

Appendix 4

BROTHERHOOD VENTURES LTD 42 DUKE STREET, DARLINGTON, DL3 7AJ

Application

1. Supply of alcohol Monday to Sunday 00:00hrs - 24:00hrs for consumption off the premises
2. Late night refreshment Monday to Sunday 23:00hrs - 05:00hrs.
3. Hours the premises are open to the public Monday to Sunday 00:00hrs - 24:00hrs.

The business will be a hot food takeaway and retailer of convenience products (not a store).

The owner of the current licence is VJ Ventures Ltd and the applicant for the new licence is Brotherhood Ventures Ltd. Both companies are owned by Mr Vikas Phouhat, there will be no change in ownership or operation of the business. Creating a new company for this new venture is only to reflect the new progression of this business.

Background & merits of the case

The applicant has owned this business since 2014 and opens every day at 11:00 and sells hot food until 03:00 in person, 04:00 for delivery. It has therefore operated (without problems) for 17 hours a day for 9 years. The reason for this application is that since 2014 the owner has been part of a franchise and he wants to move away from that model and provide the same service but independently.

Part of that change is to create the convenience element of the business and his experience in this side of thing is also extensive. The applicant has owned his own convenience store since 2017 and in November 2022 was honoured by the Asian Trader Awards when they won the Best Off Licence Award. He is an extremely diligent and responsible retailer.

It is essential (and mandatory under the licensing legislation) that the merits of this applicant are fully taken into account, his many years of flawless trading at this location are clear. He is not a new owner to your area, he has been operating, contributing to your local economy, and creating jobs for all that time, he has proven his regard for the licensing objectives and compliance in general and that must be taken into consideration.

Each licensable activity is dealt with separately below.

Late Night Refreshment

The nature of the business will not change.

Currently the food take away is open for people coming to the premises to collect in person between 11:00 & 03:00, and for the delivery of the food until 04:00. Under the terms of this

compromise, that will remain the same as it is now **but with 1 additional hour** for the delivery of hot food to 05:00.

The interpretation of LNR and it needing to be for both on and off sale is not correct. The application for LNR is for the SALE of the goods (indoors) and has no connection to where the food is consumed. Consumption never has and never will be consumed on this premises, is a takeaway and delivery service only.

Alcohol & other convenience products

The sale of convenience products (including alcohol) is a diversification for this business due to demand from local people who prefer for products to be delivered to them in person at home. This is now widespread practise not only have times changed due to Covid, the national presence of companies such as Ubereats and Just Eat (amongst others) means that all products are freely accessible to be delivered 24/7. Orders can be made from the large supermarkets on these websites and delivered at any time, why therefore should a smaller retailer not also provide this service?

It is understood that there are businesses with 24-hour alcohol sales in the area, if that is the case why then is this applicant being discriminated against?

This applicant is asking to do nothing more that others are not already doing.

Compromise – Opening times for the premises

In light of police concerns the applicant is prepared to agree that customers do not attend the premises for any reason from after 03:00, the same time that he is licensed for at present. Therefore, no additional hours for people attending the premises are being requested.

Compromise – Deliveries

In the interest of compromise and to demonstrate the quality of the service he will provide and that it will have no negative impact, a compromise is offered as follows:

Deliveries of alcohol will take place between 06:00 to 04:00 Monday to Sunday (deliveries of all other products to be 24 hours).

Shadow licence

As a company Licensing Matters is experienced in applying for shadow licenses nationally and can clarify the points raised. Firstly, the word “shadow” does not indicate the licence should be similar to the one issued, if that had been the intention the government would have expressly said so. An applicant is entitled to apply for what they want on a second licence, the assessment of

the new application remains the same simple assessment of if the licensing objectives will be upheld or not.

In addition to that, our experience is that it is not only landlords that utilise this facility. It is the applicants right to hold more than one licence on his property, again the assessment of the new application remains that of the upholding of the licensing objectives.

That said the point about making enforcement difficult is entirely taken on board and that is usually managed by way of conditions so there is no doubt which licence is in use as follows:

In the event that more than one premises licence exists for the premises, this premises licence (number) will not be used for the conduct of licensable activities without prior written notification to the licensing authority. That notification will include the time and date from which the premises licence will be in effect.

Should the licence holder want to end the use of this premises licence in favour of another premises licence, they will notify the licensing authority immediately in advance that a changeover is to be made & provide the time and date of that changeover.

Conclusion

It appears from reading the police representation that they want to maintain a status quo and that approach flies directly against what the licensing act requires them to do. Their role is to assess this retailer and his abilities to uphold the licensing objectives. The evidence of the applicant's flawless record of trading is unequivocal, no party can claim that he will not continue in this way according to his responsible attitude and working practises.

The key to assisting a thriving night-time economy is to support the good responsible retailers and not give a blanket NO to all. It is to let the good retailers in, let them thrive as it is they that help weed out the bad ones.

Gill Sherratt
Licensing Matters

OFF LICENCE OF THE YEAR



“Cobra Beer are extremely proud to sponsor the Asian Trader Awards 2022 and play a part in supporting and recognising the very best retailers across the country. Cobra’s smooth mouthfeel and finer bubbles make it the perfect serve alongside all spicy Asian cuisines, so we hope you enjoy a glass with your meal - Where There’s Spice, There’s Cobra. We wish all entrants the best of luck and look forward to celebrating with you on the evening.”

Hena Chandarana, Off Trade Customer Activation & Sales Operations Director

Supported by



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Neha Phogat, Shera's Premier, Birmingham

Neha’s store boasts one of the cleanest, brightest, well laid-out beer caves, supported by great traditional alcohol fixtures. They have been trading for six years on the same parade of shops and now moved to new premises as a Premier concept store in June this year. The store is still in expansion mode as far as the services are concerned, and their latest offerings – pizza and deliveries – are being welcomed enthusiastically by the shoppers.

Kay Patel, Costcutter My Blue Rose, Farncombe, Surrey

Kay bought the empty Farncombe site in 2020, and opened after a full re-fit and extension, with lots of premium lines introduced, in particular in the wine range, which is displayed in a semi beer cave. Based in a highly residential area which is not affluent, the store used to stock the less expensive wines but his customers told them they would like the quality wines, and he was happy to oblige!



ous Retailer of the Year.

Martyn Parkinson, Sales Director – Booker Wholesale, said: “Huge Year, congratulations to all four stores and their teams. It’s fantastic to see so of the many Premier stores collecting awards once again for their hard work and commitment.”



EXPERIENCE THE YEAR

DOCH, GLASGOW

“Owner Girish Jeeva retailer who has f in the world of vape. e refurbishment the its vape offering in a handised three metre fixture was especially its hygienic presentation merchandising, backed ensive social media

OFF LICENCE RETAILER OF THE YEAR

SHERA’S PREMIER, BIRMINGHAM

The judges said: “The store is a beer enthusiast’s dream! After a complete refit, Neha Phoughat has developed his store with the help of Premier and the results are stunning. The store boasts a wide selection of wines and spirits catering to every price point and taste, all perfectly merchandised. But at the heart of the store is its spectacular beer cave, featuring an impressive selection of beers and lagers, all beautifully merchandised, creating great in-store theatre.”

