

# IN THE MATTER OF ALPERTON STATIONARY SHOP, WEMBLEY

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## HEARING NOTE

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### **Operator/store**

1. The premises are a convenience store and post office which have been in the Applicant's family for over 30 years. The Applicant took control of the business from his father some 12 years ago. It continues as a family business. The Applicant is the proposed DPS, His father, as postmaster, regularly visits the store. They have carried out a recent £80,000 refurbishment.
2. The Applicant knows and has a long association with the area. He consulted with his customers on his convenience store proposals which included an application for an off-licence and was greeted by widespread support. As the Brent Statement of Licensing Policy states:

*Applicants may consider canvassing the views of their neighbours and local residents as this can clear up any ambiguities and develop a relationship based on mutual cooperation before an application is made. This will assist the applicant by giving an understanding at the outset of what the community believe is acceptable in their area (p 10).*

3. He was also aware that off-licensed premises in close proximity to his premises were changing their trading style and ceasing alcohol sales and that there would be demand for a good quality licensed convenience store. He instructed RB Retail & Licensing Services Ltd to advise on the application.
4. The hours applied for the off-sale of alcohol are modest from 09:00 to 22:00. The Revised Guidance issued under section 182 of the Licensing Act 2003 states that:

*Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours (para 10.15 and see also Bexley licensing policy para 7.4).*

## **Representations**

5. Representations have been made by the Metropolitan Police and Brent Licensing Authority. No other representations have been made. (None from other RAs, residents, businesses, councillors or schools.)
6. Premises are in an area included in a recently published Cumulative Impact Assessment (CIA). The presumption is not to grant the licence unless evidence is adduced that on the balance of probability to do so would not negatively impact on the licensing objectives. There is no blanket bar on new licences and each application must be considered on its merits.
7. As the Brent Statement of Licensing Policy states:

*...It is not an absolute policy and where an applicant can satisfactorily evidence that their application or variation will not negatively impact on the licensing objectives the Licensing Authority will determine the application on its own merit (p 27).*

8. The premises are located on Ealing Road. The purpose for inclusion of Ealing Road in the CIA is reproduced in Brent's Statement of Licensing Policy:

### *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.*

9. Plainly, 'street drinkers' are the concern. (It is also significant that the Policy states *evidence has been provided by residents in the form of petition received during one of the licensing hearings*. This application has received no representations from residents.)
10. Concern over street drinkers is reflected in both the police and licensing representations. For Licensing it is *a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking* (p 22). This and street drinking hotspots are identified on maps of the area (pp 22-23).

11. Licensing states there is *a greater emphasis on the responsibility of those premises that are selling alcohol for consumption off the premises ... 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* (p24). This is followed by a section on *Linking Street Drinking to Off-licences*.
12. The police voice similar concerns, commenting on the number of outlets giving street drinkers *easy access to alcohol, often compounded by irresponsible sales* (p 17).
13. An understandable concern for licensing and the police is that: *It is difficult to focus on identifying culprits of irresponsible sales of alcohol, where street drinkers have purchased their supply and what condition they were in when they did so* (p 18). However, this concern is met by the conditions offered by the Applicant. In particular conditions 5 to 8 and other conditions in relation to lay out of the store and CCTV.

#### **Summary**

14. This is a long established, well run family business providing a valuable service to the local community. It has invested a significant sum in the businesses to provide an enhanced service to local people.
15. The Applicant store has exercised the strict responsibilities accompanying the operation of a Post Office and its running of the National Lottery (since 1994) with no reported issues.
16. The conversion to convenience store with off-licence is supported by the store's customers. Significantly, there are no representations against the application from any residents or business premises.
17. The Applicant has excellent knowledge of the area and has utilised this together with the services of RB Retail & Licensing Services (attempts were also made to involve police and licensing) to research and consult on the application.
18. This application has been further refined by an examination of licences in the area, resulting in a compelling list of conditions which will promote the licensing objectives and address any issues with street drinkers that may arise.
19. On the balance of probabilities, if granted, this licence will not negatively impact on the licensing objectives or add to cumulative impact in the area.

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