

Minutes of the meeting of the Licensing Sub-Committee

Date: Wednesday, 3 April 2024

Venue: Virtual meeting

Attendees (in person): Councillors

A Jammu (chair), J Gallant and R Baaklini

1 Premises Licence application for Express Food Limited, 8 - 9 Abbey Parade, Ealing, W5 1EE (Hanger Hill ward)

The Chair introduced the sub-committee and asked those attending to introduce themselves. The Chair outlined the procedure to be followed at the hearing.

The Chair invited Mr Manuel Rocha, agent to introduce the application which was before the sub-committee. Ms Sultani outlined the application and asked the committee to consider the application (including the operating schedule), representations and the Statement of Licensing Policy in respect of the proposals and Grant the application in full.

Mr Rocha, agent, explained the following points:

- The opening Hours, Monday to Sunday were 07:00 until 23:00 and sale of Alcohol (Off the premises) Monday to Sunday were 10:00 until 23:00.
- The premises was currently a convenience store.
- The applicant notified the Police, Pollution Authority, Fire Authority, Local Planning Authority, Health and safety Authority, Child protection Authority, Weights and measures Authority, Director of Public health and home office of the plead for a new premises license.
- Beer and cider would not be sold individually and not exceed 6% ABV.
- Mr Rocha noted that he respected and understood the concerns of the objectors and that Ms Sultani should not be penalised for her father's mistakes.

Ms Sultani, applicant explained the following points:

- That a challenge 25 proof age scheme shall be operated at the premises, only accepting forms of identification that were photographic

identification cards.

- A CCTV system would be installed covering the entrance, external and all internal areas.
- Incident log would be kept at the premises and made available on request to Police, authorised authority or local authority.
- All staff members on the premises would receive full training.
- The premises was important for the business financially.

The Chair invited questions from members of the sub-committee. Mr Rocha and Ms Sultani provided answers and clarification. The following responses and clarifications were made:

- Ms Sultani would be in charge of only the premises at discussion.
- Ms Sultani had not worked in the business before but has her father to offer guidance.
- Ms Sultani confirmed she was applying for a personal license and would control the prices and staff business.
- She was aware of mistakes from the previous businesses but not the current shop.
- She worked at the previous premises and had another part time job and would undertake training if necessary.
- That her father only advises her and does not work at the premises due to personal health circumstances and that her father doesn't know the laws and regulations of the country, but she wouldn't make the same mistakes.
- She confirmed that she would like to hire the same team but may have make some of the staff redundant.
- Ms Sultani confirmed that she would be the Designated Premises Supervisor and Premises Holder, however, father was the lease holder of the premises.
- She confirmed that if the committee approved, she would accept the conditions from the committee.

The Chair invited Mr Dear to make representations to the sub-committee. Mr Dear's representation included the following key points:

- Mr Robert Dear, Officer for Licensing Compliance & Enforcement, made a representation at the hearing.
- He recommended refusal of the application, citing concerns that no conditions could mitigate the negative impact the premises would have on the area.
- He noted the establishment's previous identity as Dom Polski, a Polish and Chinese restaurant, and the granting of the premises license to leaseholder Mr Ahmad Sultani in September 2012. However, he highlighted that the designated premises supervisor's details were left blank pending the applicant's acquisition of a personal license.
- Mr Dear recounted events from 2019, where two licensing visits, the latter involving Home Office Immigration Enforcement officers, led to an application to review the premises license. It was revealed that no application had been made to alter the license to specify a designated premises supervisor, and alcohol sales were observed without proper authorisation. Consequently, a sub-committee hearing in March 2019 resulted in the license being revoked, an action never challenged.
- Mr. Dear noted that Mr. Ahmed Sultani, the leaseholder at the time, remains so, also operating an off license nearby that underwent three reviews. Confirming that Ms Sultani, the leaseholder's daughter, serves as sole director of the applying company, Mr Dear explained that she incorporated the company in September 2016, taking over directorship from her father. He emphasised that this application aims to replace Mr Sultani's premises license, as he anticipates losing the license for Euro Foods, located nearby.
- Mr Dear pointed out a previous unsuccessful attempt by the family to obtain a new premises license at the same address, using an individual associated with the Sultani family.
- He visited the premises in March 2021, noting operation under a Temporary Event Notice and a predominance of high-strength alcohol in the fridge. Regarding the current application, Mr Dear expressed concern over the lack of information regarding the applicant's experience or past venues, only the pursuit of a new Personal License.
- He highlighted the area's saturation with off-licenses, noting that half impose minimal or no restrictions on alcohol strength, contributing to street drinking issues, particularly in the evenings, which can be intimidating for lone females and vulnerable individuals.

The Chair invited questions from members of the sub-committee. Mr Dear provided answers and clarification. The following responses and clarifications

were made:

- Mr Dear clarified that the applicant previously applied for a Temporary Events Notice due to a gap in the application.
- That Ms Sultani's email address was used in the application. Ms Sultani responded that she was unaware of her email address being used in the application, that she was aware of Mr Ahmad Sultani working at the restaurant but had no relationship with him.
- Mr Dear confirmed that the premises has been operating since 2019. It was used as a restaurant and then turned into a supermarket where there was no DPS, they were selling alcohol and there were Immigration issues.
- He noted that there was rise in instances in near the subways and at night and that out of the premises on the road half have conditions of low alcohol.

Victoria Hewison, Police Constable objected to this application and made representations to the application, her representation included the following key points:

- Ms Hewison remarked that the location formerly operated as Dom Polski Restaurant, a Polish restaurant under the management of Mr Ahmad Sultani.
- She elaborated that in January 2019, Robert Dear, a Licensing Enforcement Officer for the London Borough of Ealing, filed an application to review the premises license following two visits where illicit tobacco, non-duty paid alcohol, and immigration offenses were discovered, resulting in the revocation of the license.
- Furthermore, Ms Hewison noted Mr Ahmad Sultani's conviction for fraud at Isleworth Crown Court and highlighted the familial connection between Mr Ahmad Sultani and the applicant, Mannas Sultani, who were believed to reside at the same address.
- She added that Mr Farad Ahmedi applied for a premises license in March 2021, with due diligence confirming Mr Ahmad Sultani's former directorship of Express Food Ltd until October 2016.
- Ms Hewison observed that Ms Mannas Sultani assumed directorship from October 2016 onwards, owning majority of shares, majority voting rights, and authority to appoint and remove directors. Despite these changes, she noted Mr Ahmad Sultani's continued involvement in the business's daily operations, indicating that he remained active.

- Additionally, she mentioned that a previous attempt to obtain a premises license had been unsuccessful. However, in June 2023, Mr Farad Ahmed made another application, revealing Mr Ahmed Sultani's involvement in the current application's payment through Express Food Ltd. Ms Hewison concluded that Express Food Limited operates as a family business.

The Chair invited questions from members of the sub-committee. Ms Hewison provided answers and clarification. The following responses and clarifications were made:

- There was a GBH incident where an individual was found drunk near the subway.
- Ms Hewison was unsure of complaints from residents, but I don't know but there were incidents from Ealing Safer Neighbourhoods
- Ms Hewison and Mr Dear confirmed that the card details and home address was the same as the previous premises owner, Mr Sultani. They also added that Ms Sultani hasn't got the experience, and the store needs a hands-on approach.

Mr Rocha and Ms Sultani concluded their submissions by emphasising that Ms Sultani had gained experience during the hearing and previous mistakes of her father, she was old enough and wants to respect the law. That she deserved an opportunity with the proposed conditions and that there were no objections from noise team and neighbours. Ms Sultani made a final point that team will know how to deal with alcohol and will undertake training.

Ms Hewison concluded her submissions by emphasising that Ms Sultani was inexperienced to run a licensed premises.

Robert Dear concluded his submissions by emphasising that farther of the applicant, Mr Saltani wasn't being truthful and wasn't a suitable candidate for Ms Sultani to gain experience from due to his history.

The Chair thanked attendees for their attendance and contributions. The sub-committee retired to deliberate and come to its decision in private.

DECISION

Having carefully considered the written and verbal representations from the responsible authorities, the applicant and her agent, in regard to the new premises licence application for Express Food Limited 8 - 9 Abbey Parade

Ealing W5 1EE the Licensing Sub-Committee has resolved to refuse the application.

REASONS FOR THE DECISION

The Sub Committee found that Ms Sultani has a complete lack of experience in running a licensed premises. Whilst the Sub-Committee noted her willingness to learn, they also had regard to the fact that she does not yet have a personal licence.

The Sub-Committee were satisfied with the responsible authorities' evidence that the premises was located within a particularly difficult area with a history of crime and anti-social behaviour. This added to their belief that Ms Sultani, with no appropriate experience, would be unsuited to running this premises and would struggle to uphold the licensing objectives. Given that there were no other proposals for a DPS, the Sub-Committee refuse the application because they shared the responsible authorities' concerns that the licence would add to existing problems in the area.

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.

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 - Senior Lawyer (Litigation & Prosecution) at ZebH@ealing.gov.uk or London Borough of Ealing, Perceval House, 5-NW 14-16 Uxbridge Road, Ealing, W5 2HL.

Meeting commenced: 2.05 pm

Meeting finished: 3.45 pm