

## Minutes

### LICENSING SUB-COMMITTEE

21 February 2019

Meeting held at Committee Room 5 - Civic Centre, High Street,  
Uxbridge



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors Roy Chamdal (Chairman) Allan Kauffman John Oswell (In place of Lynne Allen)</p> <p><b>LBH Officers Present:</b> Jhini Mukherjee, Licensing Officer Kerrie Munro, Legal Advisor Luke Taylor, Democratic Services Officer</p> <p><b>Also Present:</b> PC Dave Butler, Metropolitan Police Ms Susan Howells, Interested Party Mr Trevor Sherling, Interested Party Mr Kandasamy Sivanathan, Applicant Mr Suresh Kanapathipillai, Agent</p>
47.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Cllr Allen, with Cllr Oswell substituting.</p>
48.	<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.</p>
49.	<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 items were marked as Part I, and would therefore be considered in public.</p>
50.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
51.	<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: NORTHWOOD NEWS, 46 GREEN LANE, NORTHWOOD, HA6 2QB</b> (<i>Agenda Item 5</i>)</p> <p><b>Introduction by the Licensing Officer</b></p> <p>Ms Jhini Mukherjee, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to an application for a new premises licence at Northwood News, 46</p>

Green Lane, Northwood, HA6 2QB, from Mr Kandasamy Sivanathan.

The Sub-Committee was informed that the application submitted was for a licence to sell alcohol, Monday to Sunday, from 06:00 to 23:00 hours. Members heard that three representations were submitted in objection to the application due to concerns under the Licensing Act objectives. There were concerns that the sale of alcohol late into the night would lead to a rise in anti-social behaviour and other crime. It was also referred that the licensable hours applied for by Mr Sivanathan were excessive for the area. There was also a letter of support received from a local resident. The Committee was informed that on a recent visit by the Metropolitan Police, Mr Sivanathan refused to serve alcohol and fully complied with the licensing objectives.

Ms Mukherjee noted that there were no fixed restrictions on terminal hours for any particular areas within the Borough, and made reference to the other business with operating hours similar to those proposed by Mr Sivanathan, so it was deemed unfair to arbitrarily restrict licensable hours for this particular premises. Recommended conditions were laid out in the report, in addition to the conditions proposed by Mr Sivanathan in their operating schedule.

Responding to questioning from the Sub-Committee, Ms Mukherjee stated that there were no recorded Member Enquiries or reports of anti-social behaviour at the premises in the past five years.

Ms Mukherjee recommended that the application be granted.

### **Representation by the Applicant**

Mr Kanapathipillai confirmed that Mr Sivanathan had been working in retail for over 17 years, with seven years of experience managing off-licensed premises. Mr Sivanathan had recently taken over Northwood News to run as a family business with his brother.

Members heard that alcohol would only be one part of the product available at the premises, in addition to groceries and other goods, and the majority of the customer base were elderly residents or families. The community had been very supportive, in particular the elderly residents, and customers had been very welcoming, even asking for further services, such as a post office.

The Sub-Committee was informed that Mr Sivanathan requested opening hours from 06:00 to 23:00 hours, and the conditions suggested were more than was required for a premises of this size, but they would help protect the premises, although no incidents had been reported in the area.

Mr Kanapathipillai also confirmed that there had been no incidents of anti-social behaviour concerning the premises.

The Chairman sought clarification on Condition 4, which stated that management would keep the area tidy, and were informed by Mr Sivanathan that during the opening hours, staff would keep an eye on the street outside and pick up rubbish when required to ensure the area was tidy. Mr Sivanathan noted that he would pick up general litter outside the shop, even if it was not litter from the shop.

### **Representation by the Responsible Authorities**

PC Dave Butler of the Metropolitan Police Service informed the Sub-Committee that he visited the premises with another colleague in plain clothes on 15 January 2019. PC

Butler confirmed that prior to 13 January 2019, the premises had been trading and selling alcohol under a temporary event notice, but this had since expired.

On the visit of 15 January 2019, PC Butler and his colleague attempted to purchase alcohol from Mr Sivanathan, and asked if they could buy a bottle of wine. The refrigerator chillers were empty of alcohol. Mr Sivanathan told the officers that he was unable to sell alcohol at that time as he did not have a licence, and he was waiting for a licence to be granted before he sold alcohol. Mr Sivanathan then directed the Police Officers to another licenced store where alcohol was served.

### **Representation by the Interested Parties**

Ms Susan Howells, representing the Gatehill Residents' Association, addressed the Sub-Committee and noted concerns regarding the prevention of crime. The Sub-Committee heard that anti-social behaviour was common in the Northwood Hills area, which was a short distance from Northwood, and there were concerns that anti-social behaviour may move to Northwood if a licensed premises was open until 23:00 hours.

Ms Howells considered the compared businesses in the reports pack were not suitable comparisons, given that restaurant businesses attracted a different clientele.

Ms Howells stated that Waitrose was the only shop serving alcohol in the area, with a licence from 07:00 to 23:00 hours, but the store closes at 17:00 hours on Sundays, and 21:00 hours on all other nights. Additionally, Waitrose has a full-time security guard on the alcohol section.

The Sub-Committee heard that a refusal register would not deter underage drinking, and that further deterrents should be in place, and were asked how conditioning requesting the "prompt" and "regular" picking up of litter would be enforced, and who would be responsible for litter from the shop that was dropped further away from the premises. Ms Howells confirmed that residents were uncomfortable with the application, and stated that if the Sub-Committee was minded to grant the licence, licensing hours should be reduced to prevent anti-social behaviour. Ms Howells wanted reassurance from the Police that they would extend their services to the area.

Mr Trevor Sherling, representing Northwood Residents Association, noted concerns regarding public nuisance, including noise disturbance, which is caused, primarily, by alcohol. Members heard that there was already a One Stop in the area that sold alcohol at the same hours proposed for Northwood News, and there have been instances of intimidating behaviour near Northwood Station that makes residents uneasy.

The Sub-Committee was informed that there were several licensed restaurants in the area where alcohol was consumed on-site, but this was different to an off-licence which would allow people to consume alcohol off-site. Mr Sherling had concern about the possible intimidation, rowdy noise and nuisance behaviour that could resort from the late hours of the Premises Licence. Mr Sherling noted the adverse cumulative impact on Northwood from the sale of alcohol and anti-social opening hours, and requested that the premises only sell alcohol until 21:00 hours on Monday to Saturday, and until 17:00 hours on Sundays.

### **The Discussion**

Responding to questioning from the Committee, Mr Sivanathan noted that he and his brother were currently the only staff members, but should a license be granted, further staff would be hired. Additionally, the CCTV system also requires an upgrade. Mr Sivanathan also confirmed that there would be no deliveries of stock, and instead stock will be collected by Mr Sivanathan in his car between 12:00 and 13:00 hours.

Mr Sivanathan also confirmed he was aware of "Challenge 25" and explained what this meant, and noted that training for new staff would take place to ensure they followed the law and Council policies. Mr Kanapathipillai noted that his company would supply training materials that cover the licensing objectives, and Mr Sivanathan confirmed that the shop would implement "Challenge 25", not serve underage people, not serve drunk residents and record refused sales. Following further questioning from Members, Mr Sivanathan noted that staff training would be carried out by an external company.

### **Closing Remarks**

Ms Mukherjee noted that, in the absence of demonstrable harm, it was difficult to further condition the application.

PC Butler stated that, after consulting with a colleague, he could confirm that there were no infringements, including anti-social behaviour, at the premises.

Ms Howells confirmed that there was not proof of anti-social behaviour, as the license had not been granted yet, but requested that the Sub-Committee consider reducing the licensed hours and these could be extended if no further anti-social behaviour occurs near the premises.

Mr Sherling requested a reduction in licensing hours to remove the most anti-social hours, to reduce the risk of anti-social behaviour.

Mr Kanapathipillai stated that the premises hours will not contribute to public nuisance, and the customer base was largely elderly residents and families. The Sub-Committee heard that the application was for a small store, and Mr Kanapathipillai requested that the application for the license be granted.

### **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 has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003 objective to prevent public nuisance, crime and disorder, prevent children from harm. The Sub-Committee has had regard to the Code of Guidance issued by the Secretary of State under Section 182 of the Act, and s.5 Licensing Authority Policy.

The decision of the Sub-Committee considers it necessary and proportionate to grant the licence, subject to the following conditions which will be set out in the decision notice:

1. The premises licence shall be issued for the sale of alcohol;
2. The Premises timings are the timings included on Appendix 1 of the Agenda report;
3. 25 policy operating There will be a Challenge at the premises;
4. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. The form of identification shall contain their photograph, date of birth and a holographic mark;
5. Any deliveries to the premises and emptying of glass goods shall take place between 10h00 and 18h00;
6. An incident log shall be kept with records of:
  - a. all refusals of sale of alcohol;
  - b. any complaints regarding crime, disorder and nuisance;
  - c. any authorisations to staff for the sale of alcohol;
  - d. any visit from the Local Authority;
  - e. All instances when the CCTV is not fully in working order.
7. The Premises Licence Holder shall ensure that the incident log is checked, signed and dated on a weekly basis by himself or an authorised employee acting in place of the Designated Premises Supervisor;
8. The incident log will be held and maintained at the premises and will be available for immediate inspection immediately upon request of the Metropolitan Police Services and/or any Responsible Authority;
7. The CCTV system shall be maintained in good working order, and no sells of alcohol to be sold when the cameras are not working;
8. The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door;
9. A CCTV system will be installed and maintained and images provided for a period of 31 days. These will be made available to the police/ or local authority on request; and,
10. Ensure that all staff are given regular training by an external company in relation to the Licensing Act 2003. Training records will be kept at the premises and refresher training will be given to all staff every year.

### **Right of Appeal**

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, one day after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 10.00 am, closed at 11.30 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on 01895 250 693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.**