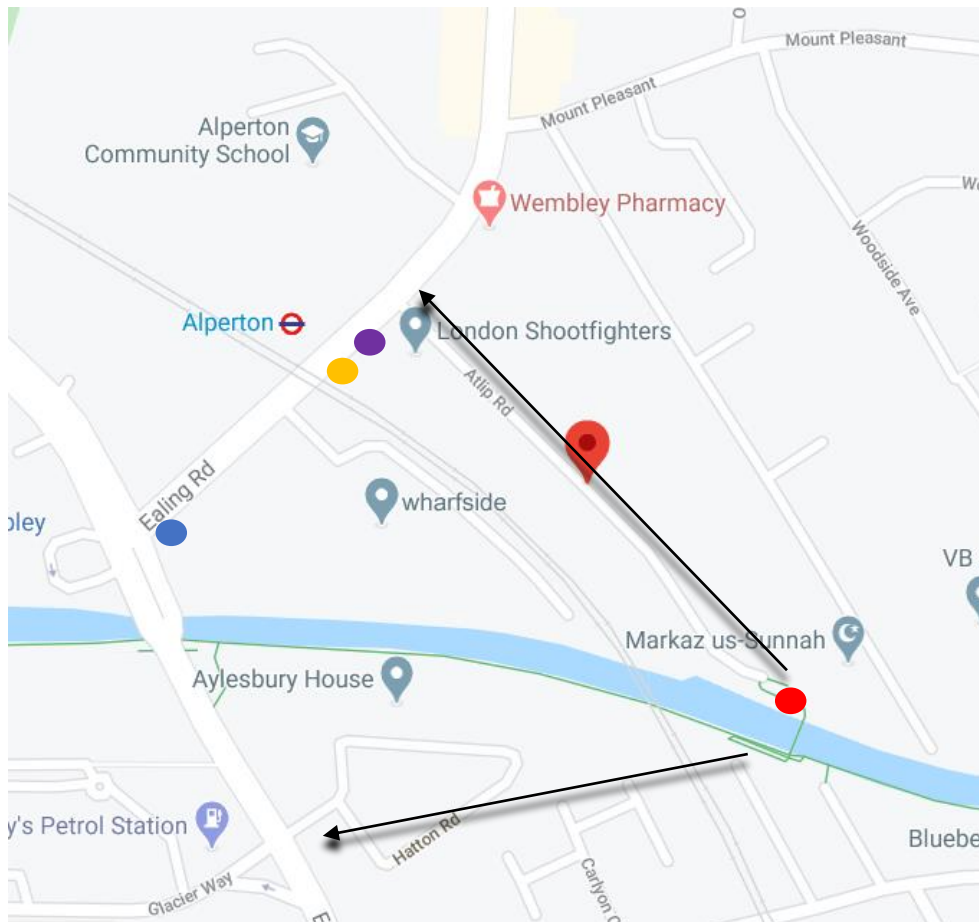
The street drinkers then use this bridge to cross over back down the side roads and then onto Ealing Road or go back up Atlip Road to return to the other side of Ealing Road, creating a square like area where the problem persists.



Atlip Road - Canal Bridge where street drinkers frequent



Atlip Road - Canal Bridge where street drinkers frequent



Key:

- Existing off licences
- Proposed off licence
- Where street drinkers used to frequent
- Where street drinkers currently frequent
- Direction street drinkers walk to get back onto Ealing Road

Public Space Protection Order (PSPO)

The entire Borough of Brent is subject to a Public Space Protection Order for street drinking and therefore it is an offence to drink alcohol in any public place.

If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer may require the person concerned:

- a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
- b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- c) An officer may dispose of anything surrendered to him/her as above.
- d) Issue fixed penalty notices on offenders
- e) Prosecute persistent offenders

However, in reality there are limited police officer resources, which in practice would prevent the above from being enforced. This therefore places a greater emphasis on the responsibility of those premises that are selling alcohol for consumption off the premises. It is clear that if off licences did not exist, the number of street drinkers would decline.

Therefore simply selling alcohol to customers who once off the premises, are no longer the responsibility of the licence holder, the Designated Premises Supervisor (DPS) and/or members of staff is no longer a viable option.

Linking Street Drinkers to Off-Licences

It is increasingly difficult to link issues with off-licences who serve street drinkers. Street drinkers are reluctant to give up information on where they have purchased their alcohol so as not to alert enforcement officers.

In the case of the locality of this premises, it is clear that street drinkers are happy to walk some distance to ensure they can drink without being seen. It can therefore be difficult to know where street drinkers have purchased alcohol when they no longer stay close to the premises where they have purchased the alcohol.

Historically street drinkers were also obvious in appearance. This is no longer the case, making it difficult for check-out staff to differentiate, therefore creating a pressure on them when selling alcohol.

Premises Licence Application

Operational Plan, Local Research & Conditions

The application which proposes a number of conditions, does not appear to consider customers once they leave the premises.

Simply listing a number of conditions without any type of substantive operational plan for example, appears inadequate. The Licensing Authority would expect to see information on how the business plans to ensure that their particular premises will go above and beyond in promoting the licensing objectives in an area located within a CIZ.

There has been no indication that the premises has done any research on issues such as street drinking in the immediate area and presented the outcome of those findings with the application. Even if it is the case that the street drinkers who drink on Atlip Road weren't discovered during such research, it would go a long way in showing that the premises had attempted to understand the local issues.

This would go some way in reassuring the Licensing Authority that the business has tried to consider whether the impact of adding an additional off licence would in fact impact the area before signing a lease (an assumption is made here that this has already taken place) to add a further supermarket to this area.

Safeguarding the Local Area

The Statement of Licensing Policy lists considerations to be made when applying for a new premises licence, particularly those considerations relating to street drinking.

However, the conditions that are mentioned in the application fail to address the likes of such things outside of the premises that could be directly linked back to the premises. This includes items such as the clearing up of litter which may be left outside the premises by customers, the labelling of alcohol with the premises name in order to link street drinkers back to the premises or measures to discourage street drinkers from loitering outside the premises.

The application also suggests an alcohol content of up to 6.5%, despite Brent's pool of model conditions setting a suggested limit of 6%. Although the applicant would not necessarily know that a suggested limit exists, they could have made enquiries prior to making an application.

Although 6.5% is not the same as some of the higher strength alcohol that exists, Brent Council's Statement of Licensing Policy makes it clear that a voluntary offering of a ban on high strength alcohol sales does not necessarily address the requirements under a Cumulative Impact Zone.

Further, there is no definition of 'speciality/artisan' when referring to beer, lager or cider and therefore it would be impossible to enforce this. A number of beer suppliers have for example included the word 'premium' on their products in order to get around local authority conditions.

The application proposes that alcohol is sold from 07.00hrs which again does not give the Licensing Authority any reassurance that the premises has taken any of the local issues into consideration.

Summary

The Statement of Licensing Policy states that any licence application in a CIZ area will need to demonstrate with evidence that its operation will not add to any cumulative impacts that the CIZ is seeking to address. Further, new applicants and those applying for variations would be required to demonstrate how their premises will not contribute to street drinking in those areas.

The effect of adopting a CIZ is to "create a rebuttable presumption" that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

Other than the list of proposed conditions, the application and operating schedule fails to demonstrate that a grant will not lead to a negative cumulative impact on one or more of the licensing objectives and to the contrary add to the issues of an existing saturated area.

It is on this basis, that the Licensing Authority ask that the application for a new premises licence is refused by the Licensing Sub-Committee. Adding conditions to a premises licence, in the Licensing Authority's opinion is not adequate when the application does not demonstrate what is being put in place in order to avoid further cumulative impact. Adding an off licence to the immediate area, will no doubt be detrimental to the local area.

Yours faithfully



Susana Figueiredo
Licensing Inspector
Regulatory Services