

1. APPOINTMENT OF CHAIRMAN

Decisions of the Licensing Sub-Committee

29 August 2018

Members Present: -

Councillor John Marshall
Councillor Lachhya Gurung
Councillor John Hart

RESOLVED that Councillor John Marshall be appointed as Chairman.

2. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

3. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

4. REPORT OF TRADING STANDARDS & LICENSING MANAGER

The Committee considered an application to review a premises licence for Crazy Corner Shop 34 High Road, London, N2 9PJ under Section 51 of the Licensing Act 2003.

5. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with Regulation 14(2) of the Licensing Act 2003. (Hearings and Regulations 2005).

6. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

7. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

This was an application for a review of the premises licence for Crazy Corner Shop, 34 High Road, London N2 9PJ (herein after referred to as the "Premises"). The Premises are licensed for the sale of alcohol off the Premises only.

The review of the premises licence, under s.51 of the Licensing Act 2003, is made by Trading Standards in an application dated 4th July 2018. The application is supported by the Metropolitan Police. Both responsible authorities say that the licensing objective of the protection of children from harm is being undermined. There are concerns regarding the ability of the Premises to promote the licensing objective as a result of the following:

- (1) On the 2nd October 2015 alcohol was sold to Police cadets under the age of 18 by an individual named Dharmesh Patel. He was cautioned and fined.
- (2) On the 5th September 2017 Mr Hitesh Kalidas sold a packet of cigarettes to a Police cadet under the age of 18.
- (3) On the 22nd March 2018 alcohol was sold to two Police cadets under the age of 18 by Mr Hitesh Kalidas.

In addition to the above the Police have received the following reports:

- (1) On the 9th July 2017, a member of the public reported that their underage daughter and her friend purchased alcohol from the Premises without being asked for ID.
- (2) On the 7th August 2017 a member of the public reported that their 16 year old daughter purchased alcohol from the Premises.
- (3) On the 27th April 2018 (this date was corrected during the hearing by the Metropolitan Police) a member of the public reported to Crimestoppers that the Premises was selling alcohol to children.

Mr Kalidas admitted failing the test purchases on 5th September 2017 and 22nd March 2018. He claimed that he was under stress at the time and not thinking rationally, hence why he did not ask for ID. Mr Kalidas admitted that on the 22nd March 2018 he thought the purchasers looked old enough, hence why he did not ask for ID. The premises licence was transferred to Mr Kalidas in October 2017, and Mr Nimesh Depala remained the DPS. The Panel was informed that Mr Nimesh Depala was also the DPS in October 2015 when the Premises failed the first test purchase. Mr Nimesh Depala (the DPS) did not attend the hearing today.

Paragraph 11.29 of the Guidance to the Licensing Act 2003 addresses the review of a premises licence following sales of alcohol and cigarettes to children. It is clear from the representations made both in writing and given orally today that the Premises are not being operated responsibly and due diligence checks on those who appear to be under the age of 18 at the point of sale are not being carried out.

We must consider whether Mr Kalidas and the DPS are able or indeed willing to comply with the legal requirements of holding a licence and what action is appropriate to promote the licensing objectives in view of the problems at the Premises. The failure of two test purchases in a six-month period together with concerns from the Police and members of the public demonstrates to the Panel that Mr Kalidas and the DPS do not take their responsibilities seriously.

What we have to consider however is not punishment, but how to promote the licensing objectives. Based on the representations made by Mr Kalidas today we are not satisfied that he can comply with the conditions of the licence or indeed licensing regulations.

If the licence were to be suspended for up to three months we do not believe that Mr Khalidas would promote the licensing objectives when the suspension expired.

The Premises have failed to promote the licensing objectives over a period of time, and the review is based on events that are to be taken particularly seriously. The Premises

seem to have been badly run, and the only appropriate course of action is to revoke the premises licence.

Right of Appeal

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the Magistrate's Court, 448 High Road, London England NW10 2DZ within 21 days of notification of this decision.

8. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 11.45am.