

## Minutes

### LICENSING SUB-COMMITTEE

4 May 2016

Meeting held at Committee Room 6 - Civic Centre,  
High Street, Uxbridge UB8 1UW



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors David Yarrow (Chairman), Janet Gardner and Brian Stead.</p> <p><b>LBH Officers Present:</b> Charlene Ellis (Licensing Officer), Beejal Soni (Legal Advisor) and Jon Pitt (Democratic Services Officer).</p> <p><b>Also Present:</b> Mr Surendra Panchal (Applicant's agent), Cllr Peter Davis and Mr Manpreet Lachhar (Petitioner's representative).</p>
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
2.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no Declarations of Interest made.</p>
3.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all agenda items were Part I and would, therefore, be heard in public.</p>
4.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>No matters had been notified in advance or were urgent.</p>
5.	<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SUPERMARKET, HIGH STREET, YIEWLSEY, UB7 7DS</b> (<i>Agenda Item 5</i>)</p> <p>The applicant's agent advised the Sub-Committee that the applicant was unable to attend the meeting due to ill health. The agent was satisfied for the meeting to proceed as planned, on condition that his client's non-attendance would not have a bearing on the decision reached by the Sub-Committee. The Chairman confirmed that the applicant not being present would not affect any decision reached by the Sub-Committee.</p>

## **Introduction by Licensing Officer**

Charlene Ellis, Licensing Officer at LBH, introduced the report relating to the application for the grant of a new Premises Licence in respect of the proposed premises, known as Supermarket, which would be at 88-90 High Street, Yiewsley, UB7 7DS.

The applicant was named as Mr Manmahon Singh Bajaj and the agent acting on his behalf had been named as Mr Manpreet Kapoor of Personal Licence Courses Ltd. Mr Bajaj was represented at the meeting by Mr Panchal, who also worked for Personal Licence Courses Ltd.

The application had been put before the Sub-Committee due to the receipt of a petition against the proposals and two further representations that had been made by other parties. One of these representations had been made by Cllr Peter Davis and the other by a Mrs Sehghal. Both representations stated concerns in relation to the objectives underpinning the Licensing Act.

The application had included proposed trading times and it was noted that steps proposed to ensure that the licensing objectives were upheld had been included within the application.

The Metropolitan Police had also made a representation in relation to the application. Conditions proposed by the Police had been agreed by the applicant, which had resulted in the representation being withdrawn.

The area in which the premises were located had similar existing premises nearby. Details of these and their respective trading times had been included in the agenda papers. The premises had never previously been licensed under the Licensing Act regime and were currently undergoing refurbishment.

It was recommended that the application be granted, in accordance with the operating scheduled proposed by the applicant and the conditions put forward by the Metropolitan Police.

## **Representation by the Applicant's agent**

Mr Panchal addressed the Committee on behalf of the applicant, Mr Bajaj. The applicant had previously run an off licence in east London for a period of one year. Prior to that, he had run a business in Southall for 6 to 7 years. These businesses had not caused any concerns to the relevant authorities.

Mr Bajaj had undergone a personal licence course and now held a personal licence. The application under consideration was in relation to a new shop, with the premises currently being refurbished. The shop would provide grocery and would meet the needs of local people. It was anticipated that alcohol sales would amount to 30% of business. Employment would be created in the local area, with the shop expected to require three to four persons to run it at any one time.

The applicant had agreed to the conditions proposed by the Police, which evidenced his support for the promotion of the licensing objectives. It was noted that no responsible authorities had objected to the application.

It was confirmed that the posters required by the Licensing Act would be displayed at the premises and that incident and refusal logs would be kept on site. Staff would

receive regular training.

Objections that had been raised by the petitioner related to the need for such premises in the local area. The agent noted that need was not covered by the Licensing Act and was, therefore, not a factor for the Sub-Committee to consider, although the applicant was prepared to work with the local community. This was important because the premises could go out of business without local support.

As the premises were not yet open, it could not be inferred that they would cause underage sales. In the event that licensing conditions were not adhered to then any licence granted could be reviewed. It was requested that the Sub-Committee approve the application for the grant of a premises licence.

In response to a question from the Chairman, the applicant's agent confirmed that the applicant agreed to the conditions proposed by the Metropolitan Police Service.

The Committee questioned why the applicant wanted to be able to sell alcohol at 6am. The agent advised that while the shop would be opening at 6am, there was no need for alcohol to be sold at this time. There would be shutters on the fridges, which would enable alcoholic products to be covered up when not available for sale. The applicant would be happy to consider a reduction in the morning hours during which alcohol could be sold. It was suggested that sales could be permitted to start at 9am.

### **Representation by Other Parties**

In accordance with the Council's Constitution, a representative of the petitioner addressed the Committee. The following points were made:

- A number of off licences and shops in the area had not been marked on the supporting documentation within the agenda pack. One example was JK Food and Wines. This was around 50 metres from the application site. There were actually three off licensed premises on Fairfield Road. One of these was opposite number 6, one was at numbers 5 to 7 and there was another off licence further along Fairfield Road. There was also an off licence at 57 High Street. There were also a number of takeaways that had not been shown within the documents.
- There was no need for another off licence to open in the area as a number of existing premises were present. Such premises contributed to anti-social behaviour in the area. The police had been called out a number of times to incidents relating to underage drinkers.
- A dispersal zone had been created in the area due to the nuisance caused by teenagers congregating and drinking alcohol. Youths were asking adults to buy alcohol for them. There had also been incidents of windows being smashed, fights and incidents involving weapons. Another off licence in the area was likely to make the problem worse.
- Problems had been gradually increasing during the nine years that the petitioner's representative had been in the area.
- The proposed CCTV cameras and shutters were unlikely to prevent anti-social behaviour from occurring at the premises.

In accordance with the Council's Constitution, Councillor Peter Davis addressed the Sub-Committee in relation to the representation that he had made. The following points were made:

- The area of Yiewsley in which the premises were located had been the subject of significant discussion with the Metropolitan Police Service and with the Council's Anti-Social Behaviour team. Discussions had taken place about the provision of additional CCTV cameras, some of which had been installed. Installation of other cameras would be reconsidered in the future.
- There was a significant amount of anti-social behaviour in the area. A school was located close by.
- It was of concern that the proposed off licence could be open until midnight, with alcohol then being made available for sale outside supermarket trading hours.
- In excess of 50 local residents had signed the petition to indicate their objection to the proposals. The applicant did not live in the local area and so would not be impacted by any resulting anti-social behaviour as much as local residents.
- The focus of action tended to be on anti-social behaviour occurring outside premises rather than on anything that might occur within them. It was suggested that other than addressing the anti-social behaviour itself, a blind eye tended to be turned towards wider licensing issues.
- Councillor Davis doubted whether it would be possible for the premises to adhere to all the conditions proposed by the Police.
- Some of the issues within the area were outside the scope of what could be considered by the Committee and were not directly connected to the licensing issue under consideration. To some extent, the law itself was considered to be problematic.

## **Discussion**

Officers advised that the map included within the agenda showed some, but not all existing premises within the area close to the application site.

The Chairman advised that the Sub-Committee was unable to consider whether there was a need for an additional licensed premises in the area as this was not covered by the Licensing Act. The Committee could only consider whether the four licensing objectives were being adhered to when determining whether to grant an application. The Council had not received any objections to the existing premises. The Metropolitan Police had had the opportunity to comment on the application and had not objected to it, subject to the six extra conditions that they had proposed being agreed. Should the licence be granted, the applicant had indicated that he would be prepared to work with local residents in order to address any concerns that they may have.

It was difficult for the Sub-Committee to consider any issues that could be caused by the premises as they had not yet commenced trading. The role of the Sub-Committee was to impose appropriate conditions to minimise the likelihood of any such issues being realised.

Existing premises may have contributed to local problems but it was difficult for the Sub-Committee to determine this as there had not been any requests received for the licences of existing premises to be reviewed.

Officers advised that no complaints had been received or logged in relation to anti-social behaviour believed to be associated with any of the nearby premises listed within the agenda papers. The only complaints about the area received were in relation to rat infestations and rubbish. The Police had noted in their representation that persons congregating in Yiewsley High Street were a problem, but such a problem could not be attributed to the application premises as they were not yet open.

The petitioner's representative stated that he had contacted the Police on numerous occasions over the last couple of years and had also contacted one of his local ward Councillors, Shehryar, Ahmad-Wallana. He had had the windows of his premises smashed at 3pm by a drunken youth. He was, therefore, surprised that the Council had no record of incidents having occurred. The Chairman advised that it was the Police, rather than the Council who would have logs of such incidents having occurred. The Council would only have a record if its own anti-social behaviour team had been contacted. It was reiterated that the Police had indicated that there were problems of crime and disorder within the area, but that the six conditions proposed would help to prevent the premises contributing to existing problems.

The petitioner's representative was concerned that approval of the proposals would permit the sale of alcohol up until midnight, which was later than some of the existing premises in the area. The applicant's representative indicated that the applicant would be prepared to accept 11pm as an end time for the sale of alcohol if that met the wishes of neighbours to the premises and if it was considered that such a change would make the local neighbourhood safer.

It was questioned what would happen in the event that the licence was granted and the applicant failed to comply with the attached conditions. The legal advisor stated that local residents would have the right to contact the Council to request a review of the licence. Alternatively, concerns could be reported to the Metropolitan Police or to another Responsible Authority. This authority would then consider whether to request a review of the premises licence. It was also confirmed that Licensing Officers regularly visited premises in order to check that licensing conditions were being complied with. It was noted that the applicant was aware that the licence was subject to review by the Sub-Committee should there be concerns that licensing conditions were not being adhered to. In such a case, the ultimate sanction would be for the licence to be revoked.

The legal advisor stated that one of the ways in which the Council sought to protect children from harm was to specify that the sale of alcohol could only be made by personal licence holders when the premises licence holder was not present. The applicant's representative agreed that this would be acceptable.

### **Committee Deliberation**

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

### **The Decision**

**The Sub-Committee considered all the relevant evidence made available to it and in doing so took into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act, the Council's Statement of Licensing Policy and Licensing objectives. The Sub-Committee had carefully considered its decision, taking into account residents concerns and the demands of the legislation.**

**The decision of the Sub-Committee was to grant the licence subject to the following conditions:**

- 1. The Sale of alcohol is authorised between 10h00 and 23h00 Monday-Sunday;**

**It is confirmed that the start time of 10h00 was agreed by all the parties to the hearing following a discussion between the applicant, legal advisor and parties who submitted relevant representations.**

- 2. Conditions 1-5 proposed by the Metropolitan Police Service are accepted as conditions of the licence.**
- 3. There shall be two adult staff members on the premises between 16h00 up until the close of business each day.**
- 4. There shall be a personal licence holder present on the premises at all times when licensable activities take place.**

**The Sub-Committee based its decision on the requirement to prevent crime and disorder and protect children from harm.**

The meeting, which commenced at 2.00 pm, closed at 3.03 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Jon Pitt on 01895 250636. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.