

## **Licensing Act 2003 - Notice of Determination**

Date of issue: 22<sup>nd</sup> May 2025

Decision taken by the Licensing Sub-Committee on the 19<sup>th</sup> May 2025 on an application for a variation of a Premises Licence submitted by Shell Oil Products Limited in respect of the premises known as Shell: Little Waitrose, 273-239 Roehampton Lane, London, SW15 4LB.

Present

Licensing Sub-Committee:

Councillors Ffrench (Chair), Birchall, and Davies.

Applicant:

Shell Oil Products Limited  
Shell Centre,  
York Road,  
London,  
SE1 7NA

Represented at the Licensing Sub-Committee by:

Leo Charalambides KC and Donna Lockett.

Those making representations/Other Persons:

Councillor Matthew Tiller, Representative of Councillor Graeme Henderson.

Officers:

Guy Bishop, Legal Advisor, Michael Flowers, Democratic Services Officer, and Caroline Sharkey, Licensing Manager.

### The Hearing:

The meeting started at 7:30pm. The Licensing Sub-Committee appointed Councillor Ffrench as Chair for the meeting. The Chair welcomed everyone to the meeting and provided introductory information about the procedures relating to the hearing, which was being held as a remote meeting. There were no apologies for absence and there were no declarations of interest received.

The DSO advised those in attendance that whilst Councillors Justin and Mayorcas had originally been shown on the agenda as two attending councillors for the meeting, they had been substituted by Councillors Birchall and Davies who were also members of the Licensing Committee and who were permitted to attend in substitute of the aforementioned councillors. He confirmed that both councillors had received copies of the agenda and had read them prior to the meeting.

Before proceeding further, the applicant's barrister queried the attendance of Councillor Tiller as a party to the hearing, commenting that he had not seen a formal representation to the application from him. The DSO clarified that Councillor Henderson had asked for Councillor Tiller to attend as his representative to his Representation and that the representation by Councillor Henderson had also been one sent on behalf of all the ward councillors, which Councillor Tiller confirmed was the case. The Council's Legal Advisor confirmed that Councillor Tiller could participate in the meeting as a representative of Councillor Henderson and could speak on behalf of the councillor and the concerns raised in his representation. The applicant confirmed they had no further objection on the matter.

The Licensing Manager introduced the matter for determination and informed the Licensing Sub-Committee that Shell UK Oil Products Limited had applied for a variation of its Premises Licence in relation to the premises known as Shell: Little Waitrose, 237-239 Roehampton Lane, London, SW15 4LB.

In her remarks, the Licensing Manager provided a history of the application and referred members to the proposed conditions of the Premises Licence and the proposed hours of Licensable Activity, which were detailed in Appendices A and B of the Agenda report respectively. The application was correctly advertised as required under the Licensing Act 2003 and its regulations and during the consultation period, six representations were received, with one representation received from the Metropolitan Police as a Responsible Authority and five objections received from Other Persons. The representations related to the prevention of crime and disorder and public nuisance licensing objectives.

In relation to the representation received from the Metropolitan Police, the operating schedule was modified to address the concerns surrounding the prevention of crime and disorder licensing objective. This resulted in the operating schedule being modified to address their concerns, as detailed in Appendix A of the Agenda report. Following the agreement of these recommended modifications to the applicant's application, the Metropolitan Police had withdrawn their Representation. It was confirmed that the five representations from Other Persons remained valid and active.

The Licensing Manager concluded by confirming that the Licensing Sub-Committee would need to determine whether the application for the variation of the Premises Licence should either be approved as applied for, approved with modified conditions, or refused.

The applicant's agent queried that there were two conditions agreed with the police that were missing from the Operating Schedule at appendix A of the report, and one condition needed amending. Conditions 15 and 16 were missing from the schedule.

- Condition 15 states, all staff that undertake the sale or supply of alcohol (and any other age restricted product) shall receive appropriate initial training followed by refresher training in relation to undertaking appropriate age checks on such, at least every six months
- Condition 16 states, Records of all staff training, relating to the sale or supply of alcohol (and any other age-restricted product), along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.

For condition 9 the police wanted something more restrictive, particularly in relation to access to the premises between 23:00 hours and 05:00 am. The applicant agreed to amend this condition as follows:

- There will be two members of staff on duty between 23:00 hours and 05.00 am each day.
- All services will take place through the night hatch between 23.00 hours - 05:00 hours daily. Reason being that the police did not want direct access to the premises between those times.

There were no questions for the Licensing Manager from the Licensing Sub-Committee.

Members then heard the submission from the applicant's barrister, Mr Leo Charalambides KC. The applicant's barrister explained that the premises had been in operation since 2011 and had been in 24/7 service regardless of the various ownerships. He added that alcohol sales were already permitted but the variation application sought to increase the permitted sale of alcohol timings, amend the layout of the premises, and to modernise conditions to the Premises Licence. He expressed gratitude towards the responsible authorities, with specific reference to the Metropolitan Police, for having engaged constructively with the applicant in negotiations for amendments to the application to update it to a version which satisfied the concerns of the responsible authorities and which the applicant agreed to as a new proposal for a variation of the Premises Licence. Mr Charalambides highlighted that this collaboration between the applicant and the responsible authorities was reflective of Shell's aim to maintain good relations with relevant partners.

In addressing the concerns of the representations from Other Persons and their main comments around public safety, he commented that public safety was only relevant for what occurred at the premises not customer behaviour once they had left it, and he emphasised that the brightly lit premises which had CCTV and staff working at all

times meant the premises provided good public safety measures already for customers visiting the site. He added that the representations also appeared odd, as antisocial behaviour after the premises was no longer selling alcohol seemed contradictory if concerns were around people causing disruptive behaviour when purchasing alcohol. Finally, he noted that Ms Lockkett had been representing Shell for a long time and from what they recalled, the business had not received any requests for a Review of the Premises Licence and the company always worked with Councils and Responsible Authorities if any concerns were submitted to them. He therefore asked that the application for the variation of the Premises Licence be granted as applied for.

Members of the Licensing Sub-Committee asked questions relating to the expected profile of customers, the volume of alcohol sales anticipated for the new proposed hours of licensable activity, the reason for the store layout amendment, and on sales after 11pm. Mr Charalambides responded to these questions, stating that:

- a. Customer Profile: Members were told that legitimate people with a variety of reasons for purchasing goods would be customers, but the applicant did not profile customers nor was it information relevant for disclosure for the purposes of the hearing.
- b. Volume of Alcohol Sales: In the view of the applicant's barrister, commercial considerations and 'need' were not relevant and the applicant was not obliged to provide such information.
- c. Amended Store Layout: The amended store layout reflected the increased delivery orders and shopping habits of customers, with the catchment area being one which attracted local people but with a more predominant number of sales via deliveries. It was added that the markup on products was quite high, and alcohol was not cheap, which reflected the type of premises being operated and addressed some of the concerns of the representations.
- d. Sales After 11pm: Councillors were advised that the doors would remain closed after 11pm regardless of the products bought by customers and the operator currently shut the doors from 10pm until 6am.

The Licensing Sub-Committee then heard from the objector who was in attendance at the meeting and were also mindful that the objections raised by any individual not in attendance remained valid for the purposes of the Licensing Sub-Committee's consideration and subsequent decision.

Councillor Tiller reiterated that he was attending on behalf of Councillor Henderson who was unable to attend the meeting. He commented that the concerns raised were shared in view between the local ward councillors and Fleur Anderson MP. Concerns were expressed that the proposed new Operating Schedule would result in an increase in antisocial behaviour and criminal activity in the area, where these behaviours were already occurring. It was noted that drug taking and street drinking in the local area were already problems, and the increased accessibility for the sale of alcohol at the times proposed would result in these activities increasing. Whilst it had been suggested by the applicant that if there were fights then the Police would know about it, Councillor Tiller commented that the Police would not know about every single incident as not all were able to be dealt with, whether because they were not reported, or from resourcing difficulties. Additionally, concerns were

expressed around the increased risk of drink driving, street drinking, noise and litter, and disturbances to local residents. Alongside the nearby residential area, it was added that a church and primary school were within close proximity to the premises and that should also be taken into account in terms of avoiding harm to children from either normalised disruptive behaviours or the access of age restricted products to underage persons, and which could normalise irresponsible drinking. Councillor Tiller concluded by asking that the application for a variation of a Premises Licence be refused.

Members of the Licensing Sub-Committee asked the objector a question on his views on how the church and primary school being nearby to the premises would cause problems in terms of the licensing objectives. In response, Councillor Tiller clarified that littering was already a problem in the local area and the two aforementioned sites had low walls which individuals had previously climbed over to then loiter around in. Councillor Tiller considered that customers who purchased alcohol or other products from the Shell: Little Waitrose site late at night under the new proposed hours of licensable activity would contribute to this problematic behaviour.

At the conclusion of the presentations, the applicant and their representatives, and the objector, summarised their cases before the Licensing Sub-Committee concluded the public part of the meeting.

Councillor Tiller repeated his request for the application to be refused and clarified that he didn't have anything against the establishment, but his concerns were that the licensing objectives would be undermined were the variation application for a Premises Licence to be granted allowing alcohol at the times proposed.

Mr Charalambides concluded that Shell had an impeccable record for controlling age restricted goods and that the concerns of the Responsible Authorities had been fully addressed and that they had not expressed any further concerns regarding the nearby church and school which Councillor Tiller had discussed on behalf of Councillor Henderson. Mr Charalambides reiterated his request that the application for a variation of the Premises Licence be granted as applied for.

At the conclusion of the closing statements, the Chair advised that they would retire to make a decision, closing the public part of the meeting. The Chair informed all those present that the notice of determination would be sent to all parties within five working days.

The Licensing Sub-Committee closed the public meeting's discussion for the application and moved onto the second application on the agenda at 7:10pm.

## The Decision and Reasons

In making its decision, the Licensing Sub-Committee considered the merits of the application and had regard to the Council's Statement of Licensing Policy and Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (revised February 2025). The Licensing Sub-Committee considered the steps which were appropriate and proportionate to promote the licensing objectives and, after taking account of all relevant issues that had been raised in the application, the written representations, and in the verbal evidence at the hearing, decided to refuse the variation of the Premises Licence's in respect of hours for the sale of alcohol but to grant requested changes to the store layout with additional conditions to the Premises Licence alongside the existing ~~proposed~~ mandatory conditions and conditions arising from the operating schedule, and as per the amendments to proposed conditions made in consultation with relevant Responsible Authorities, that had been accepted by the applicant and were shown in Appendix A of the Agenda report to the Licensing Sub-Committee.

In making its decision, the Licensing Sub-Committee had regard to:

- The Council's Statement of Licensing Policy and the Statutory Guidance.
- The written and verbal evidence presented by all parties in the agenda and at the hearing.
- The local knowledge of the area by both ward councillors in their representations, and the Licensing Sub-Committee's own knowledge of the immediate area surrounding the garage/premises.
- Whether Shell Oil Products Limited, if granted a variation of a Premises Licence, could promote and uphold the licensing objectives.

During the closed session, the Legal Advisor advised that the Licensing Sub-Committee must have regard to the Council's Statement of Licensing Policy and may add conditions where it deemed appropriate and proportionate, but that any conditions must relate to promotion of the licensing objectives.

Members first discussed the representations submitted against the application and noted in particular the strong local knowledge of the area held by the ward councillors and the local MP. It was considered that their comments on existing problems in the area was a reliable description and that their concerns were valid for the purposes of determining the application. Councillors expressed concern that if there was an existing problem in the surrounding area, then the Licensing Authority shouldn't be contributing further to that negative behaviour which would undermine the licensing objectives and add to cumulative impact. It was agreed that the location of both the nearby church and primary school were also relevant factors when considering the licensing objectives, whether it be direct or indirect consequences on children from the proposed licensable activities.

Councillors then noted the closed hatch and whilst it acted as a barrier between staff and customers, it also provided a separation which reduced the ease by which to easily identify customers under the influence of alcohol.

Members of the Licensing Sub-Committee also expressed disappointment at the dismissive tone of the applicant's representative towards the representations from Other Persons, and the local knowledge of the ward councillors and MPs should have been accepted and addressed in the applicant's submissions rather than to disregard it.

The Licensing Sub-Committee commented that the local area was one which was deprived and was surrounded by a number of housing estates where there were known concerns around problems arising from the consumption of alcohol and reduced sources for it at the time of night proposed by the applicant. It was considered that if the variation application was granted, the increased access to alcoholic products purchased either directly from customers or delivered via third parties would negatively contribute to known problems in the area. The immediate area comprises high levels of deprivation. The Alton and Putney Vale areas within Roehampton are also amongst the most deprived neighbourhoods in England, particularly in terms of income and housing. The Alton Estate is experiencing a regeneration process, and is a key aspiration area in Wandsworth, with a focus on improving housing, job prospects, and overall quality of life, to create a more vibrant and sustainable community, including improved public spaces, green spaces, and facilities. The Doddington and Rollo Estates nearby also exhibit high levels of deprivation, impacting residents' ability to progress socially and potentially affecting their health and well-being, whilst Putney Heath is a short walk from the premises. The immediate area near the premises is almost opposite the Alton estate. Such matters were not addressed by the applicant's submission but were referred to in the representations.

The residential dwellings nearby were densely populated and the limited number of nearby stores within a walking distance meant the premises late at night could easily become a magnet for the purchase of alcohol and associated behaviours arising from the consumption of it. Whilst the higher pricing of goods described by the applicant's representative was accepted, it was considered that if someone were visiting the shop with an intent to buy alcohol, they were intending to continue consumption of alcohol whether in residential or neighbouring land or areas, such that they would remain in those areas late at night. They would also be resorting to the premises as a known source of alcohol all night having consumed alcohol nearby or at local premises or on return from other areas.

In reaching their decision, the Licensing Sub-Committee considered cases relevant to its determination:

Whilst it refers to the need for 'proper evidence', the Thwaites case observes that the purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense and not to make a decision based on risk. The Licensing Sub-Committee is entitled to take into account their own knowledge but, must measure their own views against the evidence presented to them. The Licensing Sub-Committee was required to carefully consider the evidence presented to it. It required evidential support or knowledge for any decisions made. In some cases, the evidence presented will require them to adjust their own impression. (R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin) applied).

Issues that arise away from the premises could be considered in reaching its decision. Increased hours for the sale of alcohol causing negative effect on a licensing objective beyond the control of the licensee could inform its decision. It was proportionate to refuse a premises licence [or variation] where evidence suggested that an increased licensed capacity [or an extension to the sale of alcohol] would have a negative effect on crime and disorder in areas beyond the licensee's control (*Luminar Leisure Ltd (Appellant) v Wakefield Magistrates' Court (Respondent) & Brooke Leisure Ltd, Classic Properties Ltd, Wakefield MDC (Interested Party)* (2008) applied).

As a result of the discussions, the Licensing Sub-Committee agreed unanimously that the application for a variation of a Premises Licence should be refused with respect to the proposed amended Operating Schedule but that the requested alteration to the store layout should be granted.

The meeting concluded at 8:26pm.

**DECISION – The Sub-Committee decided to refuse the proposed amendments to the sale of alcohol set out in the Operating Schedule as applied for in the application for a variation of the Premises Licence, but to grant the requested amendment to the site layout with the agreed conditions.**

**a) Licensable Activities and Hours**

Sale of Alcohol (off sales)

Sunday to Saturday: 00:00 to 00:00.

Provision of Late Night Refreshment:

Sunday to Saturday: 23:00 to 05:00.

Opening Hours

Sunday to Saturday: No Restriction.

**b) Conditions arising from the applicant's operating schedule**

**CCTV**

- 1.) The CCTV system installed at the premises shall be maintained in effective working order and shall be in operation at all times the premises is open to the public.
- 2.) All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available on request to the Metropolitan Police, the Licensing Authority or other Responsible Authorities within 24 hours of the request being made.

### **Staff Training**

- 3.) Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

### **Incident Log**

- 4.) An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.

### **Restriction on Licence**

- 5.) Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.
- 6.) The Premises Licence holder shall be permitted to display bulk stacks, wine towers and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the Premises Licence. The display of bulk stacks will not be located where they may impact on the ability of customers to use exits or escape routes without impediment.

### **Delivery**

- 7.) The premises licence holder will require any third-party delivery partner delivering on behalf of the premises licence holder to comply with all legal requirements pertaining to the retail sale of alcohol, and in particular to operate a Challenge 25 age verification policy.
- 8.) The premises licence holder will require all third-party delivery partners not to deliver alcohol to schools, parks or playgrounds.

### **Staffing**

- 9.) There will be two members of staff on duty between the hours of 23.00 and 05.00 each day, all services will take place through the night hatch between 23.00 hours - 05:00 hours daily.
- 10.) Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.

### **Challenge 25**

- 11.) A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card.

12.) Notices shall be placed at all points of sale detailing the restrictions on sales of alcohol to children.

13.) A record of refusals shall be maintained which documents every instance that a sale of alcohol (and any other age-restricted product) is refused on the premises, indicating the date and time the refusal was made, and the member of staff making the refusal.

An effective visual (and/or aural) reminder shall be in place at all points of sale to ensure staff undertake appropriate age checks on potential sales of alcohol (and any other age-restricted product).

Right of appeal:

Parties to hearings have the right to appeal to the Magistrates Court against decisions of the Licensing Authority. These rights are set out in Schedule 5 of the Licensing Act 2003 and Chapter 13 of the Revised Guidance issued under section 182 of the Licensing Act 2003 issued by the Home Secretary (February 2025). An appeal must be commenced by notice of appeal given to the Justices' Chief Executive for the Lavender Hill Magistrates' Court, 176a Lavender Hill, London, SW11 1JU within the period of 21 days beginning with the date of notification. The Court will charge a fee.

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Signed: .....

Date: .....

**For enquiries about this meeting please contact:**

Democratic Services  
Wandsworth Town Hall, Wandsworth High Street, London, SW18 2PU  
Email: [Licensing.Committee@wandsworth.gov.uk](mailto:Licensing.Committee@wandsworth.gov.uk)

**For enquiries about this licence please contact:**

Licensing Services, Civic Centre, London Road, Morden, SM4 5DX  
Email: [Licensing@merton.gov.uk](mailto:Licensing@merton.gov.uk)

**Useful documents:**

The Licensing Act 2003  
<https://www.legislation.gov.uk/ukpga/2003/17/contents>

Revised Guidance issued under section 182 of the Licensing Act 2003 (February 2025)  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2023-accessible-version>

The Licensing Act 2003 (Hearings) Regulations 2005  
<http://www.legislation.gov.uk/uksi/2005/44/made>

Wandsworth's Statement of Licensing Policy 2024-2029  
[https://www.wandsworth.gov.uk/media/wh2luajy/licensing\\_policy\\_statement.pdf](https://www.wandsworth.gov.uk/media/wh2luajy/licensing_policy_statement.pdf)