

From: Franklin, David
Sent: Wednesday, January 02, 2019 1:23 PM
To: Regen, Licensing
Cc: McArthur, Wesley
Subject: Shell Southwark Park, 297-307 Southwark Park Road London SE16 2JN.docx

MEMO: Licensing Unit

To	Licensing Unit	Date	02 January 2019
From	David Franklin	Telephone	020 7525 0396
Email	david.franklin@southwark.gov.uk		

Subject: Shell Southwark Park, 297-307 Southwark Park Road London SE16 2JN

I write with regard to the application for a premises licence submitted by Shell UK Oil Products Limited under the Licensing Act 2003 for the premises Shell Southwark Park, 297-307 Southwark Park Road London SE16 2JN.

The premises is described by the applicant as:

“This is a well-established convenience store located on a petrol forecourt. The site trades under Shell UK Oil Products Limited and is operated by Vive In Perpetuum Limited. The convenience store has a retail area of approximately 800 SQ FT.

The purpose-built store has been designed to serve both the local community along with passing trade. The convenience store operates 24 hours per day, 7 days per week. The store stocks a range of fresh foods and dairy produce, groceries and other domestic products and also offers 'express lunch' facilities. In addition, dry fuel products such as BBQ charcoal/kindling/logs will be available. Off sales of alcohol are a standard expected feature of the convenience store service. The internal and external digital CCTV system will benefit from a recorder and recordings can be made available to Police and other enforcement agencies as needed.

The convenience store will be operated by the Manager, assisted by a team of full and part time staff. The Designated Premises Supervisor is trained and certified through an accredited scheme and is responsible for training all staff utilising the Lockett & Co due diligence package and keeping training records, The Challenge 25 initiative will be used and supported by the refusals system with records kept in the refusals log”

The application is for:

Late night refreshment indoors
 Mon to Sun 23:00 to 05:00 hours

Sale of alcohol for consumption off the premises
 Mon to Sun 00:00 to 24:00 hours

Opening hours
 Mon to Sun 00:00 to 24:00 hours

The premises is situated within a residential area. The Southwark Statement of Licensing policy 2016 - 2020 states that the appropriate closing times for off-licences and alcohol sales in grocers and supermarkets in this area is 23:00 hours daily. Takeaways are not considered appropriate for this area however the closing time for restaurants and cafes is 23:00 hours daily

The application offers a number of points within the operating schedule that can be converted to conditions.

Licensing Act 2003 section 176 prohibits alcohol sales at service areas, garages etc. The statutory guidance for licensing authorities issued under section 182 of the Act gives guidance on section 176 and says in paragraph 5.2 "*In determining whether any premises should be licensed, the following parts of the 2003 Act are relevant*" and included in the subsequent list is "*Section 176 - Prohibits the sale of alcohol at motorway service areas; and restricts the circumstances in which alcohol may be sold at garages*"

The guidance gives further advice as follows

"Garages and motorway service areas

5.22 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;*
- the retailing of derv (diesel);*
- the sale of motor vehicles; and*
- the maintenance of motor vehicles.*

5.23 It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

5.24 If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is."

From the applicants' description of the premises it would indicate that the premises is intended to operate primarily as a convenience store where petrol sales are ancillary to the store sales and as such section 176 should not apply to this particular premises.

The premises therefore will fall under the category of a grocers or supermarket and I would recommend to promote the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance that the Licensing Sub-Committee considers restricting the times of operation to:

Late night refreshment indoors

Refused. This will still allow for hot food to be taken away between 05:00 and 23:00 hours

Sale of alcohol for consumption off the premises

Mon to Sun 10:00 to 23:00 hours

Opening hours

Mon to Sun 00:00 to 24:00 hours

David Franklin
In the capacity of the Licensing Responsible Authority

From: Graham.S.White@met.pnn.police.uk [<mailto:Graham.S.White@met.pnn.police.uk>]

Sent: Wednesday, January 02, 2019 2:02 PM

To: Regen, Licensing

Subject: Shell Southwark Park Road

Please find attached police objection to the above application
Regards

PC Graham White 288MD

Licensing Officer

Southwark Police Licensing Unit

323 Borough High Street

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Our **MD/21/001/19**
reference:

Date: **2nd January 2019**

Dear Sir/Madam

Re:- Shell UK, 297-307 Southwark Park Road, London SE16 2JN

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003.

The premises is a service station, with associated convenience store. The applicants are asking for late night refreshment and the sale of alcohol off the premises as follows.

Late Night Refreshment

Mon-Sun 23:00 to 05:00

Alcohol Sales (Off the premises only)

Mon-Sun 24hrs

It should be noted that this premises is situated on a busy thoroughfare, likely to attract a significant amount of passing trade. It is also situated in very close proximity to a large number of residential dwellings.

Whilst we appreciate that a number of patrons will be using the site to purchase fuel only, we also feel that a 24hr supply of alcohol could also attract a significant number of patrons late at night and into the early hours, and therefore could have a detrimental impact on the licensing objectives.

The type of patrons that might be attracted to use these facilities late at night or early morning are likely to be those that have already been consuming alcohol and require more. This in itself has far-reaching implications for potential crime and disorder and public nuisance.

Southwark's statement of licensing Policy 2016 asks applicants of new licenses to consider the guidance in relation to opening hours. Consideration should be given to the premises location and its likelihood to impact on the licensing objectives. It also asks applicant to consider what additional control measure could be put in place to counter any negative impact.

The applicant in this case has offered nothing other than CCTV, staff training and the safe display of spirits behind the counter, for the prevention of crime and disorder licensing objective.

It would appear that little or no consideration has been given to Southwark's statement of licensing policy. The recommended hours for the sale of alcohol for off licenses in residential areas is 2300hrs on each day of the week. The police object to the granting of the application in its current format.

This application is for significantly longer hours but with little in the way of control measures.

If the committee consider granting hours outside that recommended in the policy I would like to see the following conditions on the licence. I would also like to see the following wording on the conditions already offered.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made available as soon as reasonably possible or in any event within 24 hours of the request to Officers of the Police and the Council.
3. That Drink-drive warning posters will be displayed at point of sale
4. That the premises will operate a closed door policy from 23:00hrs to 05:00hrs with all sales of alcohol and late night refreshment to be made through the night hatch;
5. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises expect with the written permission from the Police, Trading Standards or the Licensing Authority. A copy of that permission must be retained with the licence and be available for inspection by the Police of Council officers.

The applicant could reconsider this application, to include a significant reduction in the hours for the sale of alcohol or a significant number of additional control measures.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 6756