

# APPLICATION FOR A REVIEW OF A PREMISES LICENCE: STRAWBERRY LOCAL

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Steven Dormer Ex - 01895 27409 (7409)
<b>Papers with report</b>	<b>Appendix A</b> - Application for Review of Strawberry Local <b>Appendix B</b> - Officer's recommendation <b>Appendix C</b> - Premises Licence in respect of Strawberry Local <b>Appendix D</b> - Map & Photographs of the premises
<b>Ward name</b>	Pinkwell

## 1.0 SUMMARY

To consider an application by the London Borough of Hillingdon Trading Standards Team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003 in respect of Strawberry Local, 2-3 Gloucester Parade, Bourne Avenue, Hayes, UB3 1PR.  
**Appendix A**

## 2.0 RECOMMENDATION

That the Licensing Sub-Committee modifies the Premises Licence conditions as detailed in **Appendix B**

## 3.0 INFORMATION

- 3.1 On 7<sup>th</sup> December 2016 a joint operation was carried out at Strawberry Local, 2-3 Gloucester Parade, Bourne Avenue, Hayes, UB3 1PR. Officers from the Metropolitan Police Services and the London Borough of Hillingdon's Trading Standards team inspected the premises and seized counterfeit tobacco. The items seized were in breach of the Trade Marks Act 1994. Numerous tobacco items were also seized for failing to pay the duty,
- 3.2 On 19<sup>th</sup> May 2017 Trading Standards submitted an application to the Regulatory Services team to review the premises licence for Strawberry Local. The premises were found to be in breach of the Prevention of Crime and Disorder licensing objective.
- 3.3 The Review application and supporting statement submitted by the Trading Standards Officer are attached as **Appendix A**.

## 4.0 CONSULTATION

- 4.1 As required by the legislation, a legal notice giving notice of the review was displayed at the premises, on the Civic Centre Notice board and on the London Borough of Hillingdon's website.
- 4.2 Closing date for representations  
16<sup>th</sup> June 2017

---

PART I - MEMBERS, PUBLIC AND PRESS

## 5.0 REPRESENTATIONS

- 5.1 No relevant representations have been received from Responsible Authorities, Interested Parties or ward councillors.

Responsible Authority	Ground for Representation	Appendix Number
Trading standards	Initial application to review	A

- 5.3 The Licence Holder has not made a written submission.

## 6.0 BACKGROUND INFORMATION

### 6.1 Current Licences held

The premises have been licensed as an off licence under the Licensing Act 2003. The licence has been in place since 2007. The current licence holder is Ekam Enterprises, 2-3 Gloucester Parade, Hayes, UB3 1PR. Ekam Enterprises acquired the licence and have been operating the site since 2014. **Appendix C**

### 6.2 Current Designated Premises Supervisor

Dildar Singh Soni has been the Designated Premises Supervisor since 2014.

### 6.3 Description of the Premises

The premises are located on a small parade of shops in a residential area of Hayes. There are several other small businesses surrounding Strawberry Local which serve the community.

### 6.4 Other Licensed premises near by

Shankey Food & Wine 2 Bourne Circus, Hayes	<u>Sale of Alcohol</u>  Monday to Sunday - 08:00 - 22:00	<u>No Regulated Entertainment</u>
Bourne Food & Wine, 6 Bourne Circus, Hayes	<u>Sale of Alcohol</u>  Monday to Saturday - 08:00 - 23:00 Sunday - 10:00 - 22:30 Good Friday - 08:00 - 22:30 Christmas Day - 12:00 - 15:00 - 19:00 - 22:30	<u>No Regulated Entertainment</u>
The Music Box, Bourne Avenue, Hayes, UB3 1QT	<u>Sale of Alcohol</u>  Sunday to Thursday between 10.00 hours and 00.00 hours Friday and Saturday between 10.00 hours and 01.00 hours the following day	<u>Regulated Entertainment</u>  Sunday to Thursday between 10.00 hours and 00.00 hours Friday and Saturday

## PART I - MEMBERS, PUBLIC AND PRESS

	<p>Christmas Eve between 10.00 hours and 01.00 hours the following day</p> <p>The Sunday of all bank holiday weekends between 10.00 hours and 01.00 hours the following day</p> <p>From the start of business on New Year's Eve until the end of business on New Year's Day</p>	<p>between 10.00 hours and 01.00 hours the following day</p> <p>Christmas Eve between 10.00 hours and 01.00 hours the following day</p> <p>The Sunday of all bank holiday weekends between 10.00 hours and 01.00 hours the following day</p> <p>From the start of business on New Year's Eve until the end of business on New Year's Day</p>
--	---	--

6.5 A site map of the local area and photos of the exterior of the shop **Appendix D.**

- **Photo 1 - Front of Shop.**
- **Photo 2 - Wide shot of Strawberry Local plus newsagents and Chinese take away.**

6.6 Licensable Activities currently authorised

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption off the premises	✓

6.7 Licensable Activity and opening hours currently authorised

	<b>Sale of Alcohol</b>	<b>Opening Hours</b>
<b>Monday</b>	08:00-23:00	Not restricted
<b>Tuesday</b>	08:00-23:00	Not restricted
<b>Wednesday</b>	08:00-23:00	Not restricted
<b>Thursday</b>	08:00-23:00	Not restricted
<b>Friday</b>	08:00-23:00	Not restricted
<b>Saturday</b>	08:00-23:00	Not restricted
<b>Sunday</b>	10:00-22:30	Not restricted

PART I - MEMBERS, PUBLIC AND PRESS

## 6.8 Visits made by Licensing Officers

Strawberry Local was visited on 1<sup>st</sup> June 2017. The white notice informing the public of the review of the licence was displayed in a prominent position.

## 7.0 **OFFICER'S OBSERVATIONS**

7.1 Mr Soni is the director of Ekam Enterprises. There are no previous review applications for Strawberry Local.

### 7.2 Relevant Sections of the S182 Guidance

7.2. The Sub- Committee's attention is drawn to the following, particularly relevant sections of the S182 Guidance:

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; • for the sale and distribution of illegal firearms; • for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; • for prostitution or the sale of unlawful pornography; • by organised groups of paedophiles to groom children; • as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks; • for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter; • for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### 7.3 Relevant Sections of the Hillingdon Licensing Policy

The Committee's attention is drawn to the following, particularly relevant sections of the London Borough of Hillingdon's Licensing Policy:

- 17.2 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which 17 have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

## **8.0 LEGAL COMMENTS**

- 8.1 When considering licence applications the Sub-Committee shall carry out its functions with a view to promoting the licensing objectives. The licensing objectives are:
- Prevention of crime and disorder
  - Public Safety
  - Prevention of public nuisance
  - Protection of children from harm
- 8.2 The Sub-Committee must ensure that all licensing decisions have:
- A direct relationship to the promotion to the promotion of one or more of the four licensing objectives
  - regard to the Council's statement of licensing policy
  - regard to the Secretary of State guidance
  - there must not be a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded
- 8.3 Applications must be considered with regard to the principles of fair process and the human rights act
- 8.4 The Sub-Committee must also have regard to consideration of the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but not binding on the Licensing Sub-Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and convincing reasons to do so. Full reasons must be given if this is the case.
- 8.5 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.
- 8.6 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application and any relevant representations, take such of the steps

following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 8.7 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In deciding what remedial action if any it should take, the Sub-Committee must direct its mind to the causes or concerns which the application and representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 8.8 Members are referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, 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. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.
- 8.9 The licence holder, Applicant or any party that made relevant representations have the right to appeal the decision of the Licensing 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.