

Decisions of the Licensing Sub-Committee

7 December 2016

Members present:-

Councillor John Hart (Chairman)
Councillor Alison Cornelius
Councillor Brian Salinger

Responsible Authority:-

Jack Dowell – Trading Standards, London Borough of Barnet

Also in attendance:-

PC Vicky Wilcock – Metropolitan Police
PC Francesca Downes – Metropolitan Police

Appellant:-

Dina Hirani (Applicant)
Mr Panchal (Applicant's representative)

1. **APPOINTMENT OF CHAIRMAN (Agenda Item 1):**

Councillor Brian Salinger, seconded by Councillor Alison Cornelius, nominated Councillor John Hart to preside as Chairman for the meeting.

RESOLVED: That Councillor John Hart be appointed as Chairman for the meeting.

2. **ABSENCE OF MEMBERS (IF ANY) (Agenda Item 2):**

None.

3. **DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY) (Agenda Item 3):**

None.

4. **LICENSING SUB-COMMITTEE HEARING PROCEDURE (Agenda Item 4):**

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

5. **NEW PREMISES APPLICATION, LONDIS, 207 DEANSBROOK ROAD, LONDON, HA8 9BU (Agenda Item 5):**

The sub-committee considered a New Premises application for Londis, 207 Deansbrook Road, London, HA8 9BU.

The sub-committee heard representations from the appellant and her representative, the Responsible Authority (London Borough of Barnet Trading Standards) and the Metropolitan Police.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):

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.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item 7):

The sub-committee deliberated in private session, accompanied by officers from HB Public Law and the London Borough of Barnet Governance Service.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):

The parties to the application were readmitted to the meeting.

The Chairman read out the decision of the committee, which was as follows:

This is an application for a new premises licence in respect of Londis 207 Deansbrook Road, London HA8 9BU. It relates to off sales of alcohol and opening hours between 7.00am and 10.00pm every day.

Representations have been received from the Trading Standards department of the Council and the Metropolitan Police, and refer to the prevention of crime and disorder, and public safety objectives.

The objections refer back to a review of the licence in September when it was revoked following the seizure of non duty paid goods on the premises. The Licensee and DPS at the time was Mr Kishan Hirani. The application now for both positions is in the name of his wife Mrs Dina Hirani. The Police and Trading Standards are concerned that this would effectively just return matters to the same state as when the initial issues arose, and would therefore not promote the licensing objectives.

The applicant has proposed various conditions and it is noted that these are very similar to those put forward at the review hearing. It was not considered at the time that they dealt with the particular problem at the premises. The applicant also states that she will carry out her duties properly. She is adamant that she is fully independent and totally in charge of the premises.

It is not for the panel to decide whether the application is simply an attempt to set aside a previous decision or whether the applicant was a party to, or knew of, her husband's activities. The issue is what is appropriate to promote the licensing objectives and to treat this application on its own merits.

The Panel is concerned that on 14 June a substantial amount of non duty paid goods with a value of approximately £4,000 was found at both these premises and 211 Deansbrook Road, and that the applicant was the sole director of the limited company owning 211 at the time. In addition to that the applicant admitted that she sometimes worked in 207 Deansbrook Road (it is after all a family business) and in all likelihood sold non duty paid goods even if, as she claimed, she could not then identify such goods. She states that following her attendance on a licensing course she is now able to do so. The

applicant stated that she was not aware of the problems with the premises as mostly she worked in the post office section there, but it seems that the post office business was only undertaken in July 2016, after the HMRC visit which found the non duty paid goods. She also stated that she had two young children to care for in June 2016. Clearly the children are not a great deal older now but the applicant states that she will have considerably more time on her hands to run the business.

The Panel heard that the applicant was very angry with her husband when the problems at these premises and also 211 Deansbrook Road came to light, and is very concerned at the effect of his actions on their family. It is therefore surprising that when the Police attended on 16 November the applicant was not present, and that her husband stated that he was in charge, and indeed gave every indication of being so. It is noted that the problem concerning the CCTV has been resolved.

The Panel does not consider that it would promote the licensing objectives of the prevention of crime and disorder and public safety (the contents of non duty paid goods cannot be verified) to grant the application. The applicant was involved in the business when the serious problems occurred and it is far from certain that her husband will have nothing to do with the business. A condition that he would have nothing to do with the business was considered but would not be easy to enforce and was not considered as appropriate.

The application is therefore refused.

Informative:

Any party aggrieved with the decision of the licensing panel on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision. Appeals should be made to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):

None.

The meeting finished at 12.42