



LICENSING ACT 2003

Application for a New Premises Licence

Decision Record

APPLICANT: Mr Kulraj Singh Madaan

PREMISES: Nos. 308-310 Fernhill Road, Farnborough.

DATE OF HEARING: 24th August, 2020

MEMBERS SITTING: Cllrs A.K. Chowdhury, Christine Guinness
and S.J. Masterson (Chairman)

DECISION

To grant the licence, subject to:

- The terminal hour of opening on Fridays and Saturdays being 11pm;
- Conditions consistent with the operating schedule, including an additional condition in relation to CCTV set out below; and
- The mandatory conditions imposed by the Licensing Act 2003.

The Sub-Committee considered that, on a balance of probabilities, these were necessary for the promotion of the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance.

REASONS

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

- The Licensing Act Section 35, which states that the Sub-Committee must take such steps it considers necessary for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, particularly
 - Paragraph 1.17 which advises that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy;
 - Paragraph 9.38 which states that the Licensing Authority must give appropriate weight to the steps that are appropriate to promote the licensing objectives; the representations made, the Statutory Guidance and its own Statement of Licensing Policy; and
 - Paragraph 9.12 which states that the police should usually be the licensing authority's main source of advice on matters relating to crime and disorder. It is noted that there was no Police representation in this matter;
- The Council's Statement of Licensing Policy and Guidance (Version 2 2018); and
- All the written representations and oral evidence presented at the hearing.

The Sub-Committee heard representations from the Licensing Officer on behalf of the Licensing Authority, the Senior Licensing Officer on behalf of the Licensing Authority as Responsible Authority and from the Applicant and his legal representative. The local resident did not attend but their written representations were also considered by the Sub-Committee. The representation in the papers from Trading Standards was withdrawn and not considered.

All of the parties and the Sub-Committee had the opportunity to ask questions of all other parties.

The Applicant's barrister submitted that the Applicant's earlier conviction for selling counterfeit goods was now spent and should not be taken into account. She advised he has been working at another premises where that had been no issues and he is also a personal licence holder with no issues having been raised in this regard by the licensing authority in which those other premises were situated. The Applicant submitted he was a changed person since his conviction and the Sub-Committee accepted that the conviction should not be taken into account and did not agree with the submissions of the Licensing Authority as responsible Authority in this regard. Whilst sympathetic to the issues of some anti-social behaviour in the area which were acknowledged the Applicant's barrister explained that there was no suggestions that the particular incidents had been caused by the current licensed premises at No. 310 Fernhill Road.

The Applicant satisfied the Sub-Committee that concerns relating to crime, disorder and antisocial behaviour would be mitigated by the use of CCTV cameras and the other steps outlined in the Operating Schedule. The Applicant clearly stated he would have a minimum of 14 cameras on the premises.

The Applicant is reminded that failure to comply with a condition is a criminal offence.

Interested Parties and Responsible Authorities may apply for a review of the licence in the future should there be any concerns about the operation of the licence or the running of the premises.

Finally, all parties have a right of Appeal to the Magistrates Court within 21 days of the date of the publication of this decision notice.

OTHER CONDITIONS

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

NEW CONDITION:

- 1) CCTV
 - (i) A minimum of 14 (fourteen) digital CCTV cameras, linked to a recording facility which captures images of evidential quality, shall be operational at the premises during any period in which licensable activities are permitted.