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LICENSING SUB-COMMITTEE

20 JUNE 2016

(3.45 pm - 5.35 pm)

PRESENT Councillors Councillor Philip Jones (in the Chair),
Councillor John Sargeant and Councillor David Simpson

Guy Bishop (Legal Officer), Stephen Beedell (Licensing Officer),
Susanne Wicks (Democratic Services Officer)

Sgt Tristan Paoli and PC Daniel Nelson-Rogers (Metropolitan
Police)

Barry Croft, Licensing Manager (LB Merton and LB Richmond)

1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor Philip Jones be appointed Chair for this meeting.

2 APOLOGIES FOR ABSENCE (Agenda Item 2)

No apologies were submitted.

3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest.

4 AMBAAL REVIEW APPLICATION (Agenda Item 4)

The Chair advised that the meeting was being recorded and outlined the procedure to be followed at the meeting.

At the invitation of the Chair, Sgt Tristan Paoli outlined his application to review the premises licence of Ambaal Store. He gave details of the visits made to the premises on 26 March, 15 April and 21 April, and asked the Sub-Committee to revoke the licence for the reasons given in his application.

In response to questions, Sgt Paoli advised that there was no evidence available to show that alcohol had been sold whilst the licence was suspended, despite the presence of alcohol being found on the premises on three separate occasions. In support of this response, PC Daniel Nelson-Rogers stated that, in his professional opinion, alcohol was being sold during the period of the suspension.

At the invitation of the Chair, Barry Croft, Licensing Manager for LB Merton and LB Richmond, outlined his representation and reasons for supporting the application for review.

In response to questions, Barry Croft confirmed that no complaints had been submitted to the Licensing Team about the sale of alcohol from the premises. He

confirmed that was not able to supply evidence to show that alcohol was sold during the period of suspension. He advised that bottles of alcohol had been found on the premises despite a letter from a Licensing Officer advising the removal of all alcohol from the premises.

The Licensing Officer, Stephen Beedell explained that the Licensing Act states that person commits an offence *"if he has in his possession or under his control alcohol which he intends to sell by retail or supply in circumstances where that activity would be an unauthorised licensable activity"*. However, it is not an offence to have alcohol on the premises. Stephen Beedell also pointed out that the advice letter was sent to the former licence holder, Mr Janarthanan, not the current licence holder, Mr Vaseekaran.

At the invitation of the Chair, Mr Vaseekaran addressed the Sub-Committee. He stated that the premises had not sold alcohol whilst the licence was subject to the suspension (28 February – 28 May), and has not resumed the sale of alcohol. He outlined his plans to start afresh and ensure the premises are well operated.

Mr Vaseekaran described the behaviour of a group of youths that frequently stand around the store, but advised they do not cause him direct problems.

In response to questions, Mr Vaseekaran confirmed that he was the owner of the premises when it was subject to review in February but was not the licence holder. He stated that he is on the premises for one or two hours per day and confirmed that three current members of staff are personal licence holders.

The Sub-Committee retired into private session at 4.45 pm in order to take legal advice and make their decision.

The meeting resumed at 5.35 pm. The legal adviser, Guy Bishop reported that he had given advice on Section 138 of the Licensing Act and the Thwaites judgement.

Councillor Philip Jones relayed the decision of the Sub-Committee as follows:

RESOLVED: To take no action with regard to the review of the premises licence.