	Licensing Sub-Committee Tuesday 6th January 2015
Title	Premises Variation , Costcutter, 2-4 Varley Parade, The Hyde, Edgware Road, Colindale, NW9 6RR
Report of	Trading Standards & Licensing Manager
Wards	Colindale
Status	Public
Enclosures	Report of the Licensing Officer Annex 1 – Application Form Annex 2 – Representations Annex 3 – Matters for decision
Officer Contact Details	Daniel Pattenden 020 8359 2508 daniel.pattenden@barnet.gov.uk

Summary

This report asks the Sub-Committee to consider the application for a New Premises Licence, under section 42 of the Licensing Act 2003.

Recommendations

1. This report asks the Sub-Committee to consider the application for a New Premises Licence, under section 42 of the Licensing Act 2003 for Costcutter, 2-4 Varley Parade, The Hyde, Edgware Road, Colindale, NW9 6RR

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received valid representations against the application for a premises licence is expected to hold a hearing to consider those representations. The application can be determined by the licensing authority without a hearing in certain circumstances.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Where a representation is submitted under section 18(3) of the Licensing Act 2003 (and not withdrawn), the authority must hold a hearing to consider it, unless the applicant and any party or responsible authority who has made (and not withdrawn) a valid representation agree, or where the authority considers that the representations are frivolous, vexatious or will certainly not influence the authority's determination of the application.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration
- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 N/A

5.3 Legal and Constitutional References

- 5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted.
- 5.3.2 Under the Constitution, Responsibility for Functions (Annex A), the Licensing Act 2003 and associated regulations, as delegated to it by the Licensing Committee, including the determination of review applications.

5.4 Risk Management

5.4.1 N/A

5.5 Equalities and Diversity

5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the

5.6 Consultation and Engagement

5.6.1 The statutory consultation process that has been followed in accordance with the Licensing Act 2003.

6. BACKGROUND PAPERS

9.1 The application and report of the Licensing Officer and appendices are attached to this report.

Officers Report

LICENSING ACT 2003

OFFICERS REPORT

Costcutter, 2-4 Varley Parade, The Hyde, Edgware Road, Colindale, NW9 6RR

1. The Applicants

The application was submitted by J&H Licensing Consultants on behalf of Pararajasingam Satwheeswaran, 6 Colin Park Road, Colindale, London, NW9 6HS

2. Application

The application before the sub committee was submitted under Section 42 of the Licensing Act 2003 to vary a Premises Licence. The application before the sub-committee seeks to allow the following:

- To allow the supply of alcohol off the premises from 00:00hrs until 24:00hrs (24 hours) Monday to Sunday.
- To allow the premises to remain open to the public from 00:00hrs until 24:00hrs (24 hours) Monday to Sunday.

A full copy of the application can be seen attached to this report in **Annex 1**.

3. Representations

Responsible Authorities

A representation has been received from Sgt Mark Altman on behalf of the Metropolitan Police. The Police concerns are primarily related to the prevention of crime and disorder, although the 3 other licensing objectives are likely to be affected if these premises are allowed to sell alcohol 24 hours a day.

Other representations

No other representations have been received.

The representation letters can be seen attached to this report in **Annex 2**.

4. Attaching conditions

The operating schedule, which is part of the application, includes certain additional steps that the applicant will take to protect the licensing objectives. These will become enforceable conditions, should the licence be granted. Additional conditions may be attached to the licence if the committee thinks it appropriate.

The Committee must have regard to all of the representations made and the evidence it hears, and is asked to note that it may not attach conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

In relation to conditions, the statutory guidance at chapter 10.8 states that "The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act and the Council's Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

A map centrally locating the premises and a plan shall be made available at the hearing.

Daniel Pattenden
Licensing Officer

Annex 1 – Application Form
Annex 2 – Representation
Annex 3 – Matters for decision

Application Form

J & H LICENSING CONSULTANTS

35 Connaught Avenue
Enfield
Middlesex
EN1 3BE
Phone (020) 8367 0705
Mobile 07930 991393
trev.jenny@btinternet.com

27th October 2014

Our Reference : JH/225

The Licensing Team
Planning and Environmental Protection
London Borough of Barnet
Building 4, North London Business Park,
Oakleigh Road South,
New Southgate,
London N11 1NP

Dear Sir,

Re: Costcutter & Tirupati, 2-3-4 Varley Parade, The Hyde, Edgware Road, Colindale,
London NW9 6RR

We enclose an application for the variation of the Premises Licence in respect of the above premises together with a cheque in the sum of £315 to cover the fee.

Yours faithfully



J & H Licensing Consultants



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We PARARAJASINGAM SATHEESWARAN

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
LN/200112456

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
COSTCUTTER & TIRUPATI 2/3/4 VARLEY PARADE THE HYDE EDGWARE ROAD COLINDALE			
Post town	LONDON	Postcode	NW9 6RR
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 36250	

Part 2 – Applicant details

Daytime contact telephone number	07836 527784		
E-mail address (optional)			
Current postal address if different from premises address	6 COLIN PARK ROAD COLINDALE		
Post town	LONDON	Postcode	NW9 6HS

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
TO PERMIT THE SALE OF ALCOHOL FOR 24 HOURS EVERY DAY

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun						

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	X
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NONE

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
SUMMARY PART B ENCLOSED AND COPY OF PART A
ORIGINAL PART A HAS BEEN MISLAID

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The Premises Licence holder has been trading at these premises since 16th December 2008 with the current conditions which have proved adequate to promote the licensing objectives since there have been no problems at these premises.

b) The prevention of crime and disorder

The existing conditions are adequate to promote the licensing objectives.

c) Public safety

The existing conditions are adequate to promote the licensing objectives.

d) The prevention of public nuisance

The existing conditions are adequate to promote the licensing objectives.

e) The protection of children from harm

The existing conditions are adequate to promote the licensing objectives.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where
applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be
rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	27 th October 2014
Capacity	AUTHORISED AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

**J & H LICENSING CONSULTANTS
35 CONNAUGHT AVENUE
ENFIELD**

Post town	MIDDLESEX	Post code	EN1 3BE
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Telephone number (if any)	0208 367 0705
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
trev.jenny@btinternet.com

0/V = 390 M2



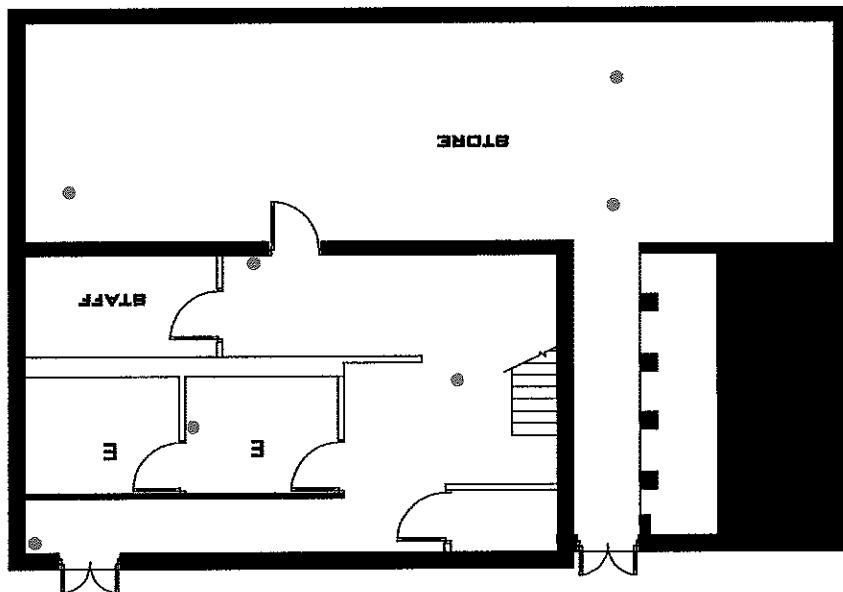
PAVEMENT

<p> QCTV BEER & WINE CIGARETTE & SPIRIT ATM COUNTER OFFICE FREEZER MONEY TRANSFER VEGETABLE COOLER COOLER </p>	<p> A B C D E F G H J </p>
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<p>GROSVENOR ARCHITECTURE LTD</p> <p>GROSVENOR ARCHITECTURE LTD</p>	<div style="float: left; width: 70%;"> PROPOSAL: FLOOR PLAN </div> <div style="clear: both;"></div> <hr/> <div style="float: right; width: 80%; text-align: center;"> SITE ADDRESS: INFOSUPERMARKETS LTD CRESTVIEW 34 VARNLEY PARADE COLINDALE N9NS 8RPB </div> <div style="clear: both;"></div> <div style="margin-left: 100px;"> DATE: 15.06.2014 </div> <div style="margin-left: 100px;"> SCALE: 1:100 </div> <div style="margin-left: 100px;"> DRAWING NUMBER: GLA-01L </div> <div style="margin-left: 100px;"> DRAWN: J.V CHECKED: R.K. REV: </div>
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BASEMENT

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●	A	B	C	D	E	F	G	H	J
CCTV	BEER & WINE	CIGARETTE & SPIRIT	ATM	COUNTER	OFFICE	FREEZER	MONEY TRANSFER	VEGETABLE COOLER	COOLER

DATE: 15.06.2014	SCALE: 1:100	DRAWING NUMBER: GLA-02L	CHECK: R.K.
PROPOSAL: FLOOR PLAN	SITE ADDRESS: NPV SUPERMARKETS LTD	DRAWN: J.T	REV:
	8000 CUTTER		
	24 YARD PARADE		
	1/20 SCALE		
	NWB OFF		



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Licensing Act 2003

Part B: Premises Licence Summary

Premises Licence Number:
LN/200112456

Licensing Authority:

London Borough of Barnet,
Building 4, North London Business Park
Oakleigh Road South
New Southgate,
London,
N11 1NP

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

2 - 3 - 4 Varley Parade, The Hyde, Edgware Road. Colindale

Post Town

London

Post code

NW9 6RR

Telephone number

None given

Where the licence is time limited the dates

This premises licence is not time limited

Licensable activities authorised by the licence

The Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Standard Days and Timings:

Sunday to Thursday

07:00hrs - 23:00hrs

Friday to Saturday

07:00hrs - 01:00hrs

The hours that the premises are open to the public

Standard Days and Timings:

Sunday to Thursday

07:00hrs - 23:00hrs

Friday to Saturday

07:00hrs - 01:00hrs

Licensing Act 2003 Part A: Premises Licence Premises Licence Number: LN/200112456	Licensing Authority: London Borough of Barnet, Building 4, North London Business Park Oakleigh Road South New Southgate, London, N11 1NP
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description 2 – 3 - 4 Varley Parade, The Hyde, Edgware Road, Colindale							
Post Town London	Post code NW9 6RR						
Telephone number None given							
Where the licence is time limited the dates This premises licence is not time limited							
Licensable activities authorised by the licence The Sale by Retail of Alcohol							
The times the licence authorises the carrying out of licensable activities <u>Sale by retail of alcohol</u> <table> <tr> <td><u>Standard Days and Timings:</u></td> <td></td> </tr> <tr> <td>Sunday to Thursday</td> <td>07:00hrs - 23:00hrs</td> </tr> <tr> <td>Friday to Saturday</td> <td>07:00hrs - 01:00hrs</td> </tr> </table>		<u>Standard Days and Timings:</u>		Sunday to Thursday	07:00hrs - 23:00hrs	Friday to Saturday	07:00hrs - 01:00hrs
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Friday to Saturday	07:00hrs - 01:00hrs						
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<u>Standard Days and Timings:</u>							
Sunday to Thursday	07:00hrs - 23:00hrs						
Friday to Saturday	07:00hrs - 01:00hrs						
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies Off supplies only							

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Pararajasingam Satheeswaren
6 Colin Park Road
Colindale
London
NW9 6HS

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Pararajasingam Satheeswaren
6 Colin Park Road
Colindale
London
NW9 6HS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

01SX/LN/199907310 - London Borough of Barnet

Annex 1 - Mandatory Conditions

- 1 No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating schedule

- 3 A digital CCTV system approved by the Police will be installed and maintained on the premises and shall comply with the following specifications:
 - a) Digital recording colour CCTV comprising of a multi camera system.
 - b) The head unit (recorder) for storing the images will store such data on a hard drive or a
 - c) A CD or DVD burner will also form part of the system to facilitate making copies of the
 - d) The quality of the images must be of a sufficiently high standard to allow identification of the subject matter.
 - e) Cameras will cover key areas identified by the operator and Police. These will include
 - f) Images must be retained for a period of 31 days before overwriting.
 - g) The images will be made available on demand to the Police and authorised officers of
 - h) This system will be fully maintained at all times to ensure correct operation.
- 4 Fire safety equipment shall be checked regularly and any requirements made by the Fire Safety Officer will be complied with.
- 5 All staff shall be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.
- 6 A panic alarm system linked to the central Police Station shall be installed.
- 7 There shall be a minimum of 3 staff on the premises at all times.
- 8 All persons who appear to be under 21 shall be challenged to produce photographic identification.
- 9 Challenge 21 notices shall be displayed inside and on an outward facing window.
- 10 No children under 16 shall be allowed on the premises after 21:00 unless accompanied by an adult.

Annex 3 – Conditions attached after hearing by the licensing authority

N/A

Representations



**METROPOLITAN
POLICE**

TOTAL POLICING

With compliments

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Date: 25th November 2014**

**Our ref: Pending/2014
CC: London Borough of Barnet**

Police Make Representations to the following application made under

Section(s)	42						Licensing Act 2003
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Application Given To Police On: 30th October 2014

Premises: Costcutter 2-4 Varley Parade Colindale NW9 6RR

Representations

a) plays (box A)	
b) films (box B)	
c) indoor sporting events (box C)	
d) boxing or wrestling entertainment (box D)	
e) live music (box E)	
f) recorded music (box F)	
g) performances of dance (box G)	
h) anything of a similar description to that falling within (e), (f) or (g) (box H)	
i) making music (box I)	
j) dancing (box J)	
k) entertainment of a similar description to that falling within (i) or (j) (box K)	
l) late night refreshment (box L)	
m) alcohol sale by retail (box M)	X
n) adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (box N)	
o) Hours premises are open to the public (box O)	

The Police concerns are primarily related to the prevention of crime and disorder, although the 3 other licensing objectives are likely to be affected if these premises are allowed to sell alcohol 24 hours a day.

There are no other nearby premises in Barnet Borough who operate and sell alcohol 24 hour a day.

There are several nearby off licences who operate until midnight and 1am. There is nothing in the application to indicate what additional measures the applicant will take if granted a 24 hour licence.

Premises that operate 24 hours a day attract higher than average incidents of crime and disorder. They are also more likely to be the focal point for youths and undesirable groups including drunks and street drinkers who tend to gravitate to such premises and attempt to purchase alcohol with all of the related consequences and confrontations.

The local Neighbourhood Police Team have worked hard to ensure that issues of alcohol related crime and disorder are minimised. A 24 hour off licence is more likely to cause issues for the Police and increase their workload, whilst causing nuisance and disorder for local residents and businesses.

The Neighbourhood Police Team have raised their concerns about these premises being granted a 24 hour licence.

I was also contacted by the licensing officer from Brent prior to this application. They have been suffering problems with street drinkers and anti-social behaviour linked to premises opposite these, that are run by the same owner. Whilst action is being taken by Brent Police for that matter Barnet Police are fearful that the problems will move across the road and become an issue for us if the hours are extended for this application.

Police respectfully request that you do not grant this application for the following reasons:

- Allowing these premises to sell alcohol later than the other premises in the vicinity would be counter productive to this work and is likely to undermine the four licensing objectives.
- On the balance of probabilities, and from my own personal experience of similar premises, the 24 hour licence will make the premises a focal point for youths and groups to gather. Allowing alcohol to be purchased after the other licensed premises have closed
- Consumption of this alcohol is likely to take place in the nearby vicinity as is an increase in anti social behaviour linked to the drinking
- There are already incidents of alcohol related ASB opposite these premises and these will just move over to Barnets side of the Edgware Road
- Large quantities of high strength alcohol, in particular European brands are stocked in this store. These are in excess of 5.3% ABV with some of the cans of lager having an ABV of 7% ABV. This has caused issues in other parts of the Borough in particular Cricklewood where voluntary codes and conditions have been used to curb the sales to reduce alcohol fuelled ASB
- I have witnessed significant numbers of Eastern Europeans outside the premises. In particular early in the morning, some of them have been drinking alcohol.
- Anti social and alcohol related problems in an area are often exacerbated by persons who on leaving nearby licensed premises then attempt to buy more alcohol. The Police often attend calls where the alcohol has been sold to someone who is drunk or purchased on behalf of a drunken person.

I would like to draw your particular attention to sections 10.11 - 10.13 of the guidance to the act (Oct 2014) (full details in appendix "A")

- *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. (10.13)***

Yours Sincerely,



Police Sergeant Mark ALTMAN

Appendix “A”

PURPOSE

1.7 The Guidance is provided to licensing authorities in relation to the carrying out of their functions. It also provides information to magistrates’ courts hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

1.8 The police remain key enforcers of licensing law. The Guidance has no binding effect on police officers who, within the terms of their force orders and the law, remain operationally independent. However, the Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

LEGAL STATUS

1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they are able to provide full reasons. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). The Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using the Guidance must take their own professional and legal advice about its implementation.

LICENSING POLICIES

1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the Act.

1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to the Secretary of State’s Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to the Guidance and its own existing licensing policy statement.

EACH APPLICATION ON ITS OWN MERITS

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

STEPS TO PROMOTE THE LICENSING OBJECTIVES

8.33 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.37 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.38 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.39 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.40 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.41 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all

operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9. Determining applications

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. **There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.**

REPRESENTATIONS FROM THE POLICE

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. **The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.** However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative

impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.15 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.

Designated Premises Supervisor

10.29 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.30 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.31 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives. application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

Key facts from the dedicated ward Police Officer PC Steve COLE

- There is currently an ongoing problem in the area which we are aware of and is documented on our systems. This is a live document and continues to be populated
- This specific problem is mainly to deal with a group of Somalian males that are frequently loitering in the front and the rear of the shops and use the residential balcony access above to deal drugs and use as a public toilet.
- In the last 6 months there have been 8 crime reports for Varley Parade. 3 are criminal damage, 3 assaults, 1 affray, and 1 indecent exposure. All are linked to Anti Social Behaviour.
- There have been approximately 10 calls to police for allegations involving violence with knives, public order and assaults.
- On the 14th November 2014. A member of staff was arrested for immigration offences at these premises (Costcutter Varley Parade).
- Varley Parade during the last 8 years has been a location for increased and constant Anti Social Behaviour related calls. It is impossible to introduce modern crime prevention methods to design out the problem as it is an old development.
- The frontage to these premises has an access road and wide pavement that affords the opportunity for individuals and groups to gather and loiter.
- There is easy access by stairs to the upper residential flats, and also to the rear of the property which is a poorly illuminated with access gained from an unkempt service road.
- This has been an area for eastern Europeans to loiter and make camps to live in. These males are also known for alcohol abuse. In 2013 one of them died in an road traffic collision trying to cross the main road.
- There are also numerous other licensed premises opposite Costcutter in the Borough of Brent.

Matters for Decision

MATTERS FOR DECISION

Costcutter, 2-4 Varley Parade, The Hyde, Edgware Road, London, NW9 6RR

To allow the supply of alcohol off the premises only

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	00:00	24:00			
Tuesday	00:00	24:00			
Wednesday	00:00	24:00			
Thursday	00:00	24:00			
Friday	00:00	24:00			
Saturday	00:00	24:00			
Sunday	00:00	24:00			

Added conditions, if any:

Reasons for decisions above:

Hours premises are open to the public

Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	00:00	24:00			
Tuesday	00:00	24:00			
Wednesday	00:00	24:00			
Thursday	00:00	24:00			
Friday	00:00	24:00			
Saturday	00:00	24:00			
Sunday	00:00	24:00			

Added conditions, if any:

Reasons for decisions above: