



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 1 May 2012 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra
Councillor David Hubber
Councillor Ian Wingfield

OTHERS PRESENT: Mr Mohammed Zaheer Ali, applicant
Mr Arshad Ali, applicant
Mr Barry Craig, applicant's representative

OFFICER SUPPORT: Felix Rechtman, legal officer
Debra Allday, legal officer
Bill Masini, trading standards officer
Rosanna Keogh, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - PAYLESS, 94-96 PECKHAM ROAD, SE15 5PY

The licensing officer presented his report. Members had questions for the licensing officer. The applicant addressed the sub-committee. Members had questions for the applicant.

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

All parties were given five minutes to sum up.

The sub-committee went into closed session at 11.10am to consider the application.

The meeting resumed at 11.54am and the chair read out the decision as follows:

RESOLVED:

That the application made by Mohammad Zaheer Ali for a premises licence in respect of the premises known as: Payless, 94-96 Pelican House, Peckham Road, London SE15 5PY be refused.

Reasons

This was a hearing of an application by Mohammed Zaheer Ali (M Ali) for a premises licence in respect of the premises known as Payless, 94-96 Pelican House, Peckham Road, London SE15.

The sub-committee heard from the applicant's representative that this was a new application by a new individual and that the application had nothing to do with Mr Shafait Ali (S Ali). At the outset of the hearing the applicant's representative produced an agreement dated 25 February 2011 made between Mr S Ali and Pelican Payless Limited whereby Mr S Ali gave control to Pelican Payless Limited over the premises for a fee. The applicant's representative further submitted that Mr Arshad Ali (A Ali) is the sole director of Pelican Payless but that the application was made in the name of M Ali as Mr A Ali had no personal licence. The applicant's representative submitted that Mr S Ali had no control or involvement in the premises any more and even was willing to offer an undertaking that Mr S Ali will not be allowed on the premises if a licence is granted. The applicant's representative also submitted that there are no objections from the police or the fire brigade. Finally, the applicant's representative submitted that they will not be an adverse impact on the area in light of the fact that the area is designated as a saturation zone but did not give any particulars in that respect.

The sub-committee heard from the council's trading standards department that they object strongly to the granting of this licence on the basis that they consider that Mr S Ali is still in control of the premises despite the documents provided this morning. Trading standards submitted that Mr S Ali had a history of convictions for selling tobacco and alcohol to minors and therefore was not a proper person to manage and run licensed premises. Trading standards submitted that the agreement which was produced this morning was a mere sham as this agreement was entered into in February 2011 but since then Mr S Ali made two applications for a premises licence in respect of these premises despite the alleged agreement. Trading standards also submitted that the applicant in this application

had the same home address as Mr S Ali.

Firstly, the sub-committee considered whether the applicant had satisfied the sub-committee that there will not be an adverse impact on the licensing objectives by granting this application in a saturation zone. The sub-committee found that the applicant did not demonstrate either in their operating schedule or at the hearing today that there will be no negative cumulative impact on the licensing objectives. Clearly granting a new application for sale of alcohol from 6.30am to 11.00pm is likely to have adverse impact on the licensing objectives in an area specifically designated as a saturation zone.

Secondly, the sub-committee considered the submissions made by trading standards in this matter and decided in light of the evidence that there is a strong indication that Mr S Ali will have some control over the premises despite the submissions made by the applicant to the contrary. The sub-committee made this finding on the basis of the agreement which was produced today dated 25 February 2011. The said agreement was entered into some 15 months ago and yet since this alleged agreement was entered into, Mr S Ali did make two licence applications in relation to these premises which, on the balance of probabilities, suggest that Mr S Ali is still in control of the premises. This was also in direct contradiction to the evidence given at the sub-committee by Mr A Ali that he has been in control of the premises and had been paying rent to Mr S Ali since February 2011 as clearly if this was correct then the previous applications made in December 2011 and February 2012 would have been made by Mr A Ali and not Mr S Ali.

For the above reasons this application is herewith refused.

Appeal rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the 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.

The meeting ended at 12.01pm.

CHAIR:

DATED: