

Minutes

LICENSING SUB-COMMITTEE

12 September 2019

Meeting held at Civic Centre, High Street, Uxbridge



	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Lynne Allen Allan Kauffman</p> <p>LBH Officers Present: Steven Dormer, Licensing Officer Glen Egan, Legal Advisor Liz Penny, Democratic Services Officer</p> <p>Also Present: Councillor Janet Gardner, Interested Party Mr Chris Mitchener, Applicant's Representative</p>
27.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
28.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
29.	<p>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 (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items of business were marked Part I and would be considered in Public.</p>
30.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
31.	<p>APPLICATION FOR A PREMISES LICENCE: SIMPLY FRESH (<i>Agenda Item 5</i>)</p> <p><i>Introduction by Licensing Officer:</i></p> <p>Steven Dormer, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to an application for a premises licence in respect of Simply Fresh, Boiler House, Old Vinyl Factory, Blyth Road, Hayes UB3 1HA. The application was for a new premises licence for the sale of alcohol seven days a week from 07:00 to 23:00 hours.</p>

The Sub-Committee was informed that the application related to a modern convenience store which would sell both groceries and alcohol products. The planned store would not be a traditional off licence but would be similar to a supermarket in style; it was reported that there were already several Simply Fresh stores operating around the country. The Sub-Committee was reminded that the amended application sought permission to sell alcohol from 07:00 until 23:00 hours seven days a week rather than from 06:00 until midnight as had originally been requested. Members were advised that representations had been received from three residents but none from responsible authorities. There had been no other complaints or Members' Enquiries received. It was confirmed that the conditions and opening hours proposed satisfied the licensing objectives.

Representation by the Applicant's Representative

The applicant's representative addressed the Sub-Committee pointing out that the licensing hours had been reduced in the revised application and noting that only three residents had made a complaint about the application - no representations had been received from the police or from any other authorities. Members were informed that the store would be well-run in line with all relevant policies and guidelines.

It was confirmed that the new store would be operating as a fresh food store selling alcohol rather than as an off licence and the Sub-Committee heard that the selling of alcohol was not necessarily linked to street drinking. It was confirmed that steps would be taken to ensure that alcohol was not sold to underage individuals. Moreover, notices would be displayed at the premises requesting that customers left quietly at all times. Members were informed that all staff would be trained in the sale of alcohol and would be re-trained and re-tested at regular intervals. A refusals log would be kept, Challenge 25 procedures would be complied with and functioning CCTV systems would be in place within the store.

In response to questions from the Sub-Committee, the applicant's representative confirmed that alcohol would normally be displayed in a fixed area, with the option to create additional displays at other locations within the store on a seasonal basis. It was confirmed that the main display would be clearly visible from the till area and CCTV would cover other areas as required. The Sub-Committee was advised that circles on the plan in the agenda pack indicated where the CCTV cameras would be sited within the store; monitors would also be present and easily visible throughout.

The Sub-Committee requested further clarification regarding the prevention of public nuisance (page 20 of the pack). It was confirmed that staff would be trained to deal with a variety of situations which could arise, particularly in relation to confrontation. Said training came from external sources but would be delivered internally. The DPS would be responsible for overseeing all training within the store.

Representation by Responsible Authorities

No responsible authorities were present. However, Councillor Gardner was in attendance as an interested party representing those residents who had made representations. Councillor Gardner informed the Sub-Committee that she lived in Blyth Road hence was well acquainted with the challenges faced in the area. The Sub-Committee was advised that anti-social behaviour relating to alcohol and drug abuse was a significant problem in the vicinity of the proposed new store and residents were extremely concerned regarding the late licensing hours which they believed could exacerbate the problems of street drinking and littering. Residents were of the opinion that there were already a considerable number of premises selling alcohol in the area

hence the new store was surplus to requirements. Councillor Gardner requested that, should the Sub-Committee be minded to grant the application, the licensing hours be reduced from the proposed 07:00 - 23:00 hours to 08:00 - 20:00 hours thereby minimising the potential for a negative impact on the local area.

Discussion

Members requested further detail as to how Simply Fresh planned to communicate with local residents should any issues regarding the premises arise. It was confirmed that, to date, such a situation had not occurred; however, if it were to arise, a residents' forum would be arranged to enable local residents to voice their concerns. It was further confirmed that any complaints raised in store would be logged in the incident book.

The Sub-Committee requested further clarification regarding the prevention of public nuisance. Members heard that two members of staff would be on duty at all times, risk assessments would be completed and panic buttons would be installed which would directly link to a local security company. It was confirmed that a structure of support for staff would be available at all levels.

Members referred to the additional photographs provided by the applicant's representative prior to the meeting. It was confirmed that these were photos of a different store but were intended to give a good indication of the layout of the proposed new store. It was noted that the alcohol products would be displayed in a slightly raised area.

In response to Members' questions regarding the level of experience of the proposed store manager, the Sub-Committee heard that said manager had not yet been appointed.

Closing Submissions

The Licensing Officer had nothing further to add.

Councillor Gardner reiterated residents' concerns and requested that the licensing hours be reduced.

The applicant's representative advised Members that alcohol would only be permanently displayed within one area and disputed the claim that this would amount to 25% of the store. It was estimated that alcohol sales would represent only 12-18% of the gross sales of the shop. Members were referred to paragraph 9.43 on page 5 of the report pack which stated that 'the authority's determination should be evidence-based...' The Sub-Committee was reminded that no responsible authorities had made representations, all policies and guidelines had been adhered to in the application and any difficulties or problems would be addressed in the future should the need arise.

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

**THIS NOTICE CONFIRMS THE DECISION OF THE LICENSING SUB COMMITTEE
MADE AT A HEARING ON 12 SEPTEMBER 2019**

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 Objectives, Licensing Act 2003, Hillingdon's Licensing Policy, Paragraph 7.4,7.6, 9.6, 9.7, 10.5 and 10.11;

Guidance issued by the Secretary of State under Section 182 of the Act, in particular paragraphs 9.42 to 9.44,10.8, and 14.19.

The decision of the Sub-Committee is to grant the application for a Premises Licence subject to the following conditions:

- 1. The Premises Licence shall be issued for the sale of alcohol to be consumed off the premises. The Premises opening hours, licensable activities Monday - Sunday 07:00-23:00.***

- 2 There will be a Challenge 25 policy operating at the premises. 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.***

- 3. Staff will be trained regarding appropriate steps to uphold the licensing objectives within 2 months of beginning employment. Records will be kept of such training which must be signed and dated by the members of staff who have provided and received that training.***

- 4. 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.***

5. 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.

6. 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 premises shall install a CCTV system prior to opening the premises for business.

- i. The CCTV system shall be maintained in good working order, covering all public areas of the licensed premises, including all public entry and exit points, the street environment in front the business;***
- ii. The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door;***
- iii. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 31 days;***
- iv. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or any authorised officer of the London Borough of Hillingdon..Any footage must be in a format that can be played back on a standard personal computer or standard DVD player;***
- v. An Incident log shall be maintained to record all Instances when the CCTV is not fully in good working order. The log will record the date the malfunction was noted, the date repair work was requested and the date that the repair work was carried out;***
- vi. No sale of alcohol shall take place when the CCTV system is not fully in good working order;***
- vii. No alcohol may be displayed within 2 metres of the front door and all alcohol must be placed within the line of sight of the cashier. Any obstructed displays of alcohol must be covered by CCTV.***

8. Fire safety alarm system shall be installed.

9. Staff must be trained in respect of evacuation procedure.

10. All refuse shall be kept in waste containers.

11. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

12. Notices shall prominently displayed near the exit requesting patrons to respect the needs of local residents and leave the area quietly.

Right of Appeal

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 Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

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 meeting, which commenced at 10.00 am, closed at 10.54 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250636. 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.