

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 30 April 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (In the chair)
Councillor Lorraine Lauder MBE
Councillor Wilma Nelson

OTHERS PRESENT: Debra Silvester, representative for premises
Waqas Choudhary, new premises owner
P.C. Graham White, Metropolitan Police Service
P.C. Ian Clements, Metropolitan Police Service
Shamoon Ali Choudhary, applicant for premises licence (withdrawn)

OFFICER SUPPORT: Joanne Devlin, legal officer
Wesley McArthur, licensing officer
Ray Moore, health and safety officer
Debra Lawless, health and safety officer
Bill Masini, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor David Hubber was nominated by Councillor Lorraine Lauder MBE to chair the meeting. This was seconded by Councillor Wilma Nelson.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept supplemental information in item 7 as late and urgent.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: APPLICATION TO TRANSFER A PREMISES LICENCE AND APPLICATION TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR (DPS) IN RESPECT OF SUPERWAY EXPRESS, 212 JAMAICA ROAD, LONDON SE16 4BD - MR AHMAD

This item was withdrawn at the request of the applicant.

6. LICENSING ACT 2003: APPLICATION TO TRANSFER A PREMISES LICENCE AND APPLICATION TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR (DPS) IN RESPECT OF SUPERWAY EXPRESS, 212 JAMAICA ROAD, LONDON SE16 4BD - MR CHAUDHARY

This item was withdrawn at the request of the applicant.

7. LICENSING ACT 2003: SUPERWAY EXPRESS, 212 JAMAICA ROAD, LONDON SE16 4BD - REVIEW

The licensing sub-committee heard from the representative of Superway Express who requested that the hearing be postponed. Members had questions of the representative of Superway Express in relation to the request for the postponement of the hearing.

The licensing sub-committee heard from the trading standards officer regarding the request for the postponement of the hearing. Members had questions for the trading standards officer in relation to the request for a postponement of the hearing.

The health and safety officer addressed the sub-committee regarding the request for a postponement of the hearing. Members had no questions for the health and safety officer.

The licensing sub-committee went into closed session at 11.05am.

The licensing sub-committee resumed at 12.10pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application by the council's trading standards service for a review of the premises licence granted under the Licensing Act 2003 in respect of the premises known as Superway Express, 212 Jamaica Road, London SE16 4BD, and having had regard also to all relevant representations has decided it necessary in consideration of regulations 11 and 12 of the Licensing Act 2003 (Hearings) Regulations 2005 to extend the time period and arrange for a hearing to be held on a specified date to be notified to the parties by close of business on 1 May 2014.

Reasons

Ms Silvester, the licensing agent representing Superway Express, submitted a request for the review hearing to be adjourned, in view of the recent application submitted by Mr Waqas Choudhury on 25 April 2014. Further submissions were made stating that Mr Waqas Choudhury had not been involved with the premises in recent times, since 2012,

and proposed to ensure compliance with the licence in the event that his application is granted. Furthermore, Ms Silvester, requested that the sub-committee hear the representations in terms of Mr Waqas Choudhury's application to transfer the licence into his name prior to considering the recent application for the review of the licence.

When asked why Mr Waqas Choudhury had submitted his application to transfer the premises licence on Friday 25 April 2014, he stated that he had not been aware of the ongoing issues with the premises and had only agreed to buy the premises on Friday 25 April 2014.

He further stated that as he was buying the premises, he therefore wanted to ensure that the licence was in his name. He stated that he would be buying the lease from Southwark Council and that none of the previous licence holders to the premises would have any further involvement, including Mr Sheraz Ahmed and Mr Shamoon Choudary. He also went on to confirm that due to his agreement to purchase the premises, there would not be any further applications to transfer the licence prior to the review hearing.

Ms Silvester, also submitted a letter signed by Mr Sheraz Ahmed, dated 29 April 2014, confirming that he wished to withdraw his application for transfer of the premises licence and DPS with immediate effect.

Mr Shamoon Choudhary also stated that he would withdraw his application to transfer the premises licence. However it was unclear as to whether this was done with immediate effect.

The licensing sub-committee heard from the trading standards officer, the applicant for the review, who stated that there had now been three applications to transfer the licence, with immediate effect, since the application for the review of the premises licence had been submitted. He expressed concern that the premises were still trading and considered that the recent applications to transfer the licence were tantamount to avoiding potential sanctions.

The trading standards officer highlighted concerns that the recent applications made in quick succession had been done in order to seek to circumvent the licensing procedure.

However, he did state that he considered the application to adjourn to be a sensible way forward and remained open minded in this respect.

The licensing sub-committee heard from the health and safety officer, supporting the application for the review, who confirmed her agreement to the proposed adjournment.

Having considered the representations made by the agent of Superway Express and those of trading standards and health and safety, the licensing sub-committee considered it prudent and in the public interest to adjourn the hearing in accordance with Regulations 11 and 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

Whilst the sub-committee were concerned at the timing of the latest application to transfer the licence with immediate effect to Mr Waqas Choudhury, consideration was given to this recent application and on this occasion, on balance, the premises licence holder has been given the benefit of the doubt in order to fully consider the representations made in respect of the review of the premises licence, which will not necessarily be afforded on the next

occasion.

The licensing sub-committee considered it was necessary and appropriate to adjourn the hearing to a date to be notified to all parties by close of business on 1 May 2014.

The meeting closed at 12.20pm.

CHAIR:

DATED: