



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 SEPTEMBER 2023

SECTION 17 LICENSING ACT 2003: LONDON BRIDGE FOOD & WINE, 85-87 PART GROUND FLOOR BOROUGH HIGH STREET, LONDON, SE1 1NH

Decision

That the application made by Shital Mehta for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as London Bridge Food & Wine, 85-87 Part Ground Floor Borough High Street, London SE1 1NH be refused.

Reasons

This was an application made by Shital Mehta for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as London Bridge Food & Wine, 85-87 Part Ground Floor Borough High Street, London SE1 1NH.

The licensing sub-committee heard from the applicant's representative who advised Mr and Mrs Mehta were seeking to operate an off licence. Mrs Mehta had recently undertaken a personal licence training course which was carefully focused on what the cumulative impact policy sought to prevent, principally people drinking in the streets. She previously worked in a Poundland on the tills and managing the stock, she had also worked in a shop to obtain some experience with alcohol. The conditions within the operating schedule were highlighted as well as the shop being of a very small size, 300 square feet excluding storage.

Whilst there were similar premises within the area, it was submitted that this was the only one within that section of the street and that, within a busy area with many commuters, residents, stall holders and so forth, even that distance is important for people to legitimately, properly and safely, buy beers, wines and whatever they need for home consumption in a safe and controlled environment.

The licensing sub-committee heard from the Metropolitan Police Service, as a responsible authority, who advised the premises was located within the Borough and Bankside cumulative impact area (CIA) which applied to night clubs, public houses & bars, restaurants & cafes, off-licences, supermarkets and grocers. Under paragraph 131 of Southwark's statement of licensing policy 2021-2026 there was a rebuttable presumption that applications for new premises licences would be deemed likely to add to the existing cumulative impact and would normally be refused.

The police submitted that there were four off licences within fifty metres of the premises, one of which had a 24 hour licence. Whilst one of those premises may not currently sell alcohol, the licence still existed and this could be resumed at any time.

Street drinking within Borough High Street was very prevalent. They stated that it was a burden upon the emergency services and street drinkers tend to move from off licence to off licence or loiter outside begging for money to purchase alcohol. The prevalence was acute at the present time and a further off licence could only have a negative impact on an already saturated area, no matter how well it was run, and so the licensing Sub-Committee was invited to refuse the application as a result.

Licensing as a responsible authority also raised that the premises was located within a CIA. They advised that there were six convenience stores in close proximity to the premises and that multiple off licences often become a magnet or hub for drinkers of all types, not just street drinkers but also social drinkers. It was submitted that the area is completely saturated with off sales and that this application should be refused.

The licensing sub-committee noted the two written representations from other persons objecting to the application.

The licensing sub-committee were concerned that the premises was an off licence, rather than a convenience store; it would be alcohol led and the applicant intended for alcohol to represent 60% of their income. The designated premises supervisor had limited experience of selling alcohol and the premises was situated within an area that had an acute problem with street and social drinking, particularly given the proximity to Borough Market, the Thames Path and the station.

It was of further concern that Mr Mehta, who did not have any experience, intended to run the premises in the evening, which would likely be the most problematic time. The licensing sub-committee carefully considered whether any conditions would allay their concerns but determined the applicant had failed to mitigate how the premises would not contribute to an already saturated area.

The applicant has therefore failed to rebut the presumption to refuse this premises licence application.

The sub-committee were referred to R (on the application of Westminster City Council) - v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated "Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level".

In the circumstances, since the premises is located in the Borough and Bankside CIA, this application is refused.

In reaching this decision, the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights.

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desires to contend:

- a) That the licence ought not to have been granted; or
- b) That, on granting the licence, the licensing authority ought not to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Assistant Chief Executive - Governance and Assurance.

Date: 26 September 2023.