



HILLINGDON
LONDON



Notice of Hearing

Licensing Sub Committee (South)

Date: WEDNESDAY, 9
NOVEMBER 2011

Time: 1.00 PM

Venue: COMMITTEE ROOM 3A -
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:

Andrew Retter (Chairman)
Mike Bull
Janet Gardner
Peter Kemp
Brian Stead

Important Information

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

Monday, 7 November 2011

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: Monday, 24 October 2011

Contact: Gill Brice
Tel: 01895 250693
Fax: 01895 277373
Email: democratic@hillington.gov.uk

This Agenda is available online at:
<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=301&Year=2011>

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

Chairman's Announcements

- 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 items marked Part 2 will be considered in Private
- 4 Matters that have been notified in advance as urgent

Hearing Protocol for Premises Licensing Applications

Part 1 - Members, Public and the Press

- 5 Consideration of the report from the Council's Licensing Officer

Premises Licence Application in respect of Hayes Food and Wine, 75 Station Road, Hayes UB3 4BG

| Title of Report / Address of application | Ward | Time |
|--|-------------|---|
| Hayes Food & Wine 75 Station Road Hayes UB3 4BG | Townfield | 12.50pm Briefing 1.00pm Start of Hearing |

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Licensing Act 2003

Licensing Sub-Committee Hearing Protocol for determining new & variation premises/club licences

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 before you make a representations to an application or wish to attend and be heard at a Licensing sub-committee hearing

Version agreed by the Licensing Committee – 8 June 2011
Published by Democratic Services

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

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 representations 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: democratic@hillingdon.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.

*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants 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 representations - how do I do this?

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

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

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about their statements.

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.

Can the date of the hearing be changed?

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be held.

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 207, 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 applicant may attend in person or, if the application or objection 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 as relevant representations 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 Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

Who are the people on the Licensing sub-committee?

Five 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:

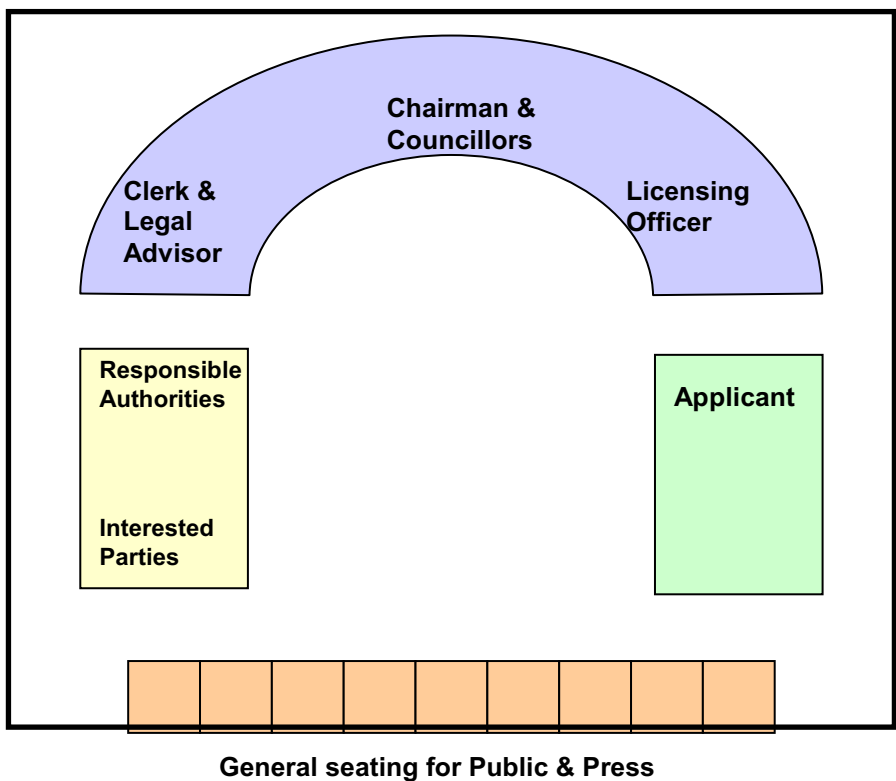
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual cases 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?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

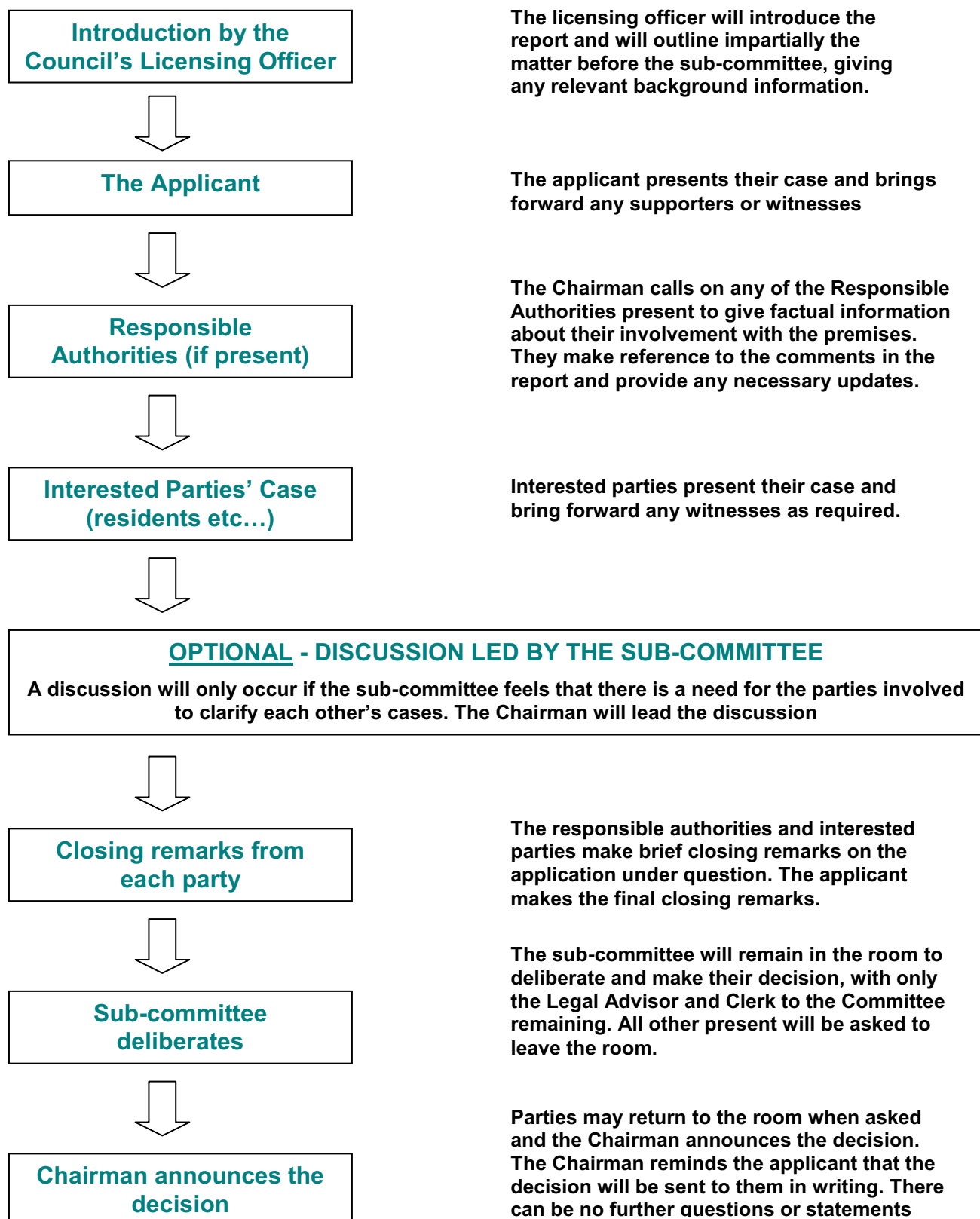
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may 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 five 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 an Elected Member make a representation and or speak at a hearing?

If an Elected Member, 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 Elected Member believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Elected Members, 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. 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 Elected Member 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.

Elected Members 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 in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

Members of the Sub-Committee may question any party or other person appearing at the hearing in connection with any evidence submitted.

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 applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. 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 applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

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

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

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.

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APPLICATION FOR A PREMISES LICENCE

| | | |
|---------------------------|---|--------------|
| Committee | Licensing Committee | |
| Officer Contact | Sharon Garner | 01895 277230 |
| Papers with report | Appendix 1 – copy of application form Appendix 2 – copy of representation from Sgt Meens Appendix 3 – Copy of representation from Trading Standards | |
| Ward(s) affected | Townfield | |

SUMMARY

To re-consider representations from the Metropolitan Police and Trading Standards in respect of an application for a premises licences for **Hayes Food and Wine (previously known as Hayes Superstore), 75 Station Road, Hayes UB3 4BG**

RECOMMENDATION

That the Licensing Sub Committee determine the application.

INFORMATION

- 1.1 An application for a new premises licence for Hayes Food and Wine, 75 Station Road, Hayes was received from Mr Amarjeet Singh on 2nd June 2011.

Note: A copy of the application form is annexed to this report as **Appendix 1**

- 1.2 The application was advertised in accordance with the standard procedures required by the Licensing Act 2003. Following the advertisement of the application no representations were received from local residents.

- 1.3 In accordance with the legislation, the applicant is required to send copies of the application to the responsible authorities being:

- The Metropolitan Police Service
- London Fire & Emergency Planning Authority
- Child Protection Service, LBH
- Commercial Premises Service, LBH
- Environmental Protection Unit, LBH
- Trading Standards Service, LBH
- Planning Service, LBH
-

A representation was received from the Metropolitan Police Service and Trading Standards

Copies of these representations are annexed to this report as **Appendix 2 and Appendix 3.**

- 1.4 The period for consultation and the making of representations in respect of this

application expired on 30th June 2011.

1.5 General Information

This application was considered by the Licensing Sub Committee on 27th July 2011. The Sub-Committee, considering all the information before it at that time, determined to refuse the application.

Subsequently, the decision was appealed to the Magistrates Court. The appeal is ongoing.

On 1st September 2011 a hearing was held for Costcutter, Coldharbour Lane, Hayes in which Mr Amarjeet Singh applied to transfer the premises licence into his name and to be named as the designated premises holder. This application was permitted with the understanding that a minor variation would be applied for to impose a condition on the licence to restrict Harcharan Singh and Manmohan Singh from having any connection to the business or the premises.

The change in Mr Amarjeet Singh's circumstance since the initial hearing of this matter by the Sub-Committee warrants the reconsidering Mr Singh's application for a Premises Licence at 75 Station Road, Hayes.

FINANCIAL IMPLICATIONS

- 2.0 Members should be aware that the Planning, Environment, Education and Community Services directorate 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's financial policy.

LEGAL IMPLICATIONS

3.0 Principles for making the determination

The general principle is that applications for a Premises Licence must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submit the application.

3.1 Relevant representations are those which:-

- Are about the effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are :

- a. The prevention of crime and disorder;**
- b. Public safety;**
- c. The prevention of nuisance; and**
- d. The protection of children from harm.**

Members should note that each objective is of equal importance. There are no other

licensing objectives, and the four objectives are paramount considerations at all times.

- 3.2 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Licensing policy when deciding whether or not to grant the 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.
- 3.3 Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.
- 3.4 When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or need are not in themselves relevant representations. For example, a representation from a bar owner that the grant of a premises licence to another bar will take customers away from his/her premises is not a relevant representation, nor is a representation from a local resident that another off licence in the parade of local shops is not needed.
- 3.5 The Licensing Sub-Committee can attach "weight" to any relevant representations. Factors that could influence the "weight" to be placed on a representation may include:-
- Whether the representation can be clearly related to any one of the four licensing objectives;
 - Whether the representation concerns matters over which the applicant is able to exercise control;
 - Whether the representation is based on "hearsay" evidence;
 - Whether the representation is supported by firm evidence;
 - Whether the person making the representation has attended the hearing in person.
- 3.6 Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:-
- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
 - To exclude any of the licensable activities to which the application relates
 - To amend the times for all or some of the licensable activities;
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application

3.7 **Conditions**

Conditions will not be necessary if they duplicate a current statutory requirement.

Members are also referred to the DCMS guidance on conditions, specifically section 10 and Annexe D.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the licence if it is granted (paragraph 10.11).

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 9.24). Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

3.8 Reasons

If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

The Role of the Licensing Sub-Committee

Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.

The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant.

However, if such events are not properly attributable to the premises being open, then

the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

3.9 Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Reconsideration of the Application

Section 12 of the Interpretation Act 1978 permits the Local Authority to carry out the functions provided to it from time to time and as the occasion requires. The change in the Applicant's circumstances since the matter was initially heard by the Sub-Committee warrants his application being reconsidered. The Sub-Committee shall take into account all the relevant matters before it on the day of the hearing and make such findings and determine the matter as it deems appropriate.

BACKGROUND PAPERS

Appendix 1 – copy of application form

Appendix 2 – copy of representation from Sgt Meens

Appendix 3 –copy of representation from Trading Standards

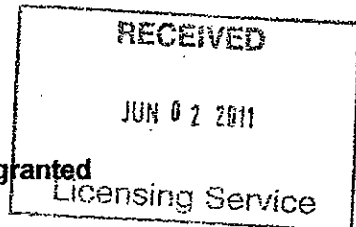
BACKGROUND DOCUMENTS:

The Licensing Act 2003

Guidance under Section 182 of the Licensing Act 2003

The Council's Statement of Licensing Policy

APPENDIX ①



Application for a premises licence to be granted
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/We AMARJEET SINGH

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | | | |
|--|-------|-----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description HAYES FOOD & WINE 75 STATION ROAD | | | |
| Post town | HAYES | Post code | UB3 4BG |

| | |
|---|---------------|
| Telephone number at premises (if any) | 020 8848 7246 |
| Non-domestic rateable value of premises | £27250 |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |



- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|---|------------------------------|---|-----------------------------|-------------------------------------|---|
| Mr <input checked="" type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname SINGH | | | First names AMARJEET | | |
| I am 18 years old or over | | | | <input checked="" type="checkbox"/> | Please tick yes |
| Current postal address if different from premises address | |  | | | |
| Post Town | HAYES | | | Postcode |  |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | - |
| Surname | | | First names | | |
| I am 18 years old or over | | | | <input type="checkbox"/> | Please tick yes |

| | | | |
|---|--|----------|--|
| Current postal address if different from premises address | | | |
| Post Town | | Postcode | |
| Daytime contact telephone number | | | |
| E-mail address (optional) | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | | | | |
|-----|--|-------|--|------|--|
| Day | | Month | | Year | |
| | | | | | |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | | | | |
|-----|--|-------|--|------|--|
| Day | | Month | | Year | |
| | | | | | |

Please give a general description of the premises (please read guidance note1)
OFF LICENSE AND CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

☐

Supply of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

A

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

C

| | | | |
|--|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 6) | | | <u>Please give further details</u> (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4) |
| Wed | | | |
| Thur | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |
| Sat | | | |
| Sun | | | |
| | | | |

E

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

G

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

| | | | | |
|--|-------|--------|---|--------------------------|
| Provision of facilities for making music Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the facilities for making music you will be providing</u> | |
| | | | <u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2) | |
| Day | Start | Finish | Indoors | <input type="checkbox"/> |
| | | | Outdoors | <input type="checkbox"/> |
| | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

K

| | | | | |
|--|-------|--------|---|-----------------------------------|
| Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6) | | | <u>Please give a description of the type of entertainment facility you will be providing</u> | |
| Day | Start | Finish | <u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors <input type="checkbox"/> |
| Mon | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 3) | |
| | | | | |
| Wed | | | | |
| Thur | | | <u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4) | |
| | | | | |
| Fri | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | |
| | | | | |
| Sun | | | | |

M

| | | | | | | |
|---|--------------|---------------|--|------------------|-------------------------------------|---|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> | |
| | | | | Off the premises | <input checked="" type="checkbox"/> | |
| | | | | Both | <input type="checkbox"/> | |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | | |
| Mon | 09:00 | 23:30 | | | | |
| | HRS | HRS | | | | |
| Tue | 09:00 | 23:30 | | | | |
| | HRS | HRS | | | | |
| Wed | 09:00 | 23:30 | | | | |
| | HRS | HRS | | | | |
| Thur | 09:00 | 23:30 | | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | HRS | HRS | | | | |
| Fri | 09:00 | 23:30 | | | | |
| | HRS | HRS | | | | |
| Sat | 09:00 | 23:30 | | | | |
| | HRS | HRS | | | | |
| Sun | 10:30 | 22:30 | | | | |
| | HRS | HRS | | | | |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

| | |
|---|------------|
| Name AMARJEET SINGH | |
| Address [REDACTED] | |
| Postcode | [REDACTED] |
| Personal Licence number (if known) LBHIL 1985 | |
| Issuing licensing authority (if known) LONDON BOROUGH OF HILLINGDON | |

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

| | | | |
|---|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | 08:00 | 24:00 | |
| | HRS | HRS | |
| Tue | 08:00 | 24:00 | |
| | HRS | HRS | |
| Wed | 08:00 | 24:00 | |
| | HRS | HRS | |
| Thur | 08:00 | 24:00 | |
| | HRS | HRS | |
| Fri | 08:00 | 24:00 | |
| | HRS | HRS | |
| Sat | 08:00 | 24:00 | |
| | HRS | HRS | |
| Sun | 09:00 | 23:00 | |
| | HRS | HRS | |

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

P Describe the steps you intend to take to promote the four licensing objectives

a) General - all four licensing objectives (b,c,d,e) please read guidance note 9

IMPLIMENTING CHALLENGE 25 STRICTLY
SEPERATING ALCOHOL FROM CHILDRENS SECTION
ALL STAFF TO BE TRAINED IN RESPONSIBLE ALCOHOL RETAILING
KNOWING YOUR CUSTOMERS WELL
CCTV OPERATING 24HRS EVERYDAY RECORDING & MONTHLY STORING SYSTEMS
JOINING NEIGHBOURHOOD SCHEMES & KEEPING IN TOUCH WITH THE POLICE

b) The prevention of crime and disorder

TRAIN ALL STAFF & DEVELOP THE RIGHT ATMOSPHERE WITH CUSTOMERS
WINDOWS, DOORS & FRAMES TO BE REINFORCED MAKING IT MORE DIFFICULT FOR
INTRUSION.
CCTV INSTALLED INSIDE AND OUTSIDE JOIN RETAILWATCH SCHEMES, OPERATED
AND MAINTAINED TO THE REASONABLE SATISFACTION OF POLICE
KEEP A CLOSE WATCH ON ALL CUSTOMERS & KEEP CLEAR VIEW OF PREMISES
LIASE WITH THE LOCAL POLICE
BE CALM AND DECISIVE & DO NOT REACT TO PROVOCATION
MAINTAIN HIGH STANDARDS & UPHOLD THE LAW
SUFFICIENT BLANK RECORDING DISCS / MEMORY STICKS ARE TO BE MAINTAINED ON
THE PREMISES IN ORDER TO TRANSFER DATA FROM CCTV SYSTEMS

c) Public safety

HEALTH & SAFETY RISK ASSESSMENTS TO BE CARRIED OUT REGULARLY
INSTALLATION OF APPROPRIATE & ADEQUATE SAFETY EQUIPMENT.
INSTALLATION OF EMERGENCY LIGHTING AND EVACUATION PROCEDURES BE IN
PLACE WITH WARNING SIGNS .
STAFF TO BE TRAINED IN FIRST AID & FIRE EVACUATION PROCEDURES.
TO COMPLY WITH ALL CURRENT, FIRE AND HEALTH AND SAFETY LEGISLATION AS
REQUIRED BY THE LAW

d) The prevention of public nuisance

A MANAGEMENT POLICY IN PLACE TO TAKE INTO ACCOUNT THE EXTERNAL AREAS OF
THE PREMISES AND THE CONDUCT OF THE CUSTOMERS .
NOTICE TO CUSTOMERS REGARDING CONSIDERATION FOR NEIGHBOURS.
TO MONITOR ANTI SOCIAL BEHAVIOUR BY USE OF CCTV
JOIN RETAILWATCH SCHEMES
STRICT POLICY NOT TO SERVE DRUNKEN CUSTOMERS.
CHALLENGE 25 IN FORCE ALL THE TIME

e) The protection of children from harm

CHALLENGE 25 TO BE IMPLIMENTED STRICTLY
ALCOHOL TO BE KEPT AWAY FROM CHILDRENS CONFECTIONERY SHELVES
SIGNS TO BE PUT ON SHELVES REGARDS TO NO ID NO SALE ON ALCOHOL SHELVES
CIGARETTES & SPIRITS TO BE KEPT BEHIND THE COUNTER AWAY FROM CHILDREN.
STAFF FULLY TRAINED ON NO ID NO SALE CHALLENGE 25 SCHEME
HEALTH & SAFETY MEASURES ARE IN PLACE WHERE EQUIPMENT IS OF DANGER TO
YOUNG PERSONS


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--|
| Signature |  |
| Date | 24 th May 2011 |
| Capacity | AGENT |

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

PLC
S.PANCHAL
12 PARKWAY

| | | | |
|---|-------------|-----------|----------|
| Post town | HILLINGDON | Post code | UB10 9JX |
| Telephone number (if any) | 07952990536 | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) wensons@aol.com | | | |

Consent of individual to being specified as premises supervisor

AMAJEET SINGH

[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE

[type of application]

by

AMARJEET SINGH

[name of applicant]

NEW LICENCE

relating to a premises licence

[number of existing licence, if any]

for

HAYES FOOD & WINE
75 STATION ROAD
HAYES
UB3 4BG

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

AMARJEET SINGH

[name of applicant]

concerning the supply of alcohol at

HAYES FOOD & WINE
75 STATION ROAD
HAYES
UB3 4BG

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LBHIL 1985

[insert personal licence number, if any]

Personal licence issuing authority

HILLINGDON COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

AMARJEET SINGH

Date

25TH MAY 2011

APPENDIX ②



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

24th June 2011

Ms Stephanie Waterford
Licensing Office
Civic Centre
Uxbridge

Northwood Police
2, Murray Road
Northwood
HA6 2YN

Dear Ms Waterford.

**Re: Club Premises licence application; Hayes Food and Wine 75
Station Road Hayes. Also known as Hayes Superstore.**

On behalf of the Commissioner of Police, I wish to make a representation to the application for a premises licence at the above venue. Our representation is in support of the Licensing Objectives Prevention of Crime and Disorder, Nuisance and Public Safety.

This application is submitted by Amarjeet Singh of [REDACTED]. For the purpose of the application I have interviewed Mr Singh at Hayes Police Station on 23 June. In the interview Mr Singh stated that he resided at his address, renting a single bedroom and sharing a kitchen and bathroom from Mr Harcharan Singh, one of the current owners of the said premises at 75 Station Road, Hayes. Mr Amarjeet Singh lives at the address with his wife and newborn baby. Mr Singh informed me that he was intending to take 75 Station Road from Harcharan Singh and over three years to pay him £20,000 for the premises, plus the stock. He stated he would also be liable for the £46,000 per annum rent to the landlord - whose details he did not know - and any business rates and utility bills.

Since arriving in the country 10 years ago from Afghanistan, Mr Singh states he has worked as a general shop assistant within the Asian community working in Greenford and Hounslow. He stated he is not related to Harcharan Singh or Manmohan Singh, the current owners of 75 Station Road. He obtained a personal licence some months ago.

This application for a new licence is being made as the current licence sits on appeal at the magistrates court following revocation by the Licensing Committee. Police

have further objected to an application to transfer the same licence made on 13 June 2011. The Police Authority considers that this application is being made by Mr Amarjeet Singh who is in real terms a 'front man' for the current owners. Whilst he indicates that he is buying the premises, no legal contracts have been drawn up or are intended to be drawn up. The applicant has clearly not entered into negotiations with the landlord. The lease remains with Harcharan Singh and the amount suggested to be paid over three years for the premises is completely outside the market value.

With these facts in mind, it is the Police submission that the control and management of these premises will not change with this application; remaining in the control of a management that has been adjudged and revocation decided, and thus we make these representations to review this application on these grounds.

Yours sincerely,



Ian Meens

Licensing Sergeant, Hillingdon Borough

Phone: 0208 246 1933

Metphone: 41933

Mobile: 07785 226483

□ Fax: 0208 246 1990

□ E-mail: ian.meens@met.police.uk

APPENDIX ③

MEMO

From: Sue Pollitt
Trading Standards Service

To: Licensing Services

Location: Ext: 7425

My Ref:

Your Ref:

Date: 30th June 2011

PREMISES LICENCE APPLICATION: HAYES FOOD AND WINE, 75 STATION ROAD, HAYES UB3 4BG.

I note the application by Amarjeet Singh for a Premises Licence at the above address under the Licensing Act 2003, and wish to make the following representation.

I note the postal address given for Amarjeet Singh is [REDACTED]

On the 26th May 2011, a test purchase was conducted by Trading Standards Officers at the premises at 75 Station Road, Hayes, during which alcohol was sold to a young volunteer aged just under 15 years.

The seller on that occasion was Marmohan Singh, one of the current licence holders. He gave his address as [REDACTED]

It is apparent that Amarjeet Singh has a close connection with the seller of the alcohol, and it is therefore doubtful that such a nominal change of premise licence holder will bring about the change in management needed to ensure that offences do not recur on these premises.



Sue Pollitt
Trading Standards Manager