

REPORT FOR: LICENSING PANEL

Date of Meeting:	16 April 2015
Subject:	Application for a Review of the Premises Licence held in respect of “ Food and Wine Convenience Store ”, 120 High Street, Wealdstone, HA3 7AL
Responsible Officer:	Caroline Bruce – Corporate Director of Environment and Enterprise
Exempt:	No
Enclosures:	Appendix A - Premises Licence & Premises Plan Appendix B - Location Map Appendix C - Review Application Appendix D – Additional Evidence February 2015 Appendix E – Additional Evidence March 2015

Section 1 – Summary

An application has been made by the Metropolitan Police to review the premises licence for “Food and Wine Convenience Store”, 120 High Street, Wealdstone, HA3 7AL based on three of the licensing objectives: the prevention of crime and disorder, public safety and the protection of children from harm.

Representations received

Representations from Responsible Authorities

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	Review Application Received
Licensing Authority	No representations received
Primary Care Trust	No representations received

Representations from interested parties

From	Relevant Representations details
Other persons	No representations received

Section 2 – Report

2.1 Brief History

- 2.1.1 On 11 February 2015 a review application was submitted by the Metropolitan Police, a responsible authority.
- 2.1.2 The premises is situated on High Street, Wealdstone. The location of the premises comprises of a parade of commercial premises with residential properties nearby. A location map is attached to this report.
- 2.1.3. There is a premises licence in force at ‘Food and Wine Convenience Store”, an off licence trading at 120 High Street, Wealdstone, HA3 7AL. A copy of the premises licence is attached to this report providing details of the licensable activities authorised, the opening times and the conditions attached to the licence.
- 2.1.4 The police have found it necessary to submit an application for a review of the premises licence due to their belief that the following licensing objectives are being undermined: the prevention of crime and disorder, public safety, and the protection of children from harm.
- 2.1.5 Since October 2014, several incidents have taken place at the premises that have needed police intervention. As well as this, Customs and Excise have

been involved in the seizure of goods where it is believed that the correct U.K. duty has not been paid (section 144 of the Licensing Act 2003 – the keeping of smuggled goods). The outcome of this investigation is pending.

Although there is hardly any mention of the licensee in the review application and supporting evidence, Mr Sinnathamby Sritharan (the licensee's husband) is consistently mentioned. It has been indicated that he has been running the premises. The police believe that the licensee, who is also the Designated Premises Supervisor (DPS), is not in control of the premises and that the licence should be revoked or alternatively suspended for the maximum period.

- 2.1.6 The current licensable activities and hours permitted under the premises licence are:

Sale of retail alcohol (m),

Sunday – Thursday	06:00 – 00:30 (the following morning)
Friday – Saturday	06:00 – 02:00 (the following morning)

Hours open to public

Sunday – Thursday	06:00 – 00:30 (the following morning)
Friday – Saturday	06:00 – 02:00 (the following morning)

2.2 Representations

- 2.2.1 There are no representations from any other persons or responsible authorities, either for or against this application.

2.3 Consultation

The review application was advertised at the council offices and on the premises in accordance with the requirements under the Licensing Act 2003.

2.4 Licensing Guidance Implications

The Home Office has issued Guidance pursuant to section 182 of the Licensing Act 2003 and paragraphs 11.1 – 11.30 of the Guidance covers reviews of (premises) licences.

2.5 Legal Implications

- 2.5.1 The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

- 2.5.2 Having considered the application and all relevant representations from all parties, the Licensing Panel has to determine the application for the review of the premises licence. The Panel is required to take such of the steps listed below at 2.5.3 (if any), as it considers appropriate for the promotion of the licensing objectives.
- 2.5.3 Where it considers it appropriate for the promotion of the licensing objectives to take a step(s), the options available to the Panel are:
1. To modify the conditions of the Licence;
 2. To exclude a licensable activity from the scope of the licence;
 3. To remove the designated premises supervisor;
 4. To suspend the licence for a period not exceeding 3 months;
 5. To revoke the licence.
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- 2.5.4 If the panel takes a step mentioned in 1 or 2 of paragraph 2.5.3 above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 2.5.5 Any modified conditions should be practical and enforceable.
- 2.5.6 The licensing authority may at any time reject any ground for review specified in an application for review if it is satisfied that either: (a) the ground is not relevant to one or more of the four licensing objectives; or (b) the application or representation is made other than by a responsible authority and the ground is frivolous, vexatious, or a repetition.
- 2.5.7 If any grounds of review are rejected on the basis set out in 2.5.6, the application for review (or representation) is taken to be rejected to that extent.
- 2.5.8 In addition to determining the application in accordance with the legislation, Members must have regard to –
- The common law rules of natural justice.
 - The provisions of the Human Rights Act 1998.
 - The considerations in section 17 of the Crime and Disorder Act 1998.
- 2.5.9 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the

European Convention for the Protection of Human Rights. The following provisions of the European Convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

2.5.10 In relation to section 17 of the Crime and Disorder Act 1998, this states:

‘without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.’

2.6 Community safety

Refer to the Licensing objectives, and Section 17 Crime and Disorder Act 1998 as noted above. The Borough Commander on behalf of the Metropolitan Police has submitted an application for review of the premises licence.

2.7 Financial Implications

There would be a loss of annual income to the authority should the licence be revoked, however this is of an insignificant sum.

2.8 Risk Management Implications

If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates’ Court. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 March 2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 17 March 2015		

Section 4 - Contact Details and Background Papers

Contact: Peter Coates, Licensing Team Leader, Licensing Services, Ext: 2498

Background Papers

Premises Licence
Review Application
Premises Plan
Location Map

Licensing Act 2003
Licensing Act 2003 – Guidance issued October 2014