

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – WEDNESDAY, 6 MARCH 2024

LICENSING ACT 2003

**PREMISES LICENCE APPLICATION, THE NEST FOOD & WINE, 106 -108
UXBRIDGE ROAD, HANWELL, LONDON W7 3SU**

DECISION

In coming to its decision, the sub-committee carefully considered the application before it as set out in the agenda papers published prior to the hearing. It considered both the written and oral submissions of all those who made representations in relation to the application, including those made in support by Mr Daljeet Singh Kakar, the applicant, and Mr Surendra Panchal, his agent. It also considered the three representations in objection to the application. These were made by two responsible authorities, PC James Bradshaw, on behalf of the Metropolitan Police and Abbi Shaw, on behalf of the Ealing Council Community Safety Team. One representation was made in objection by the ward councillor, Councillor Yoel Gordon.

The sub-committee considered the Home Office (January 2024) Revised Guidance issued under S182 of the Licensing Act 2003 and, Ealing Council Statement of Licensing Policy.

On careful consideration of the matter, the sub-committee resolved to grant the application as applied for, subject to the one additional condition that:

- No staff who are employed at the premises currently under the Best Food & Wine licence be employed at the premises under this licence for The Nest Food & Wine or be present during licensable hours.

REASONS FOR THE DECISION

The sub-committee came to its decision based on the following reasons.

The sub-committee was aware that the guidance issued under Section 182 of the Licensing Act 2003 stipulated that a cumulative impact assessment should never be absolute. The sub-committee noted that for applications where a cumulative impact assessment applied, it was required to consider the circumstances of each application properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives in the area to be granted. In this application the sub-committee considered it was justified in departing from its cumulative impact assessment in the light of the following:

- The sub-committee accepted that this was a new application made by an applicant who had no familial or business connection with the premises licence holder of the existing business at the premises, the Best Food & Wine.

Although it noted the concerns raised by the responsible authorities and by Councillor Gordon that the existing premises contributed to local issues regarding anti-social behaviour and street drinking, the sub-committee did not find clear or sufficient evidence that the applicant was going to be influenced by the poor licensing practices of the previous business.

- Given the evidence provided about the impact of the Best Food & Wine's failure to promote the licensing objectives, the sub-committee considered that an additional condition preventing any staff from Best Food & Wine from either continuing employment with the business or being present on the premises was a proportionate means to ensure that Mr Kakar's business was uninfluenced by the business practices under the previous licence. It noted that both Mr Kakar and Mr Panchal accepted this additional condition when it was proposed at the hearing.
- The Panel heard from the applicant, Mr Kakar, of his ambitions to reconfigure the shop and change the business offer of the premises from solely selling specialist alcohol to providing a greater selection of groceries and home goods, reducing their selection of alcohol to a small quantity. The Panel noted the issues in the immediate area of the premises with street drinking and anti-social behaviour. It also listened to the submissions made by the responsible authorities and by Councillor Gordon that they were not satisfied from the proposals that such changes to the business offer would happen quickly or that they would be sufficient to mitigate the challenges in the area with anti-social behaviour. However, on the evidence provided at the hearing, the panel considered that Mr Kakar's proposals to reduce the premises' alcohol offer allayed concerns about the premises' impact on anti-social behaviour and was a step to promote the licensing objectives.

Overall, the sub-committee agreed that granting the licence as applied for, subject to the additional condition outlined above, was proportionate in relation to promoting the licensing objectives.

RIGHT OF APPEAL

The Applicant, licence holder or any person who made relevant representations may appeal against the sub-committee's decision. An appeal must be made to the Ealing Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Any party who launches an Appeal at the Magistrates court is requested to copy in the Council at the time that the appeal is filed at court. The person to copy in is Ms Hatoon Zeb at zebh@ealing.gov.uk or London Borough of Ealing, Perceval House, 5-NW 14-16 Uxbridge Road, Ealing, W5 2HL.

Date: 13 March 2024