



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 22 March 2013 at 10.00 am at Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra (Chair)
Councillor Jeff Hook
Councillor Althea Smith

OTHERS PRESENT: Prasanna Balachandran, representative from Walworth Convenience Store
Saravanamuthu Viveganthan, representative from Walworth Convenience Store

OFFICER SUPPORT: Felix Rechtman, legal services
David Swaby, licensing officer
Hedley Setahul, trading standards officer
Paul Gander, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the 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. REGISTRATION UNDER THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005: NEWS MARK, 104 PECKHAM HIGH STREET, SE15 5ED

The licensing officer presented the report. Members had questions for the licensing officer.

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

The sub-committee noted that no representatives from News Mark were present.

The meeting went into closed session at 10.35am.

The meeting resumed at 10.55am and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by the licensing unit for revocation of the registration issued under the Manufacture and Storage of Explosives Regulations 2005 granted to the premises known as News Mark, 104 Peckham High Street, London SE15 5ED is granted.

Reasons

This was an application by the council's licensing unit for revocation of the registration issued under the Manufacture and Storage of Explosives Regulations 2005 in respect of News Mark, 104 Peckham High Street, London SE15 5ED.

The licensing sub-committee heard from the Southwark Council trading standards team that they have identified a serious breach by the registration holder in the storing of explosives. Trading standards also submitted that the registration holder or one of their employees specifically lied to trading standards officers in order to conceal the breaches. Trading standards submitted that the registration holder was interviewed under caution in which the registration holder admitted the breaches and indicated that he wished to surrender the registration. In the circumstances trading standards applied for the registration to be revoked.

The sub-committee noted that the registration holder did not seek to defend this application nor made any submissions against the application for revocation. The sub-committee assumes that the registration holder chose to take no part in these proceedings in view of the indication given to trading standards that he was willing to surrender the registration.

In the circumstances the sub-committee accepted the evidence submitted by trading standards and resolved to revoke this registration under Section 17 of the Manufacture and Storage of Explosives Regulations 2005.

Appeal rights

A person may appeal to the Secretary of State against a decision of a licensing authority

to refuse to register him or to revoke his registration and the provisions of section 44 (2) to (6) of the 1974 Act (appeals in connection with licensing provisions) shall apply in respect of such appeal.

Regulation 19 contains provisions for appeal against the refusal or revocation of a registration. It should be noted that section 44 of the Health and Safety at Work etc Act 1974 already contains provisions for appeal against the repeal or revocation of licences. Regulation 19 extends the rights of appeal to cover registrations.

Appeals should be addressed to the Secretary of State for Work and Pensions, Caxton House, Tothill Street, London SW1H 9DA.

6. REGISTRATION UNDER THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005: T/A WALWORTH CONVENIENCE STORE, 365 WALWORTH ROAD, SE17 2AL

The licensing officer presented the report. Members had no questions for the licensing officer.

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

The sub-committee heard from the representatives from Walworth Convenience Store. Members had questions for the representatives from Walworth Convenience Store.

The sub-committee went into closed session at 11.15am.

The sub-committee resumed at 11.35pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application by the licensing unit for revocation of the registration issued under the Manufacture and Storage of Explosives Regulations 2005 granted to T/A Walworth Convenience Store, 365 Walworth Road, London SE17 2AL is granted.

Reasons

This was an application by the council's licensing unit for revocation of the registration issued under the Manufacture and Storage of Explosives Regulations 2005 in respect of Walworth Convenience Store, 365 Walworth Road, London SE17 2AL.

The licensing sub-committee heard from the Southwark Council trading standards team who advised that the registration should be revoked as the registration holder has failed to comply with the guidance for secure storage of fireworks and explosives over the last two to three years. Trading standards referred to a number of visits to the premises in which breaches were found in 2010, 2011 and 2012 and further submitted that on each such visit advice was given to the registration holder for securely securing explosives and even warning letters were issued but the registration holder ignored the said advice repeatedly. In view of these repeated failings trading standards felt that the registration holder was not

fit to hold such a registration and therefore applied for revocation.

The licensing sub-committee heard from the registration holder from Walworth Convenience Store that they wish to improve the way they store explosives in order to maintain their registration. The registration holder also submitted that they have now secured a new side room for storage of the explosives. The registration holder accepted that there were a number of visits from trading standards officers over the past three years and accepted that a number of breaches were brought to their attention, which they failed to act upon.

The sub-committee accepted the evidence submitted by trading standards that a number of breaches were found at the premises and further accepted that the registration holder repeatedly failed to remedy the situation despite being advised on a number of occasions by trading standards as to the appropriate action to be taken in order to maintain safety. The sub-committee noted that there are residential flats immediately above the premises and the residents there may have been put at risk by the registration holder's inaction and in the circumstances find that the registration holder is not a fit person to store explosives and therefore resolved to revoke this registration under Section 17 of The Manufacture and Storage of Explosives Regulations 2005.

Appeal rights

A person may appeal to the Secretary of State against a decision of a licensing authority to refuse to register him or to revoke his registration and the provisions of section 44 (2) to (6) of the 1974 Act (appeals in connection with licensing provisions) shall apply in respect of such appeal.

Regulation 19 contains provisions for appeal against the refusal or revocation of a registration. It should be noted that section 44 of the Health and Safety at Work etc Act 1974 already contains provisions for appeal against the repeal or revocation of licences. Regulation 19 extends the rights of appeal to cover registrations.

Appeals should be addressed to the Secretary of State for Work and Pensions, Caxton House, Tothill Street, London SW1H 9DA.

The meeting closed at 11.37am.

CHAIR:

DATED: