

# APPLICATION FOR A NEW PREMISES LICENCE: FALLING LANE LOCAL STORE

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Mark McDermott Residents Services Ex 01895 277262
<b>Papers with report</b>	<b>Appendix 1</b> - New premises licence application including plan <b>Appendix 2</b> - Representations from the Responsible Authorities <b>Appendix 3</b> - Representations from Other persons <b>Appendix 4</b> - Existing Premises Licence <b>Appendix 5</b> - Map of the area
<b>Ward name</b>	Yiewsley

## 1.0 SUMMARY

To consider an application for a new premises licence in respect of Falling Lane Local Store, 115 - 117 Falling Lane, West Drayton UB7 8AG with representations received from **three** Responsible Authorities and **two** Other Persons.

## 2.0 RECOMMENDATION

**That the Licensing Sub-Committee consider the experience and knowledge of the applicant to ascertain his ability to uphold the licensing objectives, having regard to the Government's guidance issued under s182 of the Licensing Act 2003.**

## 3.0 APPLICATION

The new premises licence application has been submitted by Licensing Agents, Personal Licence Courses Limited, in the name 'Jagdeep Singh KHANEJA' for an off-licence to be known as Falling Lane Local Store, 115 - 117 Falling Lane, West Drayton UB7 8AG. The application submitted is for a licence to sell alcohol for consumption off the premises between the hours of 07.00 hours and 23.00 hours. A copy of the new premises licence application form and the premises plan is attached as **Appendix 1**.

### 3.1 Type of application applied for

New Premises Licence.

## 4.0 CONSULTATION

### 4.1 Closing date for representations

28<sup>th</sup> December 2018.

#### 4.2 Public Notice published in local newspaper

12<sup>th</sup>December 2018 - Uxbridge Gazette.

### 5.0 REPRESENTATIONS

#### 5.1 RESPONSIBLE AUTHORITIES

There are 3 representations from the Responsible Authorities appended as **Appendix 2**. There are 2 representations from other persons as **Appendix 3**.

Responsible Authority	Ground for Representation	Appendix
Licensing Authority	Prevention of Crime and Disorder	<b>Appendix 2</b>
Metropolitan Police	Prevention of Crime and Disorder	<b>Appendix 2</b>
Trading Standards	Prevention of Crime and Disorder	<b>Appendix 2</b>
<b>Other Persons</b>		
Patricia White	Prevention of Crime and Disorder	<b>Appendix 3</b>
Vijay K Ram	Prevention of Crime and Disorder	<b>Appendix 3</b>

5.2 There were no other representations received from any other responsible authorities or other persons.

### 6.0 BACKGROUND INFORMATION

#### 6.1 Premises licence

The shop is currently trading under the authority of a Premises Licence for premises known as Falling Lane Superstore that remains in force and is attached as **Appendix 4**. The applicant was Mr Inderjit Singh who has remained as the Licence Holder and Designated Premises Supervisor since 14 August 2013.

#### 6.2 Description of the Premises

The premise is a Newsagents, off-licence and convenience store located on a parade of shops on a busy stretch of road.

A site map of the local area of the premises is attached as **Appendix 5**.

### 6.3 Other licensed premises nearby

There is another off-licence on the same parade of shops called Yiewsley Superstore at 125 Falling Lane, Yiewsley, UB7 8AG 147, which is open and authorised to sell alcohol every day from 08.00 hours until 23.00 hours.

### 6.4 Licensable Activities currently authorised at the premises

<u>Activity</u>		<u>Premises licence</u>
Sale of alcohol	Consumption off the premises	√

### 6.5 Licensable activity and opening hours currently authorised at the premises

	Hours for the sale of alcohol	Opening hours
<b>Monday</b>	08:00 - 23:00	08:00 - 23:00
<b>Tuesday</b>	08:00 - 23:00	08:00 - 23:00
<b>Wednesday</b>	08:00 - 23:00	08:00 - 23:00
<b>Thursday</b>	08:00 - 23:00	08:00 - 23:00
<b>Friday</b>	08:00 - 23:00	08:00 - 23:00
<b>Saturday</b>	08:00 - 23:00	08:00 - 23:00
<b>Sunday</b>	08:00 - 23:00	08:00 - 23:00

There is also a takeaway on the same parade of shops called Pizza on Demand that is authorised for Late Night Refreshment from 23.00 to 05.00

## 7.0 **OFFICER'S OBSERVATIONS**

### Observations

This is an application from Mr Jagdeep Singh KHANEJA. The applicant is applying as an individual; Mr Khaneja resides at 37 Newcombe Rise, West Drayton, UB7 8QE and is also the proposed Designated Premises Supervisor. From the information relayed in representations received from the Licensing Authority, Metropolitan Police Service and the Trading Standards his lack of knowledge of the Licensing objectives is a very real concern.

## **8.0 Relevant sections of S.182 Guidance**

The Guidance issued by the Secretary of State under S182 of the Licensing Act 2003 states:

### **The purpose of the Guidance**

**At paragraph 1.7**, "This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality."

### **Determining actions that are appropriate for the promotion of the licensing objectives**

**At paragraph 9.42**, "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."

**At paragraph 9.43**, "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

## **9.0 Relevant sections of the Licensing Policy**

### **4.0 General Principles and the Role of the Licensing Authority**

**At paragraph 4.1**, "The role of the Licensing Authority is to ensure control of the licensable activities at licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act."

**At paragraph 4.2**, "Terms and conditions attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to matters over which the Premises Licence Holder or Club Management Committees have direct control."

### **7.0 Licensing Objectives - The Prevention of Crime and Disorder**

**At paragraph 7.6**, "Applications referred to the Licensing Sub-Committee where relevant objections have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered necessary in respect of the Crime and Disorder objective."

### **14.0 Representations**

**At paragraph 14.1**, "This policy will not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each

application and representation will be treated on its merits taking into account the legislation, the Guidance issued under section 182 of the Licensing Act 2003 and this policy."

**At paragraph 14.2,** "Representations can be made to the Council, as Licensing Authority, by a 'Responsible Authority' or by 'Interested Parties' which include bodies or individuals who live in the vicinity of such a premises, and residents association, trade associations and other businesses operating in the vicinity. Representations can be made concerning:-

- Applications for new premises licences or club premises certificates
- Applications to vary premises licences or club premises certificates
- Personal licence applications on criminal grounds (only by the Police)"

**At paragraph 14.3,** "Responsible Authorities are the public authorities specifically designated under the Licensing Act 2003 to be consulted on all licence applications and are also entitled to make representations."

**At paragraph 14.10,** "All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted."

### **16.0 Decision Making and Licensing Hearings**

**At paragraph 16.4,** "A Licensing Sub-Committee will sit to hear all applications for premises licences, club premises certificates, interim authorities, provisional statements, designated premises supervisors and personal licences which have attracted relevant representations from either a 'responsible authority' or 'other person'."

## **10.0 Legal Considerations**

When considering licence applications the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder.
- Public Safety.
- Prevention of public nuisance.
- Protection of children from harm.

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives;
- Have regard to the Council's statement of licensing policy;
- Have regard to the Secretary of State guidance; and
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:

- Grant the application.
- Grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives.
- Exclude from the scope of the licence any licensable activity(ies) to which the application Relates.
- Refuse to specify a designated premises supervisor.
- Refuse the application.

Applications must be considered with regard to the principles of fair process and the Human Rights Act 1998.

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.