



## **LICENSING ACT 2003**

### **Applications for the transfer of a premises licence and a change of Designated Premises Supervisor**

#### **Decision Record**

**APPLICANT:** Mrs Amareet Kaur Madaan

**PREMISES:** No. 310 Fernhill Road, Farnborough

**DATE OF HEARING:** 4th July, 2017

**MEMBERS SITTING:** Cllrs Sue Carter, L.A. Taylor and  
Jacqui Vosper (Chairman)

## DECISION

- 1) To grant the application to transfer the premises licence to Mrs Amarjeet Kaur Madaan for the reasons given below.
- 2) To reject the application to vary the licence to specify Mr. Kulraj Singh Madaan as designated premises supervisor for the reasons given below.

The transfer of the premises licence shall take effect immediately.

## REASONS

The Sub-Committee is satisfied, on the balance of probabilities, that these steps are appropriate for the promotion of the licensing objective of the prevention of crime.

In coming to its decision, the Sub-Committee has taken into account:

- The Licensing Act 2003 Sections 44 and 39, which state that the Sub-Committee must reject the applications to transfer and vary the premises licence respectively, if, having regard to the notices, it considers it appropriate for the promotion for the crime prevention objective. The Sub-Committee has considered each application separately;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003;
- The Council's Statement of Licensing Policy 2010–11. The Sub-Committee has taken into account the fact that the Council's Licensing Policy has yet to be revised following changes in the legislation and has disregarded any parts that are now out of date; and
- Written and oral evidence presented at the hearing.

In granting the application to transfer the premises licence to Mrs Madaan, the Sub-Committee noted that there was no evidence that the applicant herself had been involved in any criminal activity and she had held a licence in her own name for a period in the past, without any problems arising.

In rejecting the application to vary the licence to specify Mr Kulraj Madaan as the designated premises supervisor, the Sub-Committee noted that his convictions in 2013 related to very serious offences which occurred in 2011. It accepted that it demonstrated a calculated intention to evade the legal obligation of all individuals and businesses

within the United Kingdom to pay tax and demonstrated a disregard for the law. Considering the seriousness of these offences, the Sub-Committee believed it was too early to regard Mr Madaan as having reformed and having been rehabilitated.

The Sub-Committee heard that the applicant had bought the premises back from Mr Pritpal Singh, whose involvement in the running of the business was continuing, pending resolution of the transfer. Evidence was given that she had previously held a licence without problem for a period after the earlier licence had been revoked. She was expecting her fourth child and had confidence that her husband had learned his lesson and would not engage in any unlawful activities. He was selling his other shop and was now involved in the business again; he was able to participate in non-licensable activities at the premises.

The Police had no evidence that the applicant herself had been involved in criminal activity. Their concern related to the likelihood of Mr Madaan being a significant influence in the running of the business.



**RUSHMOOR**  
BOROUGH COUNCIL

# **LICENSING ACT 2003**

## **Applications for a New Premises Licence**

### **Decision Record**

**APPLICANT:** Mrs Tahereh Nezam-Tehani

**PREMISES:** Nos. 38 - 40 Alexandra Road, Farnborough

**DATE OF HEARING:** 4th July, 2017

**MEMBERS SITTING:** Cllrs Sue Carter, L.A. Taylor and  
Jacqui Vosper (Chairman)

## DECISION

To grant the licence, subject to:

- The mandatory conditions imposed by the Licensing Act, 2003; and
- Conditions consistent with the premises licence operating schedule, including the conditions listed below under 'Other Conditions'.

The additional conditions have been imposed following consideration of the evidence and the submissions made to the Sub-Committee, to promote the licensing objective of prevention of public nuisance.

The premises licence shall take effect from 5th July, 2017.

## REASONS

In coming to its decision, the Sub-Committee has taken into account:

- The Licensing Act Section 18, which states that, having regard to relevant representations that are made, the Sub-Committee must take such steps it considers appropriate for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly paragraphs 2.15 and 2.16 which advise that the Sub-Committee should concentrate on the effects of the licensable activities on people living and working in the area, which are disproportionate and unreasonable. Also paragraph 1.16 which advises that conditions should be proportionate, justifiable and capable of being met;
- The Council's Statement of Licensing Policy 2010–11. The Sub-Committee has taken into account the fact that the Council's Licensing Policy has yet to be revised following changes in the legislation and has disregarded any parts that are now out of date; and
- Written and oral evidence presented at the hearing.

The Sub-Committee has carefully considered all the concerns of local residents and businesses. However the applicant had not yet started to run a business from these premises and the Sub-Committee heard that the applicant and her family members had experience of running businesses without problems.

The Sub-Committee recognised the efforts being made by the

applicant to meet the concerns of local people by being prepared to compromise where necessary. It had confidence that the business would be run in a responsible way.

**OTHER CONDITIONS  
(New, amended and deleted conditions consistent with  
the operating schedule)**

**NEW CONDITIONS:**

1. (i) Delivery drivers operating from or on behalf of the premises shall not leave their vehicle engines running / idling at any time when not in motion and / or when parked in the vicinity of the premises.  
  
(ii) Delivery drivers operating from or on behalf of the premises shall be provided with suitable and sufficient instruction regarding the manner by which they should park, enter and / or alight their vehicles so as to ensure the prevention of public nuisance.
2. Alcohol shall only be sold for consumption off the premises, where it is purchased with a substantial takeaway meal.
3. The external area of the premises shall be closed to patrons from 9.00pm on any day.
4. At all times that the external area of the premises is in use by patrons, a member of staff shall monitor the external area to ensure that no alcohol is consumed on the premises.
5. The maximum number of customers permitted to use the external area of the premises shall be limited to fifteen at any one time.