

Minutes

LICENSING SUB COMMITTEE

3 March 2015

Meeting held at Committee Room 4 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman), David Yarrow (Chairman) and Lynne Allen</p> <p>Also Present: Nirmal Panesar (Applicant) Councillor John Morse</p> <p>LBH Officers Present: Beejal Soni - Legal Adviser, Gill Oswell - Democratic Services, Ian Meens - Regulatory Services, Claire Freeman - Regulatory Services, Charlene Ellis - Regulatory Services, John Abiona - Environmental Protection Unit</p>
16.	<p>APPLICATION FOR A PREMISES LICENSE - 54 MILDRED AVENUE, HAYES (<i>Agenda Item 6</i>)</p> <p>54 MILDRED AVENUE, HAYES - APPLICATION FOR A PREMISES LICENCE</p> <p>The Licensing Officer, Ian Meens, introduced the report informing the Sub-Committee that the application was for the retail of alcohol for consumption off premises, in respect of a lock up garage located at 54 Mildred Avenue, Hayes, Middlesex. The application was served correctly and was being put before the Licensing Sub-Committee for determination.</p> <p>Representation made by the Applicant</p> <p>The applicant advised the Sub-Committee that the licence was required to enable the storage and pre-payment of alcohol at his premise for use at events at alternative locations. It was proposed that the alcohol being provided for events would primarily be collected from the wholesalers and taken direct to the events. Although, there may be occasions when storage of alcohol would be required; this would be following an event and prior to its return to the wholesaler. There may also be occasions when it would not be possible to collect the alcohol from the wholesalers on the day of a scheduled event and it would therefore need to be stored on site. There is to be no sale of alcohol to individuals from the premises.</p> <p>The applicant advised that he would not want to cause any noise nuisance in the area where he lived. Parking was available for those attending the premises to arrange payment as there was off street parking available.</p> <p>Representations from the Responsible Authorities</p> <p>The Regulatory Service Manager, Claire Freeman, advised the Sub-Committee that the Licensing Authorities that made a representation and in their view the applicant was intending to promote the measures detailed in the application and these are considered as appropriate for the type of operation proposed.</p>

The Environment Protection Officer, John Abiona, informed the Sub-Committee that his concerns were around the prevention of public nuisance. The applicant had not demonstrated how this licensing objective would be upheld and promoted. It was felt that there would be potential noise nuisance from the loading and unloading of alcohol at unsocial hours. There was also no information provided on how the applicant would prevent customers from attending the premises to make enquiries outside of the opening hours.

Interested Party

- Had concerns about an application for the sale of alcohol in a residential area.
- The entrance to the proposed garage for storage was in Ross Close, which was a small cul-de-sac.
- Children play in the area and there were concerns about their safety and also increased visitors to the area.
- The hours proposed were felt to be excessive in a residential area.
- Had concerns about people becoming aware of alcohol being stored on the site.
- Parking was limited in the area and this would be exacerbated by the proposal.
- The drive in front of the garage would only accommodate one car.
- There would be noise and disturbance to residents late at night when alcohol was returned to the store following an event.
- It was not known what type of vehicle would be used for delivering orders.
- Felt that this type of business would be better located in a business or industrial area.
- Referred to a letter received from the applicant.

A Ward Councillor, Cllr Morse, addressed the meeting raising concerns about the proposed sale of alcohol in a residential area. The site was on the U4 bus route and was unclear as to how many events the applicant would be providing alcohol for. Ross Close is a small road and this application was felt to be unsuitable in a residential area.

The Legal adviser gave the following points of clarification.

- The application was in 2 parts, the first was for the transactions of the sale of alcohol by retail
- The application was for the sale of alcohol between 9 am and 11 pm Monday to Friday and 9am to midnight on Saturday and Sunday.
- Transactions could be either by clients visiting the premises, by phone or online.
- The second part of the application was to allow for the surplus storage of alcohol; with loading and unloading only able to take place between 9 am and 8.30 pm.
- The site, where the alcohol is appropriated to contact, also needed to be licensed
- Online payments would be bound by the hours requested and anything outside of these would be illegal transactions.

Discussion

Concerns had been raised in relation to the hours for loading and unloading set out within the application. The Chairman asked the applicant to explain what would happen to the alcohol being brought back to the premises outside of these hours. The applicant advised the Sub-Committee that if there was any surplus alcohol at the end of an event, it would be left in his vehicle until the loading/unloading hours could

commence again in line with the licence, where granted . It was however envisaged that there would be minimal storage of alcohol on site as alcohol would be purchased from the wholesaler and sent direct to the event.

The applicant stated that it was the intention that all alcohol sales would be undertaken in advance of an event and if insufficient supplies were purchased, by the client, this would be their mistake.

It was asked, that if alcohol was to be left in the applicants vehicle overnight, until the authorised loading/unloading times commenced, how was this to be made secure.

The applicant advised that by choice he would not want to have alcohol visible in his vehicle overnight. It was the intention to park the van behind the security gates, to the rear of the property, in front of the garage.

In answer to a question raised, the Legal Adviser informed the Members that as a van or vehicle was a moveable structure this could not be licensed; as under the Licensing Act 2003 a licensed premises had to be a fixed premises. If the licence was granted, and there was any evidence that conditions were being breached; residents should report this to the Regulatory Services Team. The licence may then be called in for a review by the Sub-Committee. The Sub-Committee would then consider all their options some of which include whether the conditions attached were sufficient or whether a revocation of the licence was necessary.

The applicant, in answer to a question raised in relation to the hours for loading / unloading, advised that he would be happy for this to be the same as those for the hours the premises was open to the public.

All those that had addressed the meeting were given the opportunity to make any closing remarks before the Sub-Committee made their decision.

The applicant, responsible authorities and interested parties left the room whilst the Sub-Committee considered the application and representations made.

The members discussed the application and subsequent representations and felt that the application should be granted with 2 conditions in relation to the timings for loading/unloading. It was felt that any vehicle(s) used for the delivery of alcohol to and from events should be parked securely after returning to the licensed premises, until the surplus alcohol contained within it was able to be unloaded in line with the stipulated times within the licence; should it be granted.

A concern was raised about the hours being proposed for the sale of alcohol and suggested that these hours be brought in line with the opening and loading/unloading hours.

The Legal Adviser informed the Sub-Committee that as this had not been put to the applicant all parties were invited back into the meeting.

The applicant, responsible authorities and interested parties were invited back into the room.

The applicant was asked whether he would consider amending the hours for the sale of alcohol to 10am to 7 pm. The applicant advised that he was happy to amend the hours as suggested.

	<p>Decision</p> <p>The Chairman gave the decision of the Sub-Committee to grant the licence subject to the following conditions:-</p> <ol style="list-style-type: none">1. The loading/unloading of alcohol and the sale of alcohol by retail are only undertaken between the hours of 10 am and 7 pm.2. Following an event, the vehicle containing the surplus alcohol should be parked at the rear of 54 Mildred Avenue, Hayes and secured by gates leading to the garage. <p>Resolved - That the premises license be granted subject to the conditions above.</p>
	<p>The meeting, which commenced at 2.00 pm, closed at 4.30 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.