
REPORT FOR: LICENSING PANEL

Date of Meeting: 20 May 2019

Subject: Application for review of the premises licence for Express Food & Wine, 21 High Street, Wealdstone, HA3 5BY

Responsible Officer: Paul Walker – Corporate Director – Community Directorate

Exempt: No

Wards affected: Marlborough

Enclosures: Application for review (appendix 1)
Location map and image (appendix 2 and 2a)
Current premises licence and plan (appendix 3)
Representations (appendix 4)
Licence review guidelines (appendix 5)

Section 1 – Summary

An application has been received from the Metropolitan Police Service to review the premises licence for Express Food & Wine, 21 High Street, Wealdstone, HA3 5BY, on the grounds of the prevention of crime and disorder.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health	<i>No representations received</i>
Trading Standards	Representations received
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
<i>Metropolitan Police</i>	Application made & representations received
<i>Licensing authority</i>	No representations made

Representations from other persons

None

Section 2 – Report

- 2.1 An application has been received on behalf of the Metropolitan Police Service to review the premises licence of Express Food & Wine, 21 High Street, Wealdstone, HA3 5BY on the grounds of preventing crime and disorder (appendix 1).
- 2.2 Description of premises
The premises are located on the busy shopping parade of High Street, Wealdstone. The premises comprise a three storey building. Primarily, the ground floor is an off licence with grocery.
- 2.3 An image of the premises and a location map are provided at appendix 2.
- 2.4 Licensing history
A premises licence was first granted on 30 December 2010. The premises licence was transferred to the premises licence holder on 7 February 2013.
- 2.5 The current premises licence and plan are attached at appendix 3.
- 2.6 Details of the application
Received: 29 March 2019
The application has been advertised in accordance with the prescribed regulations.
- 3.1 Representations
There have been two representations. Both are from responsible authorities. One from the Metropolitan Police Service and the other from Trading Standards.

- 3.2 Officer observations
The application describes how during several visits by the police, the licensee has not been able to uphold the licensing objective for the prevention of crime and disorder. The application shows breaches of licence conditions, the keeping of smuggled goods and immigration offences. The application also shows how the police have tried to work with the licensee to ensure that he upholds the licensing objectives and comply with the conditions of the premises licence.
- 3.3 Statutory guidance
The following passages and paragraphs of the statutory guidance issued by the Secretary of State in April 2018 are relevant to this application.
- 3.4 Paragraph 11.10 of the guidance refers to good practice for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.
- 3.5 Paragraph 11.20 of the guidance refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.
- 3.6 Paragraph 11.27 and 11.28 of the guidance refers to criminal activity arising from licensed premises which should be treated particularly seriously. This includes the use of licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the U.K. and for the sale or storage of smuggled tobacco or alcohol. Paragraph 11.28 states: "It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered".
- 3.7 Licensing policy
The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 5. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.
- 3.8 Legal implications
The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.9 The Licensing Panel is required to give appropriate weight to the review application, representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the

Licensing Act 2003, the Council's statement of licensing policy and the steps (if any) that are appropriate to promote the four licensing objectives.

3.10 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

1. to modify the conditions of the licence;
2. to exclude any of the licensable activities 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 are altered or omitted or any new condition added.

3.11 If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

3.12 It should be noted that –

- clear reasons must be given for the decision;
- any additional or modified conditions should be practicable and enforceable;
- the applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in schedule 5 to the Licensing Act 2003.

3.13 In addition to determining the application in accordance with the legislation, Members must have regard to the –

- common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
- provisions of the Human Rights Act 1998;
- considerations in section 17 of the Crime and Disorder Act 1998.

3.14 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

3.15 The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which 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.'

Financial Implications

3.16 There are no financial implications.

Appeals

3.17 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court within 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: 30.04.2019		

Name: Laurie Marks	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 08.05.2019		

Name: Paul Walker	<input checked="" type="checkbox"/>	Corporate Director
Date: 10 May 2019		

Ward Councillors notified:	YES
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Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, Ext. 6267

Background Papers:

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>