

# **LICENSING PANEL**

## **MINUTES**

### **20 MAY 2019**

**Chair:** \* Councillor Angella Murphy-Strachan

**Councillors:** \* Maxine Henson \* John Hinkley

\* Denotes Member present

#### **22. Appointment of Chair**

**RESOLVED:** That Councillor Angella Murphy-Strachan be appointed Chair of the Licensing Panel hearing.

#### **23. Declarations of Interest**

**RESOLVED:** To note that the following interests were declared:

Agenda Item 5 – Express Food & Wine, 21 High Street, Wealdstone, Harrow, Middlesex, HA3 5BY

Councillor Angella Murphy-Strachan declared a non-pecuniary interest in that she sat on the Trading Standards Joint Advisory Board. She would remain in the room whilst the matter was considered and voted upon.

#### **24. Minutes**

(See Note at conclusion of these minutes).

#### **25. Licensing Procedures**

The Chair asked the Panel Members, officers, Responsible Authorities and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

## RESOLVED ITEMS

### 26. Express Food & Wine, 21 High Street, Wealdstone, Harrow, Middlesex, HA3 5BY

#### In attendance:

Legal Adviser:	Theresa Awosika
Licensing Officer:	Ash Waghela
Metropolitan Police	PC Frankie Downes
	PC Beresford
Environmental Health	David Gilmour
Present:	S Panchal, Licence Holders Representative
	Harmeet Singh, Licensee

The Licensing Panel carefully considered all relevant information including

- Written and oral representations by all the parties;
- The Licensing Act 2003 and the steps that were appropriate to promote the licensing objectives;
- The Guidance issued under section 182 of the Licensing Act 2003 (2018 being the most recent);
- Harrow Council's Licensing Policy;
- Human Rights Act 1998
- The considerations in s.17 of the Crime and disorder Act 1998

Members of the Panel also took into consideration the following, full details of which were set out in the Decision Notice sent to all interested parties:

The Panel found that the reason given by the Licensee for leaving the illegal worker to manage the premises was unacceptable. Furthermore, the Police on a further visit to the Premises had found the same man working at the Premises. On the third occasion, the Licensee was unable to produce a CCTV recording to establish who was behind the till on the date of the test purchase.

The Panel found that in spite of warnings issued to the Licensee by the Police regarding the dysfunctional cctv, he had been unable to provide an hours footage from the CCTV system in respect of the incident on 22 February 2019 as requested. The Police were therefore unable to identify and arrest a suspect who attempted to sell stolen goods at the premises on the day, compromising the licensing objective of prevention of crime and disorder.

The Panel concluded that the Licensee had repeatedly allowed the licensing objective in respect of the prevention of crime and disorder to be undermined and had failed to abide by the conditions of his licence. The Panel were concerned that the Licensee had failed to heed a number of warnings from the Police about the way the Premises were run. The Panel therefore concluded that it was appropriate to take the serious step of revoking the Licence.

The Panel noted that the licensee had made no effort to enter into positive dialogue with the police regarding these breaches with a view to explore options that might aid and ensure compliance with the licence conditions. Rather, the licensee proposed conditions to the police just before the hearing. It was noted that these conditions were not agreed between the parties. Furthermore, the Panel noted that the police repeatedly requested information regarding the cctv recording from the licensee but received no response.

The Panel in arriving at its decision, considered an additional condition proposed by the premises licence holder at the hearing which was to exclude Mr Kapoor from the premises.

The Panel noted that these were very serious breaches and included those listed in paragraph 11.27 of the statutory guidance. The Panel considered its options under 11.28 of the guidance and determined that the prevention of crime and disorder objective had been seriously undermined in this situation and revocation of the licence was the appropriate option in these circumstances.

**RESOLVED:** That the premises licence for Express Food and Wine be revoked.

**Reasons:** As detailed in the Decision Notice sent to all interested parties.

This determination in accordance with section 52(11) of the Licensing Act 2003 does not take effect:

- (a) Until the end of the period given for appealing against the decision, or
- (b) If the decision is appealed against, the disposal of the appeal.

**Right to appeal**

Any party aggrieved with the decision of the Licensing Panel on one or more of the grounds set out in Schedule 5 to the Licensing Act 2003 may appeal to the Magistrates' Court within 21 days of notification of this decision.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.35 pm).

(Signed) COUNCILLOR ANGELLA MURPHY-STRACHAN  
Chair

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].