

Minutes

LICENSING SUB-COMMITTEE

22 January 2019

Meeting held at Committee Room 5 - Civic Centre, High Street,
Uxbridge



	<p>Committee Members Present: Councillor Roy Chamdal (Chairman) Councillor Lynne Allen Councillor Allan Kauffman</p> <p>LBH Officers Present: Glen Egan, Legal Advisor Mark McDermott, Licensing Officer Liz Penny, Democratic Services Officer Kiran Seyan, Senior Trading Standards Officer Stephanie Waterford, Licensing Services Manager</p> <p>Also Present: PC David Butler, Metropolitan Police Mr Jagdeep Singh Khaneja, Applicant Mr S. Panchal, Applicant's Representative</p>
37.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
38.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
39.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that the item of business was marked Part I and would be considered in Public.</p>
40.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
41.	<p>APPLICATION FOR A NEW PREMISES LICENCE: FALLING LANE LOCAL STORE (<i>Agenda Item 5</i>)</p> <p><i>Introduction by the Licensing Officer:</i></p> <p>Mr Mark McDermott, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to an application for a new premises licence for Falling Lane Local</p>

Store. The Sub-Committee was informed that the application submitted was for a licence to sell alcohol for consumption off the premises between 07:00 and 23:00 hours. Councillors were advised that the Store was located on a busy road in Yiewsley. Five representations had been received - three from Responsible Authorities and two others.

Representation by the Applicant:

The applicant's representative spoke on behalf of the applicant and informed the Sub-Committee that the applicant had obtained the premises in October / November 2018 and had applied for a personal licence at that time. Falling Lane Store was already a licensed premises therefore the applicant intended to transfer the licence into his own name. When the applicant spoke to the previous owner, he became aware that there was an issue regarding the premises. He approached the Council for guidance and was advised to apply for a new licence rather than transfer the existing licence. At the request of the responsible authorities, documents were produced to indicate that the applicant had no connection to the previous owners.

Members heard that the responsible authorities had expressed concern regarding the applicant's ability to promote the four licensing objectives. In response to questions from his representative, the applicant was able to identify said objectives. The applicant stated that:-

- To prevent crime and disorder, he would utilise CCTV cameras;
- To secure public safety, he would provide a first aid box and signage;
- To prevent public nuisance, customers would be requested to be respectful and leave the shop quietly;
- To protect children from harm, ID would be requested when selling cigarettes and alcohol.

Responding to further questioning from his representative, the applicant stated that all goods would be purchased from the cash and carry. The applicant was confident that he was well acquainted with the area and stated that his customers were good. The applicant stated that he had never breached any of the licensing objectives. He was able to briefly explain the role of a DPS.

The Sub-Committee asked about the applicant's experience and was informed that he had been working in licensed premises for one year with no difficulties to report. The applicant stated that he did not serve alcohol or tobacco to underage young people. He did not keep a record of occasions when he had been obliged to refuse to do so. In response to Councillors' questions, the applicant stated that he would not sell alcohol to customers who were already intoxicated; however, he did not keep a record of this.

Representations by Responsible Authorities:

Councillors were informed that there was an ongoing investigation relating to the premises which was not directly linked to the hearing. Stephanie Waterford, Licensing Services, advised the Sub-Committee that she had met with both the applicant and his representative to discuss the application, gauge the applicant's capacity to be a licence holder and to establish whether the applicant had any link with the current owner. The applicant had presented Regulatory Services with some documentation but no contract of sale had been provided. When questioned about the licensing objectives, the applicant had been unable to answer. Members were informed that the Licensing Authority lacked confidence in the applicant's ability to run the premises which was

situated in a very challenging area.

In response to their questions, Members were informed that the applicant was better rehearsed now but his ability to manage the premises was still in doubt.

PC Butler had made a representation on behalf of the Metropolitan Police. The Sub-Committee was informed that, on 19 December 2018, the police licensing team had attended a multi-agency meeting with the applicant and his representative. The application was discussed and it became apparent that the applicant had little understanding of the basic licensing principles. The applicant was unable to prove that he was capable of being a responsible retailer. In response to the Chairman's request for clarification, PC Butler confirmed that the area in question was deemed to be 'challenging' as problems relating to anti-social behaviour and child exploitation were the second highest in the Borough. The lack of an incident log or refusal book was a concern and any incidents which occurred outside the premises should also be logged somewhere. Members were informed that the Police had previously dealt with problems relating to underage children in the area. PC Butler reported that he was not convinced that the applicant had sufficient awareness of the area and its challenges or the capacity to be a responsible retailer there. In response to the Chairman's request for clarification, PC Butler commented that he remained unconvinced as the applicant's answers to the questions posed within the hearing had been very basic.

Kiran Seyan, Trading Standards, addressed the Sub-Committee. It was reported that the ongoing investigation regarding the current owner was a trading standards issue. Councillors were advised that Kiran had been present at the multi-agency meeting on 19 December 2018 and had significant concerns regarding the applicant's ability to be a responsible licence holder. It was reported that the applicant had said very little at the meeting and the representative, Mr Panchal, had spoken on his behalf. The applicant, Mr Khaneja, had been unable to adequately answer the questions posed; he had not been able to explain the role of a DPS or the requirements of that role. It appeared that the applicant was now able to respond more comprehensively but was still being prompted by Mr Panchal.

Discussion:

The Chairman questioned the applicant further in an attempt to establish why he appeared to have no understanding of the importance of an incident log despite having worked in a licensed premises for one year. The applicant demonstrated little understanding of this and was unable to explain the function of the Sub-Committee.

The applicant explained that he had gained his personal licence in October 2018 having passed an exam. The Sub-Committee was informed that the applicant had attended a course; he then completed a mock test followed by a multiple choice exam which was sent off to be marked externally. The applicant confirmed that he had completed the exam alone with no assistance. Councillors requested further clarification regarding the content of the course and the exam and were advised that the course lasted for four hours. Prior to that, Mr Khaneja reported that he had gained a lot of experience whilst working in his shop. The applicant was asked both in English and Hindi to explain the importance of an incident book but he was unable to do so.

The Licensing Authority Representative asked the applicant to explain why, given that he had already attended a training course at that time, had he been unable to answer their questions in the December meeting. He had been asked to detail the licensing objectives and how he would apply them but had failed to answer. Mr Khaneja stated that he was confused at the time.

In response to questions from Members of the Sub-Committee the applicant stated that he would refuse to buy low priced alcohol from unknown sources and would only purchase it from the cash and carry. Mr Khaneja also reported that, should an underage individual ask to purchase alcohol or tobacco, he would request to see their ID first and would not sell anything if they failed to produce it. The applicant informed the Sub-Committee that he employed one part-time and two full-time members of staff. When asked how he would deal with a customer who was causing a nuisance, the applicant stated that he would ask the customer to stop; then call the Police if they failed to do so. Despite repeated questioning, Mr Khaneja failed to mention the need to record the incident in an incident book.

Committee Deliberation:

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

The Decision:

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

The Sub-Committee's decision is to refuse the Application for the following reasons:

- 1. The Sub-Committee was not satisfied that the Applicant fully understood all the licensing objectives or that he would be able to implement them in practice. The Sub-Committee noted that the applicant required constant prompting from his agent, despite him having over 1years experience of working in off Licence Premises and even then gave wholly inadequate answers to the Sub-Committee's questions. In particular the Sub-Committee noted that the Applicant could not explain why it was necessary to maintain an incident log, despite having the question explained to him in both English and Hindi.***
- 2. The Sub-Committee considered that the Applicant had not shown that he was able to uphold the licensing objectives in a challenging situation; such as where a customer was being threatening - and that, because no incident log was maintained, the Applicant would be unable to fully assist the Police in any investigations. Given that the local area suffers from the second highest incidence of anti-social behaviour and child exploitation within Hillingdon, the Sub-Committee considered that granting a licence to the Applicant would undermine the licensing objectives.***

RIGHT OF APPEAL

No decision made by the Council will have effect during the time period within which

an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court.

Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 10.00 am, closed at 11.37 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making; however these minutes remain the official and definitive record of proceedings.