



HILLINGDON
LONDON



Notice of Hearing

Licensing Sub-Committee

A

Date: FRIDAY, 2 OCTOBER 2009

Time: 10.00 AM

Venue: COMMITTEE ROOM 3 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

This agenda and associated reports can be made available in other languages, in Braille, large print or on audio tape on request. Please contact us for further information.

Councillors on the Sub-Committee:

Josephine Barrett (Chairman)
Lynne Allen
Peter Kemp

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Wednesday 30 September 2009

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Thursday, 17 September 2009

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Tel: 01895 277655
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Email: nwilliams@hillington.gov.uk

This Agenda is available online at:

http://www.hillingdon.gov.uk/index.jsp?articleid=5553&action=view_doc&cid=74

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



INVESTOR IN PEOPLE

Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



Agenda

Hearing Protocol - Review of Premises Licences and Certificates

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part 1 will be considered in Public and the items marked Part 2 will be considered in Private
- 4 Consideration of the report from the Council's Licensing Officer

Part 1 (Public)

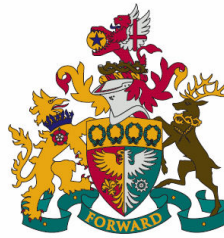
For Licensing Sub-Committee A

	Title of Report / Address of application	Ward	Time	Page
	World Wines Station Road Hayes UB3 4DD	Botwell	9.50am Briefing 10am Start of Hearing	11 - 15

- 5 Any items transferred from Part 1
- 6 Any other business in Part 2
- 7 Appendices

Part 2 (Members Only) Witness Statement

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HILLINGDON
LONDON

Licensing Act 2003

Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates

This protocol outlines the procedures that will apply:

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures if you wish to attend and be heard at a Licensing sub-committee hearing

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

Hillingdon Democratic Services will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are shown on the front page of the Agenda (attached to the front of the Notice of Hearing).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant requests attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: nwilliams@hillington.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*Full details are given in the front of the Notice of Hearing of the deadline by which you should give your notice. All those who have made a request and the premises licence holder are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my request - how do I do this?

Any party may withdraw their request by contacting the Clerk to the Committee by telephone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during the hearing, any party wishes to withdraw their request they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

When a party informs the authority that he/she cannot attend the hearing or, without prior notice, fails to attend or be represented at the hearing, the sub-committee may either adjourn the hearing to a specified date, but **only** where it considers this to be necessary in the public interest or necessary for its consideration of any representations. Alternatively, the sub-committee may hold the hearing in the party's absence.

Where the sub-committee adjourns the hearing it shall notify the parties of the new date, time and place to which the hearing has been adjourned. Where the hearing is held in the absence of a party the sub-committee will still consider the application or any representations submitted by that party.

Can the date of the hearing be changed?

Only if the Licensing sub-committee scheduled to hear the review considers it to be necessary in the public interest or necessary for its consideration of any representations made by a party. In all other circumstances, the licensing authority cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

2. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 607, 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the person who has requested the review may attend in person or, if the review is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Legal Advisor can outline the procedures to be followed at the hearing.

What if there is more than one Applicant or a number of different Parties to the review attend the hearing?

At the briefing, the Legal Advisor may ask that a spokesman is agreed amongst those present who have similar requests for a review or representations in support.

Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

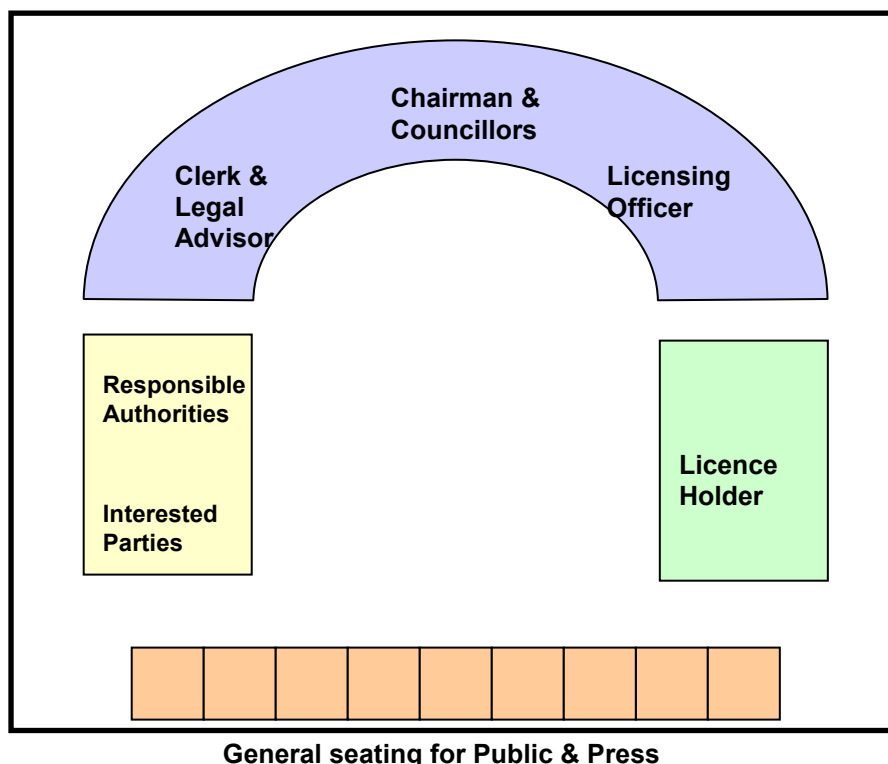
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Advisor** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual matters and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

The hearing will begin immediately after the procedural briefing and the set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

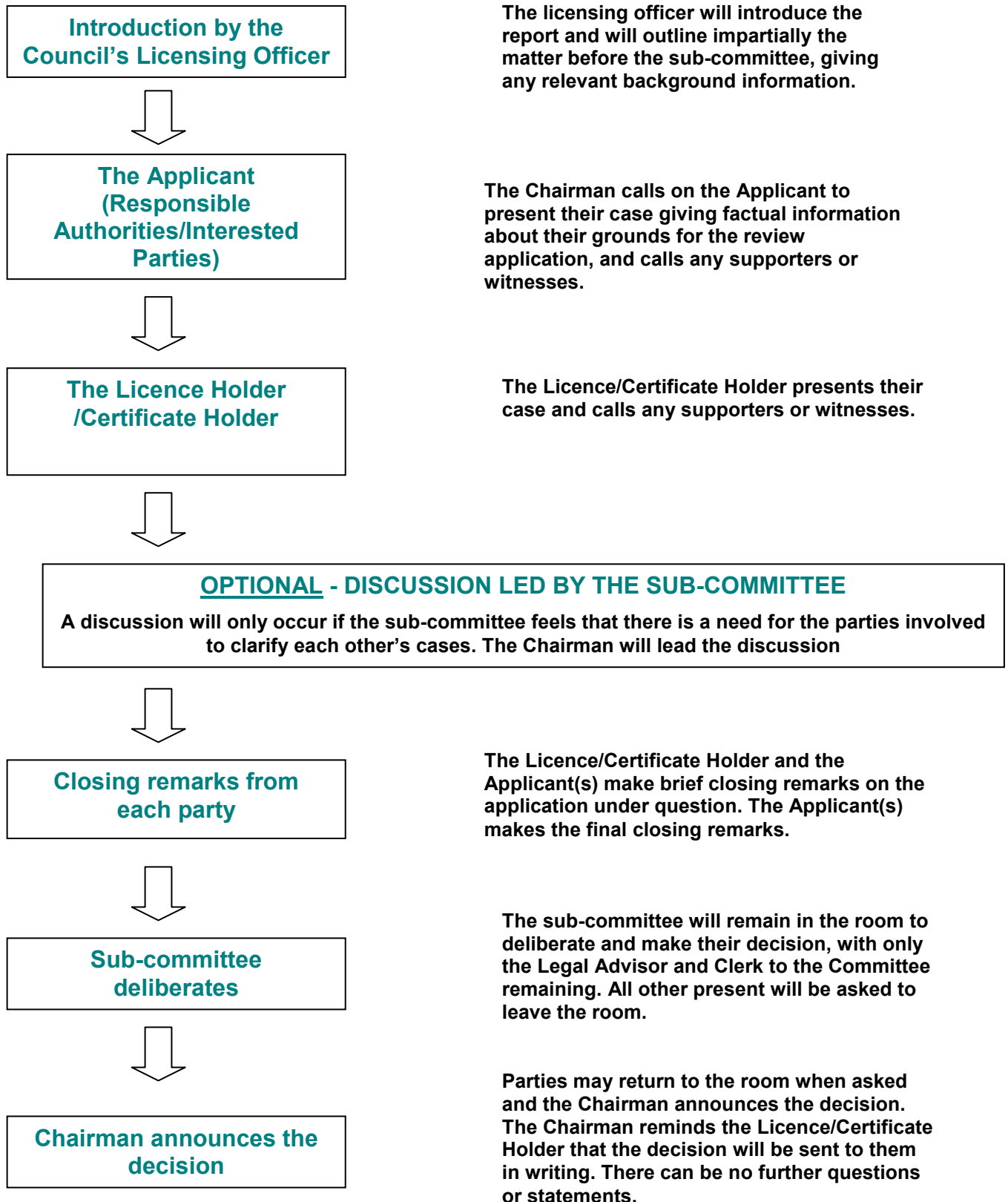
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



Can a councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can a ward Councillor make a representation and or speak at a hearing?

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state the reasons for that decision, taking into account the evidence presented by all parties during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send the premises licence holder a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the licence. In addition, a copy of the decision letter will be sent to all those who made an application for a review in connection with the premises. This will confirm the decision made; any conditions attached to a review application or the reasons for revocation. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:

www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the premises licence holder or any person who has made an application for a review can appeal to the Magistrates Court.

How can I find out about other applications in my area?

The council's Licensing Service is required to arrange for a poster to be displayed at, or near, the premises in question when applications for Reviews of premises licences or club premises certificates are received. A poster is also displayed at the Civic Centre.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

APPLICATION FOR A REVIEW OF PREMISES LICENCE

Committee	Licensing Sub-Committee
Officer Contact	Sharon Garner 01895 277230
Papers with report	Appendix 1 – Review application form Appendix 2 – List of Responsible Authorities Appendix 3 – Memorandum from Trading Standards Appendix 4 – Memorandum from Safeguarding Children Appendix 5 – Current Premises Licence Appendix 6 – Photographs of the premises Appendix 7 – Map of the area
Ward(s) affected	BOTWELL

SUMMARY

To consider an application for a Review of a premises licence under Part 3 Section 51, of the Licensing Act 2003 made by the Metropolitan Police Service in respect of World Wines, Station Road, Hayes.

RECOMMENDATION

That the Licensing Sub-Committee determine the application.

INFORMATION

- 1.1 An application for a Review of the premises licence for World Wines, Station Road, Hayes made by the Metropolitan Police Service, was received on 7th August 2009 on the grounds of:-

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The premises is a single unit convenience shop trading as an off licence.

- 1.2 The Metropolitan Police Service sent copies of the application to all the Responsible Authorities (list attached as **Appendix 2**), as required by the Licensing Act 2003. A copy of the application is annexed to this report as **Appendix 1**.
- 1.3 In accordance with the legislation, a poster giving details of the application was displayed at the premises for 28 days and weekly checks were made by the Council's Licensing Officers to ensure that the poster was still correctly displayed.
- 1.4 As required by the legislation, a poster was also displayed on the Civic Centre notice board for 28 days and the details were listed on the Council's website.

- 1.5 The legislation provides for other Responsible Authorities and/or interested parties such as residents to support the Review application. The period for Responsible Authorities and local residents to support the application for a review expired on 4 September 2009. Two other Responsible Authorities wrote in support of the application.

Copies of the letters of support are annexed to this report as **Appendices 3 & 4**.

LEGAL IMPLICATIONS

- 2.1 The Licensing Act 2003 requires local authorities to consider licence applications for licensable activities. Licensable activities are defined as the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment. Licensable activities may not be carried on except under and in accordance with a licence.
- 2.2 An application for review is made under section 51 of the Licensing Act 2003. An application to review a licence must be made by either a Responsible Authority or Interested Party as defined under the Act.

Hillingdon Police are a Responsible Authority.

- 2.3 The Licensing Act 2003 has four objectives, and the licensing authority must take the objectives into account in considering an application for a review. The Application must also relate to at least one of the Licensing Act's four objectives:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 2.4 The Licensing Sub-Committee must also consider London Borough of Hillingdon's licensing policy when considering this review application. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003, and the Statement of Licensing Policy, the Licensing Act must prevail.

- 2.5 The Licensing Sub-Committee must receive and consider all representations submitted in the appropriate form in the appropriate time frame. The Licensing Sub-Committee must attach such "weight" to any relevant representations as it thinks fit having properly considered all the circumstances of the case.

Factors that could influence the appropriate weight to be placed on an representation may include:

- Whether the representation can be clearly related to the four licensing objectives;

- Whether the representation concerns matters over which the applicant is able, or has been able, to exercise control;
- Whether the Responsible Authority/Interested Party/Premises Licence Holder appears in person;
- Whether the representation is based on hearsay;
- Whether the representation is supported by evidence (either statistical evidence or evidence from a witness);

2.6 Following consideration of the application, relevant representations and any comments of the Licence Holder, Members of the Sub-Committee may take such steps mentioned in section 52(4) of the Licensing Act (if any) as they consider necessary for the promotion of the licensing objectives.

The steps are:

- To take no action
- To modify the conditions of the licence (this may include altering an existing condition or adding a new condition)
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

2.7 The final decision of the Sub-committee shall be based on the individual merits of the application and the factual findings made at the hearing.

2.8 An applicant may appeal a decision of the Licensing Sub-Committee to the Magistrates' Court. If the applicant were successful on appeal, then costs could be awarded in favour of the applicant against the local authority. However, the risk of appeal should not be a factor in reaching a decision, and the Licensing Sub-Committee should consider each application on its merits taking into account the legislation and the Statement of Licensing Policy.

2.9 An applicant may seek to challenge the decision of a the Licensing Sub-Committee on the grounds that the process adopted by the Licensing Sub-Committee is incompatible with the Convention for the Protection of Human Rights and Fundamental Freedoms:

Article 1 of Protocol 1 of the European Convention of Human Rights confers on individuals (and companies) the right to peaceful enjoyment of their possessions and protection of their property. Members of the Sub-Committee must bear in mind:

- That a Licence is a possession;
- That no one can be deprived of their property or have controls put on their property except where the action is permitted by law and justifiable in the public interest; and
- When considering matters relating to the suspension or revocation of licences, the exclusion of licensable activities and the placing of conditions on licences, it must consider whether the decision affects an individual, group or company's human rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate to

the general purpose.

Article 6 confers the right to a fair and public hearing within a reasonable time by an independent tribunal established by law. The process must be fair in terms of parties being able to put their case, hear and challenge witnesses and the proceedings must be free from bias.

It is unlawful for the Licensing Sub-Committee to act in a way which is incompatible with the Convention for the Protection of Human Rights and Fundamental Freedoms which has effect for the purposes of the Human Rights Act 1998.

Additionally, an applicant could seek to challenge the procedure and decisions of the Licensing Sub-Committee in a Judicial Review action.

2.10 The Licensing Sub-Committee must ensure that:

- It acts within its powers.
- It acts fairly.
- It acts reasonably.
- It acts in accordance with the rules of natural justice (namely, that parties are given a chance to “have their say”).
- It takes into account all relevant considerations and does not take into account any irrelevant considerations.
- The decision is not a decision that no Licensing Sub-Committee, acting reasonably, would have reached.

FINANCIAL IMPLICATIONS

3.1 Members should be aware that the Environment and Consumer Protection does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

LIST OF REPRESENTATIONS

	Prevention of Crime & Disorder	Public Safety	Prevention of Public Nuisance	Protection of Children from Harm
Metropolitan Police Service	X	X	X	X
Trading Standards	X			X
Safeguarding Children				X

RELEVANT DOCUMENTS

- Copy of Review application from Metropolitan Police Service
- List of Responsible Authorities
- Copies of letters of support from Trading Standards & Safeguarding Children

- Copy of premises licence
- Photographs of the premises
- Map of the area
- Witness Statement – PART 2 – MEMBERS ONLY

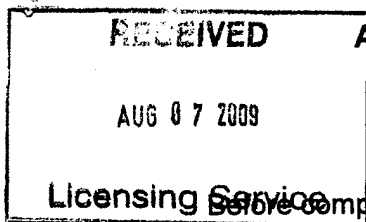
BACKGROUND DOCUMENTS:

The Licensing Act 2003

Guidance under Section 182 of the Licensing Act

Statement of Licensing Policy

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Ian MEENS Police Licensing Sergeant

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>World Wines</u> <u>38 Station road Hayes.</u>	
Post town Hayes	Post code (if known) UB3 4DD

Name of premises licence holder or club holding club premises certificate (if known) Mr Rupinder Singh Obhrai

Number of premises licence or club premises certificate (if known) Number 361/05
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Police Sergeant Ian MEENS (on behalf of the Commissioner of the Metropolitan Police) Northwood Police Station, 2 Murray Road, Northwood. HA 2YN

Telephone number (if any) 0208 246 1933

E-mail address (optional)

ian.meens@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 1)

At the start of this year Hayes Town Centre was to be targeted by the Local Authority and police as part of a plan to improve the area generally and to complement the new developments, the town centre being seen to have a problem with street drinkers and other persons generally thought to be giving the area a poor sense of appeal to users.

In February letters were sent out to all licensed premises to request that they support the initiative and maintain strict control over alcohol sales.

In early April a complaint was received by a local councillor following complaints to several councillors in regard to world wines selling to the drunks who were frequenting the town centre.

On 16th April officers gave a specific warning to the staff at World Wines regarding the service to Drunks.

On 17th April the local Safer Neighbourhood Team Sergeant PS Mapes repeated this warning and gave advice to the wife of the licence holder.

On 22nd April a passing police officer saw a drunken male enter the shop. The officer was able to stop the male after a very short break in observation. The male was then in possession of an alcohol product and the subsequent investigation showed that the male had purchased alcohol in World Wines.

On the 7th July the shop was subject to a test purchase exercise conducted by Police and Trading Standards officers. Two 15 year old volunteers were able to purchase

alcohol sold to them by the wife of the licence holder.

Taking a number of warnings into account the full circumstances of which are recorded on the attached statement from PS Meens, the management failed to respond to the situation and appear unwilling or unable to address the problem. The result of which can be seen in the customers making a public nuisance committing offences and contributing to the levels of youth alcohol problems in the borough.

Police invite the committee to deal with this matter in a way that will clearly indicate that this sort of operation will not be tolerated.

If the committee chose not to revoke the licence then police would wish to see a modern set of conditions brought onto the licence which will assist us in the future should any similar allegation require investigation and also assist with crime prevention measures.

Please provide as much information as possible to support the application (please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

N/a

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *I An Allen*

Date *7/8/09*

Capacity *Police Licensing Sergeant*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) As above.	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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APPENDIX 2

RESPONSIBLE AUTHORITIES FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the original application to the Licensing Service and a complete copy of the application in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW</p> <p><i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens</p> <p><i>Hillingdon Police Enforcement</i> *for all areas except Heathrow</p>
<p>Chief Officer of Police c/o Inspector Robert Harrison ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ</p> <p><i>Heathrow Police Enforcement</i> *for Heathrow area <u>only</u></p>	<p>London Fire & Emergency Planning Authority Hillingdon Fire Station Uxbridge Road Hillingdon UB10 OPH Attn: Hillingdon Licensing Team</p> <p><i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>A body involved in the Protection of Children from Harm</i></p>	<p>Commercial Premises London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Environmental Health Officer</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer</p> <p>Enforcing Authority under the Weights and Measures Act 1985</p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Environmental Health Officer</p> <p>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</p>
<p>The Planning Department London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>The Planning Authority</i></p>	

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Sharon Garner - World Wines, 38 Station Road.

From: Martin King
To: Sharon Garner
Date: 02 September 2009 14:21
Subject: World Wines, 38 Station Road.

Sharon,

I have now had an opportunity to read through the review paperwork completed by PS Meens. Having regard to the circumstances, the Trading Standards Service would support a review of the premises licence.

In addition to the evidence supplied by PS Meens, you may also wish to take the following into account. On 29 October 2007, World Wines sold fireworks to a child volunteer under the age of 18. It is illegal to sell fireworks to a person under the age of 18. The volunteer was a police cadet acting under police and trading standards direction. The person who sold the fireworks was MANMEET OBHRAI. It was again MANMEET OBHRAI who sold alcohol to an underage person in the test purchasing exercise carried out on 7 July 2009. The witnessing officer for the fireworks supply was myself, and for the alcohol supply was King Yip Cheung.

In relation to the fireworks supply, both World Wines and Mrs Obhrai received letters of warning. In relation to the alcohol supply, Mrs Obhrai was issued with a PND.

It would appear that World Wines have a history of selling age restricted products to under age persons. Please do not hesitate to contact me should you require any further information.

Regards,



RP Martin King
Senior Trading Standards Officer
London Borough of Hillingdon

www.tradingstandards.gov.uk/hillingdon

Tel: 01895 277424
Fax: 01895 277443

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M E M O R A N D U M

To: Sharon Garner – Licensing Officer – 3S/09

From: Paul Hewitt – Service Manager – Safeguarding Children

Date: 13th August 2009

LSCB REPRESENTATION

The LSCB supports the application made to review the licence of WORLD WINES, 38 Station Road, Hayes, on the grounds that the current practices of the Licence Holder, could be harmful for children, if it persists.

The LSCB has not received any specific complaint about WORLD WINES: but there are known problems with youth underage drinking in that locality. The LSCB wants to endorse the responsible selling of alcohol, as part of a concerted effort to protect children and young people from the harmful of alcohol misuse.

P. E. Hewitt

13/08/2009.

Service Manager

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LICENSING ACT 2003

Section 24



HILLINGDON
LONDON

PREMISES LICENCE

Ref:

SG/337/LBH

Premises Licence Number:

361/05

This Premises Licence has been issued by Norman C Stanley on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 17th September 2005

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

World Wines
38 Station Road

Post Town - Hayes

Postcode – UB3 4DD

Telephone number – 0208 573 2316

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence -

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities –

Monday to Saturday 08.00 to 23.00 hours
Sunday 10.00 to 22.30 hours
Good Friday 08.00 to 22.30 hours
Christmas Day 12.00 to 15.00 and 19.00 to 22.30 hours

The opening hours of the premises -

Not restricted

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

Off supplies only

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -

Mr Rupinder Singh Obhrai

149 Botwell Lane

Hayes

UB3 2AQ

0208 573 2316

Registered number of holder, for example company number, charity number (where applicable) -

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol –

Mr Rupinder Singh Obhrai

149 Botwell Lane

Hayes

UB3 2AQ

0208 573 2316

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –

L B Hil 0486 - London Borough of Hillingdon

Annex 1 – Mandatory Conditions

ALCOHOL

1. No sale / supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.
2. No sale / supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his / her Personal Licence is suspended.
3. Every sale / supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

Annex 2– Conditions consistent with the operating Schedule

General

The premises licence holder shall ensure that alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

World Wines, Station Road, Hayes

Plan Number 405/05

WORLD WINES, STATION ROAD, HAYES (08/09/09)





WORLD WINES.
38 STATION ROAD
HAYES

Map Print Layout



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Approx. Scale: 983
Date of Print: 8.9.2009
SLA: 100019283 2009

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