

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – WEDNESDAY, 6 MARCH 2024

LICENSING ACT 2003

PREMISES LICENCE APPLICATION IN RELATION TO STATION CONVENIENCE STORE, 257 OLDFIELD LANE NORTH, GREENFORD UB6 8PX (CENTRAL GREENFORD WARD)

DECISION

In coming to its decision, the sub-committee carefully considered the application before it, which was set out in the agenda papers published prior to the hearing. It considered the oral representations made in support of the application, made at the hearing by Mrs Manjit Kumar, the applicant, and by her agent, Mr Surendra Panchal. The sub-committee also considered the written and oral representation made in objection to the application by a responsible authority, Mr Robert Dear, on behalf of the Licensing Compliance and Enforcement Team.

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 Licensing Sub-Committee resolved to grant the application in full.

REASONS FOR THE DECISION

The Sub Committee have based their decision on the following reasons:

- The sub-committee did not find strong or sufficient evidence that Mrs Kumar would be unable to promote the licensing objectives as the premises licence holder for the premises. Whilst it noted the representation made by Mr Dear on behalf of the Licensing Authority, it noted that his evidence related to incidents which took place in 2019. It noted that no representations were received from the Metropolitan Police in relation to Crime and Disorder, and neither were representations received from either the Council's community safety team or from ward councillors in relation to public nuisance.
- Whilst the sub-committee expressed their concerns that illicit alcohol was found in a van owned by Mrs Kumar's husband outside his shop in 2019, and that Mrs Kumar had been in her husband's shop at the time when the goods were discovered, the sub-committee did not find further evidence of any more recent examples showing that Mrs Kumar was associated with illicit products. Given the time elapsed since this incident, the sub-committee did not find this to be grounds to refuse the application.

- The sub-committee did hear evidence of the poor licensing practices of Mrs Kumar's brother-in-law, who had had his licence for a nearby premises suspended in 2019 after illicit products were found on his premises, nearby to Station Convenience Store. Although the sub-committee noted Mr Dear's view that Mrs Kumar's brother-in-law may start playing a role in the running of Mrs Kumar's premises if the application was granted, it also noted Mrs Kumar's response to the sub-committee's questions that he was unlikely to come into the premises. The sub-committee considered that Mrs Kumar would be well advised to run the premises without the involvement of her brother-in-law.
- Overall, the sub-committee did not find strong evidence to suggest that the application before them would cause detriment to licensing objectives. Accordingly, it considered that granting the application was the appropriate and proportionate course of action.

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