

Minutes of the meeting of the Licensing Sub-Committee

Date: Wednesday, 6 March 2024

Venue: Virtual Meeting

Attendees (in person): Councillors

G Shaw (Chair), S Jassal and P Driscoll

1 Premises Licence Application in relation to Station Convenience Store, 257 Oldfield Lane North, Greenford UB6 8PX (Central Greenford ward)

The Chair introduced those in attendance and explained the procedure to be followed at the hearing.

Applicant's presentation:

Mr Surendra Panchal was invited to present the application on behalf of the applicant, Mrs Kumar. Mr Panchal informed the sub-committee of Mrs Kumar's background and experience for running a licenced premise. Mrs Kumar obtained her licence in 2019, at which time she was working in an airport in the VAT department. Since 2019, she had been running the Station Convenience Store as a corner shop selling groceries, vapes and cigarettes. There had been no recorded breaches in any regulations recorded by local authorities. Mrs Kumar understood the 4 licensing objectives and had put forward an application with an extensive set of conditions which were designed to allay any concerns regarding public nuisance or crime and disorder.

Mr Panchal referred to the representation in objection to the application received from Mr Robert Dear on behalf of the Licensing Authority. Mr Panchal considered that much of Mr Dear's representation related to Mrs Kumar's brother-in-law and his conduct at separate premises to Mrs Kumar's in 2019. Mr Panchal informed the sub-committee that Mrs Kumar's brother-in-law did not have anything to do with Mrs Kumar's premises and that the mistakes which had been made were now well in the past.

The sub-committee and objectors were invited to ask questions of Mr Panchal and Mrs Kumar. The sub-committee asked the following questions:

- When did Mrs Kumar work at the airport in the VAT department?
- Were the illicit products found on 44 Long Drive in Mrs Kumar's husband's van in 2019 owned by Mrs Kumar?

- Who owned the premises at 44 Long Drive? Was Mrs Kumar's personal licence intended to be used at 44 Long Drive?
- Had the illicit products not been found by responsible authorities, would the illicit products have been taken into your husband's shop?
- What hours for the sale of alcohol was the applicant applying for on Sundays?
- Was Mrs Kumar expecting to be competing with her brother-in-law's shop, given it was so close to her premises? How closely would the two businesses be working together?
- Was Mrs Kumar's brother-in-law likely to be attending her shop?
- What was Mrs Kumar's understanding of why her application for a premises licence for her store turned down in 2019?
- Had Mrs Kumar had any difficulties with anti-social behaviour in or around her premises? If so, how often?

In response to the sub-committee's questions, Mr Panchal and Mrs Kumar provided the following responses:

- Mrs Kumar worked at the airport in the VAT department from 2014 to 2020, where she became accustomed to working with regulations.
- Mrs Kumar's husband owned the premises at 44 Long Drive. Mrs Kumar had applied for a personal licence in order to open her own separate premises.
- Mrs Kumar explained her understanding of the events which led to responsible authorities finding illicit products in her husband's van. Mrs Kumar had been inside the premises when her husband was unloading his van. She was not aware of the illicit products. Her understanding was that the illicit products belonged to her brother-in-law.
- Mrs Kumar did not have anything to do with the illicit products and therefore was unsure whether the products could have been brought into the shop if responsible authorities had not intervened.

- Mrs Kumar had applied for sale of alcohol between 10am and 10.30pm on Sundays, which complied with the core hours set out in the Council's Licensing Policy.
- Mrs Kumar did not expect much involvement with her brother-in-law's business, despite its proximity to her. They would not be sharing deliveries, and she did not expect him to enter the premises. It was likely the two businesses would be in competition, although Mrs Kumar's shop had a particular speciality for groceries.
- Although Mrs Kumar was at first unsure whether she had submitted an application for her premises in 2019, it was confirmed that she had by her agent's company.
- There had been some issues with street drinking near the premises in the past, although this had been irregular, mainly around Christmas time.

Mr Dear asked questions of Mr Panchal and Mrs Kumar. He asked the following questions:

- Was Mrs Kumar's job at the airport part-time or full-time? Why was Mrs Kumar seen working at her husband's shop by officers on visits?
- Had officers attended her shop since 2019 to carry out checks of her compliance with regulations?

In response to questions, Mr Panchal and Mrs Kumar provided the following responses:

- Mrs Kumar had worked at the airport full-time, although she tended to work in her husband's shop on her day off.
- Mrs Kumar's recollection was that there had been no formal visits by compliance officers to her shop since 2019, although some had attended informally.

Mr Dear also asked for clarification of the applicant's account of events relating to the illicit products found in her husband's van in 2019. It was confirmed that no illicit cigarettes were found in the van and Mrs Kumar's brother-in-law was not present at the time the products were found.

There were no further questions for Mr Panchal and Mrs Kumar at this stage.

Representations by the licensing authority:

Mr Dear was invited to make his oral representation to the sub-committee. Mr Dear informed the sub-committee of the local context to the store, with the area suffering from a high density of street drinkers and anti-social behaviour. Mr Dear considered that Mrs Kumar's responses that there were street drinkers in the area over Christmas was evidence of this.

Mr Dear explained his understanding of the events which had taken place in 2019. Alcohol was found in Mrs Kumar's husband's van on the hardstanding outside her husband's shop, which she worked in. Mr Dear considered this showed Mrs Kumar had been associated with illicit projects. Mr Dear also was unconvinced by the suggestion that her record of compliance since 2019 in her shop was evidence she was likely to be a responsible premises licence holder. There had been visits to the premises because it was not licensed and there had been no specific intelligence passed to local authorities of non-compliance.

The sub-committee, the applicant and her agent were invited to ask questions of Mr Dear. The sub-committee asked the following questions:

- Had Mr Dear changed his stance from considering that no conditions could be applied to the licence which would allay his concerns?
- Why were there less objections to this application than there were to the application for premises licence Mrs Kumar made in 2019?

In response to the sub-committee's questions, Mr Dear provided the following responses:

- Mr Dear maintained his stance as set out in his written statement that there were no conditions which could allay his concerns about the potential impact of this application, if granted, on the licensing objectives.
- The application in 2019 was brought under the name Station Grocers. Mr Dear's view at the time had been that the application was to provide an opportunity for Mrs Kumar's brother-in-law to continue his business after he had his licence revoked. Mr Dear believed one of the reasons there less objectors to this application was that some of the residents who objected in 2019 had now left the area.

Mr Panchal and Mrs Kumar asked the following questions of Mr Dear:

- Was the premises in a cumulative impact zone?

- Was Mr Dear aware that a premises in the 250m radius of Mrs Kumar's store had now closed?
- Was there any record of non-compliance by Mrs Kumar's business with regard to regulations on vapes and cigarettes?

Mr Dear provided the following responses:

- The premises was not a cumulative impact zone.
- Mr Dear was not aware that a premises in the area had closed.
- There had been no visits by officers to Mrs Kumar's premises to establish whether there had been non-compliance or not.

Summing up:

The parties were invited to sum up their respective cases.

Mr Dear informed the sub-committee that nothing he had heard during the hearing allayed in his concerns about granting the application.

Mr Panchal summed up, highlighting that there was no evidence of recent non-compliance by Mrs Kumar, she understood the licensing objectives, and her premises did not fall within in a cumulative impact zone. Mr Panchal considered there was no good reason not to grant the application.

The Chair thanked attendees for their contributions. The sub-committee retired to deliberate and come to a decision.

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 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.

Meeting commenced: 1.58 pm

Meeting finished: 3.45 pm

Signed:

Dated: Wednesday, 20 March 2024

G Shaw (Chair)