

LICENSING PANEL MINUTES

30 JULY 2019

Chair: * Councillor Maxine Henson

Councillors: * Michael Borio * Kanti Rabadia

* Denotes Member present

37. Appointment of Chair

RESOLVED: That Councillor Maxine Henson be appointed Chair of the Licensing Panel Hearing.

38. Declarations of Interest

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

39. Minutes

(See Note at conclusion of these minutes).

40. 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

41. Application for review of the premises licence for HR Food and Wine, 120 High Street, Wealdstone, HA3 7AL

In attendance:

Legal Adviser:	Theresa Awosika
Licensing Officer:	Ash Waghela
Relevant Representations:	PC Beresford, Metropolitan Police
Present:	Dijeeet Kapoor, Premises Licence Holder Duncan Craig, on behalf of Premises Licence Holder

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.

The Panel first heard from the Harrow Licensing Officer, regarding an application brought by the Metropolitan Police for review of the licence on ground of breach of conditions of the licence and undermining the licensing objective of the Prevention of Crime and Disorder. The Panel was informed that following several visits to the Premises, the Police found that the Licence holder had failed to promote the licensing objective to the required standard. The Home Office had made representations in support of the application to review the licence.

In making its decision, the Panel carefully considered all the information attached to the meeting agenda, supplemental agenda, representations by all parties, photos and maps. The Panel also considered conditions proposed by the Licensee's counsel which was the imposing of 8 week suspension on the licence.

RESOLVED: That the premises licence in respect of HR Food and Wine, 120 High Street, Wealdstone HA3 7AL be revoked.

Reasons: The reason given by the Premises Licence holder for leaving the illegal worker to manage the premises on 28 February 2019 was unacceptable. He should have carried out proper immigration checks. Furthermore, the Panel noted that in spite of a warning issued following the

visit of 28 February 2019 regarding illegal working, the Applicant found similar issues on 04 April 2019 and the Licensee could not provide to the applicant a record of hours log upon request and following confirmation by a student employee that she worked in excess of 20 hours a week in breach of visa conditions.

The Panel in arriving at its decision, considered additional information supplied by the Licensee at the hearing namely the refund and refusal book, staff training record, incident book and inconsistency highlighted by the Applicant. The Panel was not convinced with the explanation presented by the Licensee for failure to provide proper records during or subsequent to the visits by the Applicant. The Panel also considered the proposal made by the Licensee's representative for an 8 week suspension of the licence.

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 as well as those listed in 12.23 of the guidance and determined that the Licensing objective of Prevention of Crime and Disorder has been seriously undermined in this situation. The Panel decided that a revocation of the Licence was appropriate in this circumstance.

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 7.40 pm, closed at 8.55 pm).

(Signed) COUNCILLOR MAXINE HENSON
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].