

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing on 6th February 2025 at 2pm by remote hearing

NOTICE OF DECISION

PREMISES

Sai Krupa Supermarket, Unit 4-5 Chequers House 149 Ealing Road, Wembley HA0 4BY

1. Members of the Sub-Committee

Councillors [REDACTED] (Chair), [REDACTED]

2. The Application

The application was for a new premises licence for the supply of alcohol and to remain open from 6.00 to 23.00.

Representations had been received from the Licensing Officer and police.

3. Representation

The Applicant was Mr Kettan Patel and was represented by [REDACTED] (agent).

The Licensing Authority was represented by Edwin Maldoom

PC Phil Graves appeared on behalf of the police.

4. The Hearing

The hearing was a remote session of the sub-committee and commenced at 2pm.

The Chair welcomed attendees to the hearing. He outlined the procedure and rules for the hearing and asked the attendees to introduce themselves.

[REDACTED] explained the application. She told the hearing that the application was for a new premises licence for the supply of alcohol. She told the hearing that representations had been received from the licensing officer and the police. The premises is in a cumulative impact zone ("CIZ").

PC Graves addressed the hearing. He told the hearing that the shop is located in a busy part of the borough that has a large number of complaints regarding both anti-social behaviour and street drinking. His team has received virtually continuous complaints from the public over the last 6 to 9 months. The imposition of the CIZ was to try to address exactly this type of situation. He reminded the committee that the policy of the CIZ was that a new premises licence could only be granted if it could be shown that the licence sought would not adversely affect the licensing objectives.

In this case there was nothing to indicate that this application would not adversely affect the licensing objectives in this area. There was nothing special or significant about the proposed sale of alcohol from this premises. The shop would sell exactly the same type of cheap alcohol that was causing the numerous problems in the CIZ area.

In the immediate area of the shop in one month the following had been recorded:

- 28 incidents of anti-social behaviour
- 3 public order offences
- 47 violent or sexual offences

Internal police intelligence showed 15 arrests and 5 stop and search incidents. In total there had been 92 recorded crimes in the area in one month.

There were numerous existing off licences on the Ealing Road all of which already sold the type of cheap alcohol that this shop wished to supply.

The application didn't contain any reference to the existence of a CIZ in the area and the suggested licence conditions don't address the CIZ issue or the local problems at all.

The view of the police is that the application should be refused.

The licensing officer Edwin Maldoom addressed the hearing.

Mr Maldoom shared the views of the police about the application. The application failed to show how it would support the licensing objectives. The conditions proposed by the Applicant were not reasonable and included unnecessary ones such as conducting searches, which is a condition usually needed for pubs and bars; this suggests no proper thought on the part of the Applicant regarding the application or conditions offered. There is no mention of the CIZ in the application paperwork which is not what the licensing authority would expect to see in a CIZ area application.

The licensing authority notes that there are 9 existing off licenses in a 350 metre radius, there is saturation of the area by alcohol suppliers. It is correct to say that in another area this application might succeed but in this area that is not the case.

Granting this application would undermine the CIZ policy.

The Chair invited questions:

Councillor [REDACTED] asked if the street drinking took place on the Ealing Road or on side roads. PC Graves said that it occurred on both, he had observed this himself and also in the local park which contained empty bottles. He anticipated more problems if there was an increase in supply and a possible alcohol price war between local shops.

PC Graves said that the complaints he received came from local residents, mostly from one individual resident but he had also received complaints from local shop keepers that he had visited in the last few weeks. Street drinking is a problem in the entire area.

There were no other questions to the licensing officer and police.

The Applicant's agent addressed the hearing.

She told the committee that she had assisted Mr Patel (the Applicant) having been employed by him to give him training on licensing to prepare for his personal licence application with Harrow Council. He has asked her to assist with this licence application.

The agent said that Mr Patel is aware of the existence of the CIZ. Only 5% of the shop's sales will be alcohol. The main business of the shop is as a party supplier; the aim is to include alcohol so that it can operate as a "one stop shop" for customers wishing to obtain everything for entertaining and parties. The Applicant does not believe that selling a small amount of alcohol will add to any local problems. He does not intend to sell individual cans of beer.

The Applicant, Mr Ketten Patel addressed the hearing.

Mr Patel told the committee that the total shop premises was 2000 square feet but that only a small proportion would be used to sell alcohol. Staff would keep watch to control any anti-social behaviour inside or immediately outside of the shop.

The Chair invited questions to the Applicant and his agent.

Councillor [REDACTED] asked the Applicant what experience he had in licensed sales. The Applicant explained that he has other businesses and that his business partner in this shop has 7 years' experience in licensed sales.

Councillor [REDACTED] asked why he had not realised that his premises was in a CIZ. Mr Patel said that his business won't affect the CIZ because it will only offer standard alcohol products for sale. Alcohol sales will not be a large part of the shop's sales and the shop was different from other local shops since it specialised in party supplies. Other local shops were just off licences.

The Applicant explained that he had run a short-term petition for customers of the shop and a large number of people had signed in just 2 days to support the application to sell alcohol in the shop.

Councillor [REDACTED] asked about the layout of the shop and whereabouts the alcohol would be displayed for sale. The Applicant explained that there would be a fridge next to the till counter.

Councillor [REDACTED] asked if the shop sold cigarettes, she was told that it did not.

Councillor [REDACTED] asked about the type of party supplies that the shop sold and was told that it was supplies for every type of event including children's parties and for adults.

Councillor [REDACTED] asked about the staff. She was told that the shop normally had three members of staff on duty with 4 during the evening. Shifts were from 6am to 2pm and from 2pm to 9pm.

The shop had been open since last year and was trading satisfactorily. The Applicant had a 7 year lease on the premises as a sub-leaseholder.

Councillor [REDACTED] asked about the partner with licensing experience. She was told by the Applicant that his business partner would be present every day.

She asked the Applicant about his licence experience and was told that he was awaiting his own personal licence and had no licensing trade experience. He was able to list the 4 licensing objectives when asked.

Mr Maldoom asked the Applicant about his personal licence application and the role of his business partner, the Applicant repeated what he had told Councillor [REDACTED]

Councillor [REDACTED] asked where the business partner lived and was told that he lived in Queensbury in Harrow.

The Chair asked Mr Patel why his business partner had not made the application. Mr Patel said that he made the licence application because he is the main owner of the shop and the leaseholder. He has a private agreement with the business partner but he is not on the lease.

The Chair asked the attendees to summarise.

PC Graves said that the shop was in a CIZ with high levels of anti-social behaviour and street drinking. There was nothing about this application that addressed this or made this application special. It was a poor application. The Applicant had no experience of the licensing trade or the sale of alcohol, he had no personal licence. It would be a very bad idea to grant this licence.

Mr Maldoom said that this application would not support the licensing objectives which was the relevant policy for CIZ areas.

The Applicant reiterated that his business partner had 7 years' experience and that he himself was obtaining his personal licence.

The agent told the hearing that although this premises was in a CIZ it was virtually impossible to obtain new premises licences to sell alcohol in such areas. In this case only a small proportion of the shop's sales would be alcohol.

The committee went into closed session.

5. Determination of the Application

"Pursuant to section 18(3) of Licensing Act 2003, the sub-committee had regard to the representations and considered which of the steps listed in section 18(4) (if any) it considered appropriate for the promotion of the licencing objectives namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Home Office Revised Guidance and Brent's Statement of Licensing Policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

6. Decision

The committee has read the documents provided by the applicant and representations made by the police and licensing officer. The committee also listened carefully to the evidence and submissions given by the applicant and the parties making representations. The application is refused. The committee is mindful that the premises is within a CIZ. The committee is bound by the licensing policy regarding applications for new alcohol licences in CIZ areas.

To grant the licence sought the committee would have to be satisfied that the proposed licence would support the licensing objectives.

The committee has considered the level and nature of crimes in the vicinity of the premises.

The committee is not satisfied that the nature of the premises would be different from any other local off licenses and licensed premises, it will sell similar types of alcohol to the many other local off licenses.

The Applicant has no experience of selling alcohol and has not yet received his personal licence, the proposed premises supervisor was not present at the hearing. The level of staffing proposed for the shop is low in the opinion of the committee.

There was nothing in the application that persuaded the committee that this application would support the licensing objectives. In fact, the committee has concerns that the licensing objectives might be undermined by the granting of a licence for this premises.

7. Right of Appeal

The applicant and any person who made relevant representations has the right to appeal against this decision pursuant to section 181 and schedule 5 of the Licensing Act 2003.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision in writing."

Dated 12 February 2025