

Minutes

LICENSING SUB COMMITTEE (NORTH)

20 July 2011

Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW



Committee Members Present:

Councillors Andrew Retter (Chairman)
Bruce Baker
Judy Kelly
Carol Melvin
Janet Gardner (In place of Lynne Allen)

LBH Officers Present:

Rory Stacey, Legal Adviser:
Stephanie Waterford, Licensing Manager:
Nadia Williams, Committee Clerk

Also Present:

Mr Harcharan Singh (Applicant), represented by:
Mr D Dadds, Dadds Solicitors
Mr S Panchal, Applicant's Agent (Interpreter)
Sgt Ian Meens, Metropolitan Police Service

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| 1. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Councillor Lynne Allen with Councillor Janet Gardner substituting.</p> |
| 2. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p> |
| 3. | <p>TO CONFIRM THAT ITEMS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items would be considered in public.</p> |
| 4. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE AS URGENT (<i>Agenda Item 4</i>)</p> <p>No matters had been notified in advance as being urgent.</p> |
| 5. | <p>CONSIDERATION OF THE REPORT FROM THE LICENSING OFFICER (<i>Agenda Item 5</i>)</p> |

The Licensing Manger introduced the report in respect of an application for the transfer of a Premises Licence of Hayes Superstore, 75 Station Road, Hayes, UB3 4BG.

Decision

The Sub-Committee considered all the relevant evidence made available to it and in doing so had taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act, the Council's Statement of Licensing Policy and Licensing objectives.

The Sub-Committee had decided to approve the application for the following reasons:

Although technically the application was one to approve a transfer of the licence, the effect of allowing the transfer would be to remove Mr M. Singh from the licence. That was desirable because Mr M. Singh had demonstrably failed to adhere to licensing laws. Therefore the Committee did not consider the train analogy to be one that had any practical merit. The train would continue with both licence holders at the helm if the application were to be refused until such time as the licence was revoked.

On the basis that Mr H. Singh said that he would be dedicating 100% of his attention to Hayes Superstore (he said that he had sold his other business and that this was his only store), it was unlikely that removing Mr M. Singh from the licence would create any additional harm to the pursuit of the licensing objectives. If the licence were refused, then Mr M. Singh would remain as a licensee for the time being, in addition to Mr H. Singh, and that would not be desirable. The applicant would hold the licence regardless of the committee's decision. To refuse the transfer would therefore serve no useful purpose and to grant the transfer would serve to remove someone who had demonstrably failed to comply with licensing laws.

Although the decision approved the application, all members of the committee expressed concerns about the way the premises was being operated and the applicant's apparent disregard for licensing and trading regulations. The committee was not convinced by the applicant's assertions that he was not

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| | <p>morally culpable for the matters complained of.</p> <p>However taking the complaints regarding the running of the store as a whole, members of the committee noted that these matters were the subject of a forthcoming revocation appeal in the Magistrates Court and this decision was not a reflection on the merits of that appeal. Whether Mr H. Singh had exercised all due diligence in respect of underage sales, duty stamping, labelling and CCTV operation will be a matter for the Court to decide.</p> |
| | <p>The meeting, which commenced at 2.00 pm, closed at 5.00 pm.</p> |

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 277488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.