

Minutes

LICENSING SUB COMMITTEE (SOUTH)

16 March 2012

Meeting held at Committee Room 4 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Josephine Barrett (Chairman) Mike Bull Janet Gardner Peter Kemp Brian Stead</p> <p>LBH Officers Present: Nicole Cameron – Legal Advise, Sharon Garner – Licensing Officer, Gill Brice – Democratic Services</p> <p>Also Present: Dalvinder Singh – Applicant, Mr Charalambides – Applicants Legal Representative</p>	
14.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>	
15.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>	
16.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS 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 heard in public.</p>	
17.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>There had been no urgent matters notified in advance or urgent.</p>	
18.	<p>APPLICATION FOR A PREMISES LICENCE (<i>Agenda Item 5</i>)</p> <p>This was an application for the grant of a Premises Licence that would authorise the use of the premises at Hayes Newsagents, 772-774 Uxbridge Road, Hayes by Dalvinder Singh. Mr Charalambides represented the applicant at the hearing.</p> <p>The Licensing Officer provided the Sub-Committee with details of the application in that the premises was a single unit shop selling groceries, newspapers and alcohol. The premises licence was subject to a review by the Metropolitan Police and the licence was revoked by the Licensing Sub Committee on 23rd August 2011.</p>	<p>Action by</p> <p><i>Nicole Cameron Gill Brice</i></p>

A new application for a premises licence following the revocation was received on 10th October 2011 and was refused by the Licensing Sub Committee on 5th December 2011.

The current premises licence was in the process of being appealed to the Magistrates Court and an application to transfer this premises licence and to vary the designated premises supervisor was received by the Licensing Service on 21st February 2012.

A copy of a Purchase and Sale of Business Agreement was received from the applicant's solicitor on 21st February 2012 and is annexed to the report.

A representation in respect of the application had been received from a Ward Councillor and the Metropolitan Police Service. Sergeant Meens was in attendance on its behalf.

Following representations made by all parties the Sub-Committee considered the application and had taken into account evidence and submissions from all of the parties. In reaching its decision the Sub-Committee had taken into account the relevant provisions of the Licensing Act 2003, the Secretary of State's Guidance issued under the Act and the Council's Statement of Licensing Policy. The Sub-Committee had also taken into account its overriding duty to promote the Licensing Objectives.

The Sub-Committee decided on the balance of probabilities to reject the application for the following reasons:-

1. The Sub-Committee was not convinced that the applicant will have sufficient control over the premises to uphold the licensing objectives.
2. Having considered the proposal Purchase and Sale of Business Agreement and the amended condition put forward by the applicant the Sub-Committee did not feel on a balance of probabilities that the previous licence holders would be excluded from the business and operational activities of Hayes News at all times due to the fact the previous licence holder still holds full control of all stocks and assets of the business and also due to the likely lease obligations and covenants and the lack of relevant consents from the Freeholder.
3. Due to the serious mismanagement of the premises and blatant breach of the licensing objectives that have taken place whilst the previous licence holders had the premises licence and the close connection that would continue between the previous licence holders and the running of the premises if the premises licence was granted the Sub-Committee does not consider on the balance of probabilities that the licensing objectives would be upheld if the premises licence was granted.

	Resolved – That the premises licence in relation to Hayes News was rejected.	
	The meeting, which commenced at 10.00 am, closed at 11.35 am.	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Brice on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.