

IN THE MATTER OF MAHALAKSHMI FOOD

HEARING NOTE

1. Application for sale of alcohol off the premises from 0900 to 2200 hours. There are no representations from any of the responsible authorities (RAs). There are two representations from other persons. There are two petitions – one in support and one against the application.

The Applicant

2. It is a family business owned by a husband and wife, who with the wife's sister work in the store. All three hold a personal licence and have extensive licensing experience (from 10 – 20 years). They are assisted by one part-time employee (will increase to two if licence granted) and their son who is at university.

The premises

3. The Applicant acquired the freehold of the premises in 2010. It has been leased as a key repair shop and hair and beauty salon. The latter closed in 2019. In Sept/Oct 2021 the Applicant carried out a £40,000 refurbishment and opened a specialist Sri Lankan food store.
4. It is the only store in the area selling Sri Lankan groceries. If licensed the range will include alcohol popular in Sri Lanka (Lion lager and stout and Anchor beer). Alcohol will be an add-on rather than a destination product.
5. The Applicant has not witnessed any drunkenness in the area around the store nor do street drinkers visit the store. It will not raise the possibility of such behaviour as the store will close at 2200 and premium pricing will dissuade street drinkers. Additionally, as all alcohol will be behind the counter (see plan) the chances of theft will be significantly reduced and the ability of staff to vet purchasers for age and signs of intoxication significantly increased.
6. Further, the conditions offered (Appendix 1) address these issues and provide for responsible retailing of alcohol. Taken together the measures proposed will not undermine the CIA.

Representations - must be relevant and relate to the licensing objectives.

Other persons (Appendix 2)

7. Representation 1 cites the number of premises and alcohol-related problems. It is submitted from an address which houses 'Collect & Go' off-licence four doors along from the Applicant's premises (licensed 0700 to 0000 hours and only three conditions added). The reasons for the sub-committee refusal in January 2020 are also cited.
8. Representation 2 mirrors representation 1 and is submitted from an address which houses 'G1 Express' off-licence near the Applicant's premises (licensed 0700 to 0100 hours and only one condition added).
9. Petitions – the rubric of the petition opposing the application does not reference the licensing objectives and stresses 'there is no need for another so close to this location'. It has one valid signature.
10. 'Need' is not a relevant consideration as it concerns commercial demand and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions (S 182 Guidance 14.19).
11. The rubric of the petition presented by the Applicant cites the licensing objectives and of 185 signatories there are 95 in support of the application from addresses within a radius of 800m of the store (Appendix 3).

Responsible authorities

12. All RAs were informed of the application and were able to make representations. None have. As advised by the Croydon Statement of Licensing Policy (para.5.2.9) before the application was submitted advice was sought from various sources including the police. The police confirmed by email that *with the conditions and hours proposed the police would not object to this application.*
13. If an RA does not make a representation it is reasonable to conclude that the RA has no concerns relating to the application. The s.182 guidance underlines the weight that should be given to the views of the RAs:

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, 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 usually therefore be the licensing authority's main source of advice on matters

relating to the promotion of the crime and disorder licensing objective (para 9.12).

14. There are no representations from the other RAs and in particular Environmental Health which is the main source of advice in relation to the public nuisance licensing objective as made plain by the Government during the Report Stage of the Licensing Bill in the House of Lords:

Judgment of the merits of an application against the licensing objectives should be left to the experts. The experts on crime and disorder ... are the police ... The experts on public nuisance are the local environmental health authority.¹

Summary

15. The premises are within the CIA but as the Croydon Statement of Policy makes clear each matter is considered on its own merits and the policy will not be applied inflexibly and the shutters have not been brought down on all and any applications.

16. The Applicant has demonstrated that their application supports the licensing objectives and would not add to the cumulative impact if granted:

- (1) Small family run convenience store with modest hours (0900-2200).
- (2) Three personal licences and wide licensing experience.
- (3) Only store in area selling Sri Lankan groceries.
- (4) Alcohol will be an add-on rather than a destination product.
- (5) Premium pricing and all alcohol behind the counter.
- (6) Extensive conditions.
- (7) Wide local support.
- (8) No RA representations.
- (9) Crucially, the police state: *with the conditions and hours proposed the police would not object to this application.*

17. The Committee is therefore respectfully requested to grant the application.

Roy Light
St John's Chambers

¹ HL Deb, vol.645, col.400, 27 February 2003.

Mahalakshmi Food, 890 London Road, Thornton Heath, CR7 7PB
Conditions offered in submitted application

Appendix 1

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Merton Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and timestamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
5. No super-strength beer, lagers, ciders or spirit mixtures of 6.0% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles as per prior approval of the Police in writing.
6. No miniature bottles of spirits of 10 cl or below shall be sold from the premises.
7. No more than (10)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
8. All alcohol products will be displayed from behind the counter and there will be no self-service of alcohol product.
9. The shop will only sell a minimum of four cans of beer, lager or cider to any one customer at a time. There shall be no sale of less than four cans to any customer in any one transaction.
10. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the

Mahalakshmi Food, 890 London Road, Thornton Heath, CR7 7PB
Conditions offered in submitted application

sale. The record shall be immediately available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol. The premises licence guidance manual will be the basis of alcohol sales training. Records of the training programme shall be maintained and made available to authorised Officers upon request.
16. Alcohol Refresher training will be undertaken in writing at least at six monthly intervals.
17. As soon as possible, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
18. We will liaise/write with the Local Police & appropriate support organisations as agreed with the council from time to time to ban named persons from using our shop to buy alcohol and would request photographs of banned persons so all premises staff are made aware who are banned persons. These records would be kept confidential.
19. An incident log shall be kept at the premises and made available on request to Metropolitan Police, the Licensing Authority or other Responsible Authorities. It must be completed within 24 hours of the incident and will record the following;
 - (a) All crimes reported to the venue.
 - (b) All ejections of patrons.
 - (c) All complaints received concerning crime and disorder.
 - (d) Any incidents of disorder.
 - (e) All seizures of drugs or offensive weapons.
 - (f) Any faults in the CCTV system.
 - (g) Any visit by a relevant authority in relation to service
20. The store frontage will be swept daily.
21. There will always be at least one personal licence holder on duty at the premises during trading hours.

End

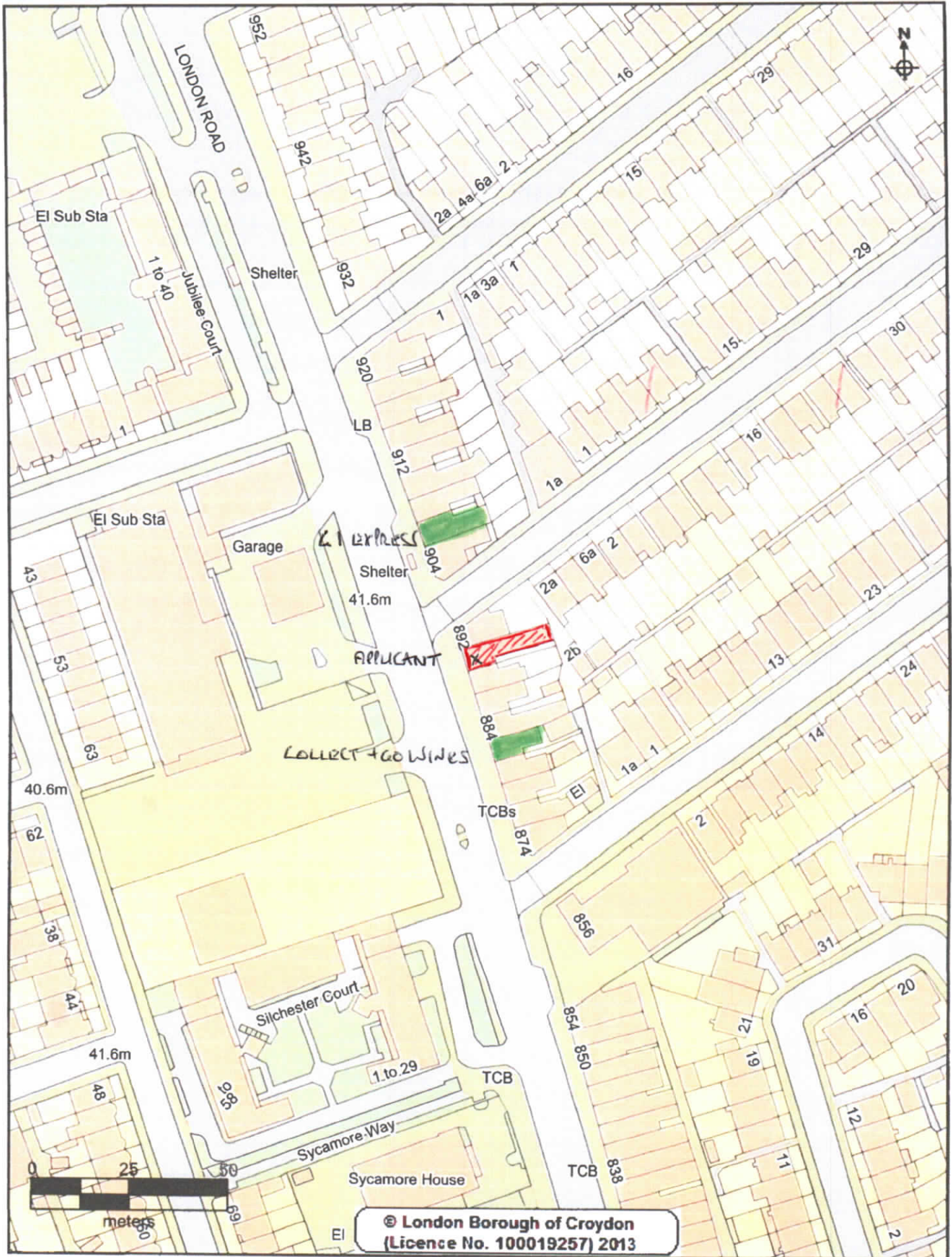
Mahalakshmi Food, 890 London Road, Thornton Heath, CR7 7PB
Objector Licensed Premises

Appendix 2

- **Collect & Go Wines, 882 London Road, Thornton Heath, CR7 7PB –**
 - **PL (06/00825/LIPREM)**
 - **Licensing hours - 07.00 until 24.00 hours – 7 days a week**
 - **Three conditions**
 - **The premises CCTV system shall operate 24 hours a day and tapes shall be kept for a period of 28 days.**
 - **A record shall be kept of all complaints made relating to noise and disorderly conduct.**
 - **A photographic proof of age will be required to be shown by anyone seeking to purchase alcohol who appears to be under 21 years of age.**

- **G1 Express, 906 London Road, Thornton Heath, CR7 7PE –**
 - **PL (05/01273/LIPREM)**
 - **Licensing hours – 07.00 until 01.00 hours – 7 days a week**
 - **One condition**
 - **Any person who appears to be under the age of 21 shall be asked to show a universally recognized form of photograph identification.**

End



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London Borough Croydon

Scale 1:1250

17-Jan-2022

X = 890 LONDON ROAD
 Page 100



**Summary of supporting residents living within approx. 800m (a half mile) of the applicant premises:
Mahalakshmi Food, 890 London Road. Thornton Heath, CR7 7PB.**

Appendix 3

1. Total supporting petition entries = 185 and against the application = 0
2. Total supporting addresses within 800m – 95
3. Total spoilt entries – 6
4. NN = no road number provided

Local 95 supporting Resident addresses within approx. 800m. The remainder are not listed.

- Beechwood Avenue
- Langdale Road
- Thornton Road
- Oakland Avenue
- Warwick Road
- Fairlands Avenue
- Grove Road
- Lyndhurst Road
- Lindon Avenue
- Malvern Road
- Winterbourne Road
- Stratford Road
- London Road

- Weybridge Road
- Kingswood Avenue
- Silverleigh Road
- Wiltshire Road
- Beverstone Road
- Redford Avenue
- Brigstock Road
- Nutfield Road
- Mablethorpe Road
- Silchester Court
- Dunheved Close

**Summary of supporting residents living within approx. 800m (a half mile) of the applicant premises:
Mahalakshmi Food, 890 London Road. Thornton Heath, CR7 7PB.**

- Collier Water Lane
- Ashley Road
- Gonville Road
- Limpsfield Road
- Kirklees Road

End