

Ealing Council

**NOTICE OF DECISION**

LICENSING SUB-COMMITTEE- REVIEW HEARING 20 MARCH 2019
LICENSING ACT 2003 (AS AMENDED)
ANIL FOOD & WINE, 218 HORN LANE W3 0BU

DECISION

At the Hearing the Sub Committee carefully considered the papers before it; the representation made by Mr Robert Dear, acting on behalf of the Licensing Authority and by Mr Hakimzada, the Licence Holder; the Home Office (April 2018) Revised Guidance issued under S182 of the Licensing Act 2003 and, in particular, the Steps to Promote the Licensing Objectives (Paragraphs 8.33 – 8.41) and Ealing Council Statement of Licensing Policy. The decision of the Sub Committee was to revoke the licence.

REASONS FOR THE DECISION

In reaching its decision the Sub Committee considered the range of powers available to it, namely:-

- to modify the conditions of the Premises Licence
- to exclude a licensable activity from the scope of the Premises Licence
- to remove the DPS
- to suspend the Premises Licence for a period not exceeding three months
- to revoke the Premises Licence

And given:

- (i) the seriousness of the matter and quantities of illegal tobacco seized in the initial visit conducted by officers from Licensing and Trading Standards at the premises in May 2018, which amounted to over £4000 of unpaid duty and was the largest single seizure in Ealing Borough.
- (ii) that having appealed the decision of the Licensing Sub Committee which reviewed its premises licence in July 2018, and having agreed to a Court Consent order in December 2018 that suspended the licence for a period of six weeks, the premises continued to sell alcohol during that period as demonstrated by the test purchase carried out by Ealing Council officers in the premises where alcohol was sold to officers soon after the order had been issued.

The Sub Committee were disappointed to see Mr Hakimzada again in less than a year since the initial review hearing for the premises, and even more so to see that Mr Hakimzada had shown a clear lack of regard to a Court order, which had been consented to. The Sub Committee considered that the licence holder had demonstrated recklessness in employing staff that he could not trust. The Sub Committee noted that the licence holder had not shown the capacity to learn from his mistakes.

Hence, the Sub Committee were satisfied the decision was appropriate for the promotion of the licensing objectives and proportionate for what was intended to be achieved and that the premises licence should be revoked.

RIGHT OF APPEAL

The applicant, licence holder or any person who made relevant representations may appeal against the Sub-Committee's decision, or against the conditions imposed, or that different or additional conditions ought to have been imposed, or that a licensable activity applied for should have been excluded, or that the Sub Committee should have refused to specify a person in the licence as the premises supervisor.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated within 21 days of the receipt of this notice of decision.

Date: March 2019.