

# Licensing Panel

## Minutes

### 23 June 2021

**Present:**

**Chair:** Angella Murphy-Strachan

**Councillors:** Maxine Henson Kanti Rabadia

**93. Appointment of Chair**

**RESOLVED:** That Councillor Angela Murphy-Strachen be appointed Chair of the Licensing Panel Hearing.

**94. Declarations of Interest**

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

**95. Minutes**

(See Note at conclusion of these minutes).

**96. Licensing Procedures**

The Chair 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

**97. Canons Food and Wine, 7 Canons Corner, Edgware, Middlesex, HA8 8AE**

**In attendance:**

Legal Adviser:	Anthony Igbiniyesu, Harrow Council
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Licensing Officers:	Ash Wagela, Harrow Council
Relevant Representations:	Manpreet Kapoor

The Licensing panel carefully considered all the relevant information including:

- Written and oral representations by all the parties
- The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives
- The Guidance issued under section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998

The Panel hearing was held remotely and via an online platform. The Panel were present throughout and were able to see and hear all representations made.

The Applicant, Mr Sukheet Singh Rajwansi attended the remote hearing. He was represented by Mr Panchal. Six representations were received from members of the public. Only one of the objectors; Mr Godfrey Dyan attended the remote hearing.

The Panel heard from Mr Ash Waghela, licensing officer. He gave a brief outline of the application, details of which were contained in the report to the Panel. In summary, the Applicant as an individual, was applying for the premises to be used as a convenience store and off-licence. Mr Waghela informed the Panel that some of the representations made by the objectors go towards conditions to be applied to the licence if the Panel decided to grant the licence. He further informed the Panel that the Applicant had agreed to the conditions proposed by the police which were set out in Appendix 4 of the bundle.

Mr Waghela clarified that the point, raised by the Panel, that the Applicant despite being granted a personal licence from the London Borough of Ealing, was not prevented from being the Designated Premises Supervisor as stipulated in the application before the Panel.

Mr Panchal made oral submissions on behalf of the Applicant to the Panel. He stated that the Applicant was an experienced person in the off-licences shop trade. He had previously been involved in running a similar family business in Wolverhampton (from 2017-2020) which was sold recently. They also have a shop in Camberley, which is part of the family business. He informed the Panel that the Applicant understood the licensing objectives and the statutory guidance issued under section 182 of the Licensing Act 2003 (he referred to paragraphs 2.2 and 2.10 of the statutory guidance as examples).

Mr Panchal also submitted to the Panel that any objections must be evidence based which was not the case in this instance. In support of this submission, he referred to paragraph 9.4 of the statutory guidance which deals with relevant, vexatious, and frivolous representations and further stated in response to some of the objections that the premises was not in a cumulative impact zone and therefore, the objections that there were already similar

businesses in the area was not relevant. He stated that the conditions proposed by the police had been agreed by the Applicant and that none of the other responsible authorities had raised any objections to the application.

With regards to training, Mr Panchal stated that the Applicant will have a training manual which will record training undertaken by the staff. This will also include awareness as to checking prospective employees "right to work" in the UK as well as having "challenge 25 policies" in place to ensure that alcohol is not sold to persons under the age of 25 years. There will also be notices displayed in the Premises advising customers to leave the premises quietly. He further submitted to the Panel that there was always a right to review the licence if any of the conditions had been breached. On the issue of parking, which was raised, Mr Panchal submitted that this was not a matter for the committee as there were enforcement procedures to deal with any issues that could arise from parking. He stated however that the Applicant will be happy with a condition that restricted deliveries to the premises from 7 am to 7 pm if the Panel so wished.

The Panel heard from Mr Godfrey Dyan, an objector. He questioned the Applicant and Mr Panchal on the application. Mr Dyan had set out his concerns and objections in his written representations which formed part of the report before the Panel which the Panel had carefully considered. This also included his additional written representations which formed part of the supplemental bundle which was also submitted and considered by the Panel.

Mr Dyan queried the experience of the Applicant in running an off-licence business. The Panel noted that in his written submissions he has raised concerns as to a gun related incident which took place, at Canons Corner, a while ago, when the premises were been run by "Unwins". Concerns were also raised about probable drunken activity taking place in the passageway adjacent to the premises. Other issues that were raised by Mr Dyan were the Applicants involvement in a real estate business namely Galaxy Real Estate and concerns from his line of questioning of the Applicant and his representative, as to how the Applicant would be able to effectively run the premises as a Designated Premises Supervisor since he possessed a licence to sell alcohol in the London Borough of Ealing. He also raised concerns that the Premises had been fully kitted out and was ready to trade. In response, Mr Panchal said that the shop could still trade without a licence but could not carry out licensable activities until the licence had been granted.

In his concluding statement Mr Dyan submitted that there was no merit to give confidence to the application. The Applicant was not experienced enough and that it was not viable to rely on someone who would not be present at the premises as the Designated Premises Supervisor.

Questions were asked by the Panel of the Applicant's representative as to how the Applicant proposed to deal with discarding empty cans and bottles following sales, and street drinkers. Mr Panchal responded by stating that the Applicant will ensure that street drinkers were not served, and that the Applicant will also ensure that the front of the Premises is cleared in the morning and evening daily. He stated that bins will be provided for disposal of waste and that drinks will be sold in sealed containers.

The Applicant's representative was questioned by the Panel as to what he proposed to do in order to prevent customers from drinking at the alleyway at the back of the premises. Mr Panchal responded by stating that the Applicant will be happy to install an extra CCTV camera at the back of the premises. He said the Applicant was content for this to be included as a condition of the licence.

The recording of CCTV images was raised by the Panel. The Applicant's representative told the Panel that recordings would be backed up on the CD or an iCloud and would normally be kept for 31 days. He said however, that the Applicant would be content to back up recordings for a period of 3 months.

The Panel had read very carefully the objectors written representations, which mostly related to the protection of children from harm; the prevention of public nuisance; and public safety. The Panel noted that some of the objections appeared to propose conditions to the licence if granted as opposed to an outright objection to the application.

The Panel is grateful to Mr Dyan for his written representations and for attending and participating in the remote meeting. The Panel appreciated the concerns the objectors had raised in their written objections. However, the Panel was pleased to learn from the Applicant's representative, that the Applicant was willing to work with Mr Dyan and any of the objectors to ensure that their concerns are allayed and that the licensing objectives are not undermined.

The Panel wishes to remind the objectors that an application for a review of the Licence may be made at any time, should there be a breach of the licensing condition(s).

Having heard from the parties, the Panel deliberated over the Application and subsequently resolved that the Licence should be granted.

The Panel did not consider the issue of need, or the number of other Premises in the area with a licence to sell alcohol relevant. This is because the Council has not adopted a cumulative impact policy in any part of the borough.

The Panel also did not consider parking or traffic issues relevant as these are not licensing considerations.

The Panel considered that the conditions offered by the Applicant, those agreed with the Police and the additional conditions it has imposed are sufficient to promote the licensing objectives.

Finally, the Panel attached importance to the fact that none of responsible authorities had objected to the Application and that the Applicant had worked with the Police and had agreed the conditions proposed by the police.

**RESOLVED:** To grant the premises licence for the following hours and subject to the following conditions:

1. New premises licence granted as applied for.

## Conditions

The conditions agreed between the Applicant and the Police are to be applied to the Licence in full without amendments.

The Panel also resolved that the following conditions should be applied to the Licence:

1. Deliveries to the premises are restricted to the hours of 07.00 – 19:00
2. Refuse bins for the disposal of waste shall be placed in the front and back of the premises.
3. The front, side and the back of the premises shall be swept and kept clean every morning.
4. CCTV cameras will be installed at the front and the back of the premises. The CCTV at the back of the premises shall be in a position that will capture the alleyway adjoining the premises.
5. CCTV recordings shall be of good quality showing high definition of images. Back up recordings shall be stored and made available for a period of 3 months from the date of the recording(s).
6. No alcohol beverages of more than 6.5% ABV shall be sold from the premises.
7. There shall be no sale of a single can of alcohol from the premises.

**REASONS:** As detailed in the Decision Notice sent to all interested parties and set out in brief in the preamble above.

(Note: The meeting, having commenced at 6.45 pm, closed at 8.19 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].