

Decisions of the Licensing Sub-Committee

1 February 2017

Members Present:-

Councillor Alison Cornelius (Chairman)
Councillor Claire Farrier
Councillor Maureen Braun

Officers:

Sinéad Clifford - (Legal Officer)
Daniel Pattenden (Licensing Officer)
Sheri Odoffin - (Governance Officer)

Also in attendance

PC Vicky Wilcock
PC John Arkers

Others

Mr Pahitharan Selvarajah - Licensee
Mr Noel Samaroo - Agent

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

Councillor Maureen Braun, seconded by Councillor Claire Farrier, nominated Councillor Alison Cornelius to preside as Chairman for the meeting.

RESOLVED: That Councillor Alison Cornelius 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, PND EXPRESS, 403 HENDON WAY, LONDON, NW4 3LH (Agenda Item 5):**

The sub-committee considered a New Premises application for PND Express, 403 Hendon Way, London NW4 3LH.

The sub-committee heard representations from the appellant and his 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 licence in respect of PND Express 403 Hendon Way, NW4 3LH. Essentially the application seeks an off-licence for the premises.

The Police have made a representation against the application based on the licensing objective of the prevention of crime and disorder. There are no other objections to consider.

The objections refer to a search of the premises in August 2016 which found drugs in a staff member's car parked outside the premises and drugs paraphernalia actually on the premises. The applicant had been in charge on that occasion and it was believed that he had been running the business for some time despite not having applied for the transfer of the licence. A review of the Licence on the 7th November 2016 resulted in it being revoked.

The applicant has proposed numerous conditions to be included on the licence in his application Sections 18 and 19.

We have heard detailed submissions from the applicant, his representative and the Police. We acknowledge the concerns of the Police, however, the Committee accepts that the applicant was not the owner of the premises at the time of the search of the premises in August 2016. It is accepted that he was managing the premises on a part-time basis on behalf of the current owners at the time of the search. The applicant informed the Committee that he is currently in the process of purchasing a new lease from the landlord of the premises and not from the existing business owners. The applicant also confirmed that he has set up this new business, PND Express Ltd. Furthermore, the applicant advised that he will be the Designated Premises Supervisor and that all employees will be personal licence holders.

In light of the all representations heard today, we hereby grant the application for a new premises licence with the all of the proposed conditions as set out in the application at sections 18 and 19. We recommend that condition 37 is amended to read “refresher training (every 6 months) to all personal licence holders relating to the sale of alcohol and the conditions of the premises licence”.

If any parties wish to appeal this decision they can do so via the Magistrates Court within 21 days of notification of this decision.

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

None.

The meeting finished at 12.15 pm