

REVIEW OF PREMISES LICENCE FOLLOWING A CLOSURE ORDER - CENTRAL NEWS 63 Coldharbour Lane Hayes

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens, Residents Services
Papers with report	Part 1 Appendix 1 - Closure Order issued on 24 April 2015 Appendix 2 - Notice of Review under S167 Appendix 3 - Current Premises Licence Appendix 6 - Shop plan and photos Part 2 Appendix 4 - Representation from the Licensing Authority Appendix 5 - Police submissions
Ward(s) affected	Townfield

1.0 SUMMARY

- 1.1 To carry out a review pursuant to S167 of the Licensing Act 2003 (the Act) in relation to Central News, 63 Coldharbour Lane, Hayes, Middlesex, UB3 3EE. This is due to a Closure Order obtained by the Metropolitan Police Service on Friday 24 April 2015.

2.0 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee considers the premises licence review instigated by S167 of the Licensing Act 2003 for the licence granted to Nuwan Paranamana, 44 Howard Road, Isleworth, TW7 6JN, for the premises known as Central News, 63, Coldharbour Lane, Hayes, Middlesex, UB3 3EE.

3.0 MATTERS FOR CONSIDERATION

- 3.1 Under S167 of the Licensing Act 2003 a premises licence review is triggered where a Magistrates Court has made a Closure Order under section 80 of the Anti-Social Behaviour, Policing and Crime Act 2014.
- 3.2 On Friday 24th April 2015, Uxbridge Magistrates Court issued a Closure Order which closes the premises for a period of one month. The Licensing Authority was notified of the order on Tuesday 28th April 2015.
- 3.3 The closure order was sought by the Metropolitan Police Service following allegations of anti social behaviour and the sale and storage of illegal drugs at the premises during a period of several months.
- 3.4 A copy of the Closure Order is attached as **Appendix 1**.
- 3.5 Submissions from the Police including the statements in relation to the closure order and previous history of the premise are attached as **Appendix 5. (Part 2)**

PART 1 – MEMBERS, PUBLIC AND PRESS

- 3.6 The Licensing Authority is required to notify responsible authorities and interested parties of the review and invite representations.
- 3.7 A Licensing Officer placed copies of the notice of review at the premises, at the Council offices and also on the Councils website.
- 3.8 The closing date for representations to be received was 6th May 2015. A copy of the notice of review is attached as **Appendix 2**.
- 3.9 A representation was received from the Licensing Authority. This representation is attached as **Appendix 4**. (Part 2)

4.0 INFORMATION

- 4.1 A premises licence, once issued, remains valid unless it is specified to have effect for a limited period, surrendered or revoked.
- 4.2 The premises is a small lock up shop, licensed for alcohol off sales. It has a frontage onto Coldharbour Lane Hayes and has a rear loading facility leading onto a vehicular alleyway between the shop and East Avenue Hayes. A copy of the current premises licence is included in **Appendix 3**.
- 4.3 **Appendix 6** show plans of the premises and surrounding area.
- 4.4 The premises has been licensed under the Licensing Act 2003 since 2009. The current premises licence holder **Nuwan Paranamana** took on the premises licence on 19 March 2014.
- 4.5 The premises was the subject of a Closure Notice issued by Uxbridge Magistrates Court on the 17th April 2015 and this remained in force until the Closure Order hearing took place on Friday 24th April 2015.

5.0 LEGAL IMPLICATIONS

- 5.1 Following a closure order from the Magistrates Court, the Licensing Authority must review the premises licence under S167 of the Licensing Act 2003. The licensing authority must convene a hearing within 10 working days and make a determination within 28 days of notification of the Closure Order. The review is required to be advertised for a period not less than seven consecutive days starting with the day after the Authority has been notified of the Closure Order.
- 5.2 The Licensing Sub-Committee is required to consider:
- the review and any relevant representations in respect of the review;
 - representations by the premises licence holder; and
 - any other relevant representations made.
- 5.3 Relevant representations are those that relate to one or more of the licensing objectives, have not been withdrawn and are made within the period of 7 consecutive days beginning on the date the notice was first published.

5.4 Members must take such steps (if any) as they consider appropriate for the promotion of the licensing objectives. The Licensing Sub-Committee may:

- Modify the conditions of the licence (this includes the power to omit or alter existing conditions and add new conditions)
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

6.0 Conditions

6.1 Members are also referred to the Secretary of State's guidance on conditions, which states that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement.

6.2 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

7.0 Reasons

7.1 If the Sub-Committee determines that it is necessary to take any steps in relation to the premises licence, it must give reasons for its decision.

8.0 The Role of the Licensing Sub-Committee

8.1 Members should note that the Licensing Sub-Committee is meeting on this occasion solely to perform the role of licensing authority. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon licensing law, relevant guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say, material which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.

8.2 The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

8.3 The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being

open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

- 8.4 Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the licence holder and those making representations when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

9.0 Appeals

- 9.1 Responsible Authorities, persons making relevant representations and the licence holder will have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.