

REPORT FOR: LICENSING PANEL

Date of Meeting: 27 October 2015

Subject: Application for a Review of the Premises Licence held in respect of “**Savewise Supermarket**”, 27 College Road, Harrow, Middlesex, HA1 1BA

Responsible Officer: Venetia Reid-Baptiste – Divisional Director – Commissioning Services

Exempt: No

Enclosures: Appendix A - Premises Licence
Appendix B – Review Application
Appendix C – Plan
Appendix D - Map
Appendix E - Representations from other persons

Section 1 – Summary

An application has been made by the Metropolitan Police to review the premises licence for “Savewise Supermarket”, 27 College Road, Harrow, Middlesex, HA1 2BA based on two of the licensing objectives: the prevention of crime and disorder, and public safety.

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	Representations received

Section 2 – Report

2.1 Brief History

- 2.1.1 On 7 September 2015 a review application was submitted by the Metropolitan Police, a responsible authority.
- 2.1.2 The “Savewise Supermarket” (‘the premises’) is in Harrow town centre on a busy street. This location 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 ‘Savewise Supermarket’, an off licence trading at 27 College Road, Harrow, Middlesex, HA1 1BA. 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 and public safety.
- 2.1.5 In recent months the premises has come to the attention of the police. The licensees, Mr Mustaq Akbari and Mr Iltaf Akbari are alleged to

have been involved with drugs, and handling of stolen goods. Cigarettes have been found at the premises which Trading Standards officers believe to be counterfeit. Mr Mustaq Akbari has been arrested and charged for the offences of handling stolen goods and money laundering. The review application by the police alleges that Mr Iltaf Akbari – the Designated Premises Supervisor, who should be in day to day control of the premises, and who is a licensee has not been upholding the licensing objectives.

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

Sale of retail alcohol (m),

Monday - Thursday	08:00 – 00:00
Friday – Saturday	08:00 – 01:00 (the following morning)
Sunday	10:00 – 00:00

Hours open to public

Monday - Thursday	08:00 – 00:00
Friday – Saturday	08:00 – 01:00 (the following morning)
Sunday	10:00 – 00:00

2.2 Representations

- 2.2.1 There have been six representations from other persons against this application and no representations from other responsible authorities.

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 and the panel cannot take this into account when making its decision.

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: 8 October 2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 15 October 2015		

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Environmental Services Manager
(Public Protection) ext 6267

Background Papers

Premises Licence
Review Application
Premises Plan
Location Map
Representations from other persons

Licensing Act 2003
Licensing Act 2003 – Statutory Guidance issued March 2015