

# LICENSING PANEL MINUTES

## 11 JUNE 2019

**Chair:** \* Councillor Natasha Proctor

**Councillors:** \* Sarah Butterworth \* Kanti Rabadia

\* Denotes Member present

### 27. Appointment of Chair

**RESOLVED:** That Councillor Natasha Proctor be appointed Chair of the Licensing Panel Hearing.

### 28. Declarations of Interest

**RESOLVED:** To note that there were no declarations of interest made by Members.

### 29. Minutes

(See Note at conclusion of these minutes).

### 30. Licensing Procedures

The Chairman asked the Panel Members, officer/s, Responsible Authority/ies 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

### 31. Carniproduct, 181 Burnt Oak Broadway, Edgware, Middlesex, HA8 5EH

**In attendance:**

**Legal Adviser:** Laurie Marks

**Licensing Officers:** Ash Waghela and David Gilmour

**Applicant:** P C Beresford – Metropolitan Police

**Also Present:** P C Downes – Metropolitan Police

No written representations were received from the Licensee, Georgina Monica Craciunescu, and she did not attend the hearing.

The Licensing Panel were informed that the application had been brought by the police for review of the licence on the grounds of breach of conditions of the licence and the undermining of the licensing objectives: prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm. The Panel were informed that both the police and Trading Standards were concerned that non duty paid alcohol and tobacco had been kept on the premises, which was an offence contrary to Section 144 of the Licensing Act.

The Licensing Panel carefully considered all relevant information including:

- written and oral representations by all the parties, full details of which were set out in the Decision Notice sent to all interested 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 guidance);
- 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 took into consideration the following and asked questions of the parties present at the meeting, full details of which were set out in the Decision Notice sent to all interested parties:

- that the licensee had failed to promote the licensing objectives and that the licensee was one of the main contributors of antisocial behaviour in the area. The licensee had shown a complete disregard for the law by repeatedly storing smuggled goods contrary to Section 144 of the Licensing Act;
- the shop was run by Mr Duta and not by Ms Craciunescu who was both the licence holder and the designated premises supervisor (DPS). Mr Duta's 14-year old son was seen receiving a delivery of cigarettes and

placing it behind the counter. The licensing objective of the protection of children from harm was being undermined;

- unknown liquids in plain plastic bottles were being sold, which could have been harmful. It was the third time that Carniproduct had been caught selling non duty paid goods which undercut and undermined responsible retailers and potentially put the consumer at risk;
- whilst the whole area had problems with street drinking, Carniproduct was not helping by selling unidentifiable alcohol in unsealed bottles. People were buying alcohol from Carniproduct and drinking it on the streets;
- on 31 March 2019, Mr Duta had failed to produce a certified copy of the licence, which was an offence under Section 57(7) of the Licensing Act. The police were of the view that this displayed contempt for authority and the licensing regime. Mr Duta had shown no willingness to work with the police. The licence holder and DPS appeared not to be involved at all in the day to day running of the shop when the guidance stated that the DPS should be in day to day control.

In making its decision, the Panel considered all the information set out on the agenda, supplemental agenda, representations made at the meeting, photos and maps and

**RESOLVED:** That the premises licence in respect of Carniproduct, 181 Burnt Oak Broadway, Edgware, HA8 5EH be revoked.

[The determination in accordance with Section 52(11) of the Licensing Act 2003 did not take effect: (a) until the end of the period given for appealing against the decision or (b) if the decision was appealed against, the disposal of the appeal.]

**Reasons:** As detailed in the Decision Notice sent to all interested parties; it was found that the licensee had undermined the licensing objectives, namely the breach of prevention of crime and disorder and public safety. The Panel considered the failures in respect of these two licensing objectives to be serious.

The Panel was of the view that the licensee and DPS appeared not to be in control of the premises and had done very little to engage in communication with the responsible authorities. She had not made any attempt to resolve the problems or attend the hearing that evening.

[The Panel found that the evidence before it did not clearly establish that the licensing objectives for the prevention of public nuisance and the protection of children from harm had been undermined for the reasons set out in the Decision Notice circulated to all interested parties.]

### **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 7.40 pm, closed at 8.12 pm).

(Signed) COUNCILLOR NATASHA PROCTOR  
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].