

## 25.Minutes

### LICENSING SUB-COMMITTEE

16 March 2021



Meeting held VIRTUALLY - Live on the Council's YouTube channel: Hillingdon London

	<p><b>Committee Members Present:</b> Councillors Simon Arnold (Chairman) Nick Denys John Oswell</p> <p><b>LBH Officers Present:</b> Jhini Mukherjee, Licensing Officer Kerrie Munro, Legal Officer Steve Clarke, Democratic Services Officer</p> <p><b>Responsible Authorities:</b> Daniel Ferrer, on behalf of the Licensing Authority</p> <p><b>Also Present:</b> Harpreet Dhand, Applicant Councillor Michael Markham, on behalf of Manor Ward Councillors Sue Daniels, Director of the Ruislip Manor Cottage Society</p>
21.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>All Members were present.</p>
22.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
23.	<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 would be considered in public.</p>
24.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
25.	<p><b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE - HEY BARTENDER LTD, 71 PEMBROKE ROAD, RUISLIP, HA4 8NQ</b> (<i>Agenda Item 5</i>)</p> <p><b>INTRODUCTION</b></p> <p>Jhini Mukherjee, Licensing Officer, introduced the application for the grant of a new</p>

premises licence for a private residence in respect of Hey Bartender Ltd, 71 Pembroke Road, Ruislip, HA4 8NQ. Members were informed that the site was in a residential area at the junction of Pembroke Road and Green Walk.

It was noted that the growth in e-commerce since the start of the Covid-19 pandemic had contributed significantly to the use of third party delivery services providing food and drink deliveries. The Licensing Officer highlighted that the application before Members was for a dedicated delivery service from a private residence which offered no public access to the premises at any time, the site was proposed to be a storage and dispatch site. The applied for hours of licensable activities were Sunday to Thursday 12.00 – 00.00 and Friday to Saturday 12.00 – 02.00.

The Sub-Committee noted a total of 11 representations which had been received; one from the Licensing Authority, one on behalf of the three Manor Ward Councillors, and nine representations from interested parties, most of whom were neighbours to the site.

It was highlighted that the officer's recommendation was to grant the licence with the additional conditions set out in the Licensing Authority's representation, shown as Appendix 2 to the officer's report, in order to uphold the licensing objectives.

For clarification purposes and with regard to the prevention of public nuisance, it was confirmed that incidents of public nuisance could take place at any time of day, however it was noted that during unsociable hours, there was a lower threshold for what was considered a public nuisance.

## **THE APPLICANT**

Harpreet Dhand addressed the Sub-Committee as the applicant for the licence. By way of introduction, he informed the Sub-Committee that he was an established food and beverage consultant specialising in spirits, wines and cocktail training; he also outlined the core aspects of the Hey Bartender business. It was noted that before the Covid-19 pandemic, the applicant was regularly working in restaurants and bars delivering cocktail making masterclasses to patrons. Since the onset of the pandemic, the business model had changed and he was now required to train restaurant and bar staff through video call platforms whilst all participants were at home. Further to this, there was a demand for cocktail making masterclasses to be delivered via video call platforms during the Covid-19 lockdowns. This demand had been met thus far by giving the customer a shopping list of ingredients required for the virtual cocktail masterclass that they would buy themselves; the idea behind the application in front of Members was that the applicant could deliver the ingredients and equipment required, such as fruit, juices, cocktail shakers and stirrers, and miniature alcohol bottles, directly to customers in a hamper, simplifying the customer experience ahead of the virtual masterclass being held.

The applicant accepted that, without a thorough explanation of what the business does, the licensing application would appear to be an alcohol delivery service operating late into the night from a residential address. It was stressed that this was not the case and that the hours applied for had mistakenly pertained to the hours that the virtual cocktail masterclasses could be delivered and not the times that alcohol could be dispatched to customers from the property. For clarification, the applicant stated that the ingredient packs, including any alcohol, would only be dispatched during daytime hours.

It was stressed by the applicant that no customers would be able to order alcohol for same day delivery and at no point would any customers collect alcohol from the

applicant's premises. The applicant stated that he would personally put together the ingredient packs and would take them to a local delivery point, a few minutes' walk from the premises. It was briefly highlighted that the business would conduct a two-stage age verification check for the purchase of any alcoholic products.

Members were encouraged by the clarifications given by the applicant, previously there had been worries that the service would be an immediate alcohol delivery service with mopeds and delivery vans departing from the premises late into the evenings. Councillors queried the intended method of delivery for the ingredient packs, the applicant confirmed that once the packs had been made, he would take them to a local delivery depot for dispatch to customers. It was clarified that, with regard to stock deliveries, these would only ever be during the daytime and would be at a manageable rate that could be expected of any residential premises. The applicant also highlighted that the frequency of virtual cocktail masterclasses was expected to decrease as coronavirus restrictions were lifted in future.

Members were minded to explore how potential complaints from the premises' neighbours would be dealt with by the applicant. The applicant informed Members that he had been a licensee at a previous venue and understood the importance of facilitating positive relationships with neighbours. Further to this, he wished to establish a good relationship with his neighbours which meant they would feel comfortable approaching him with any grievances regarding the operation of the business.

## **RESPONSIBLE AUTHORITIES**

Daniel Ferrer, on behalf of the Licensing Authority, addressed the Sub-Committee. Members were informed that the Licensing Authority had originally raised representations in relation to three of the licensing objectives, prevention of crime and disorder, prevention of public nuisance and the protection from children from harm. It was noted that an email had been sent from the Licensing Authority to the applicant on 8 March 2021, after the hearing agenda had been sent out, and a response had not been received. Further to this, Mr Ferrer noted that the application lacked detail in relation to the operation of the business and some of the content of the applicant's opening remarks was new information; as such, he would be adjusting the Licensing Authority's representation slightly.

It was highlighted that proposed conditions with regard to the prevention of crime and disorder still stood as a way of addressing and mitigating any potential problems to that effect. Namely that a comprehensive CCTV system be conditioned which covered the unit being used for the storage of alcohol.

With regard to the prevention of public nuisance, it was highlighted that, though the applicant had stated in his opening remarks that the operating hours for the sale of alcohol were mistakenly applied for, there would still need to be a condition regarding operating hours, should the licence be granted, to ensure that appropriate operating hours for the sale of alcohol are adhered to. It was also noted that the applicant had not provided enough detail with regard to the disposal of waste and that the Sub-Committee should consider a condition to that effect, should the application be granted.

With regard to the protection from children from harm, it was highlighted that online age verification checks for the sale of alcohol were not consistently reliable and the Licensing Authority would like to see age verification go further.

Members commended the Licensing officer's report and the representation made on

behalf of the Licensing Authority. Members questioned Mr Ferrer on whether he felt that, since the applicant's opening remarks, he was more confident in the Sub-Committee granting the licence subject to appropriate conditions. This was confirmed and it was stated that it was a shame that the relevant parties had waited until the hearing to hear crucial details about how the business would operate from the premises.

## **OTHER PARTIES**

The three Manor Ward Councillors had submitted a representation on the application and Councillor Michael Markham addressed the Sub-Committee on behalf of the three Councillors. He noted that many of the concerns held by the Councillors had been addressed in the opening statement from the applicant where more information about the nature of the operation had been given. However, it was noted that it still stood that the Manor Ward Councillors fully supported the conditions recommended in the Licensing Authority's representation and felt that these should be implemented should the licence be granted by the Sub-Committee. A further conditions that the Ward Councillor would like to have seen were a restriction of operating hours to Monday to Saturday 9.00 – 18.00.

It was highlighted that there were other actions that the Ward Councillors could take to help ensure any parking restrictions were adhered to with regard to deliveries. These being, liaising with the relevant Council departments to make sure appropriate parking signage and road markings are clear and ensuring proper parking enforcement is in effective operation.

Sue Daniels, on behalf of the Ruislip Manor Cottage Society, had submitted representations on the application; she addressed the Sub-Committee and informed Members that she had a close relationship with the eight other local residents who had submitted representations on this application, and that they were only unable to join the hearing due to being unable to join the virtual hearing setting. Those residents were aware that she would also be speaking on their behalf. A number of key points were raised:

- It appeared that the original application denoted a different kind of business to the one that the applicant had outlined in his opening remarks;
- Residents were concerned that the operation could lead to increased stress on parking demands;
- There had been recent incidences of break-ins in the area and residents were concerned that the type of products being stored at the premises may attract further attention from opportunist criminals;
- There were concerns over the logistics of the applicant getting the ingredient packs to the aforementioned delivery drop-off point.

## **DISCUSSION**

The Sub-Committee noted that what they had heard from the applicant at the hearing so far was a marked improvement from what was included in the application. Members questioned whether the information given to the Committee by the applicant earlier in the hearing could feasibly be amended into conditions that would ensure the licensing activities are operated as the applicant had expressed. Officers confirmed that any conditions imposed must be appropriate, enforceable and proportionate to uphold the licensing objectives. In addition, it was noted that if there were issues highlighted in association with upholding the licensing objectives at the premises, the Licensing

Authority or other responsible authority could review the premises licence; it was also noted that, as long as it was not deemed frivolous or repetitive, any individual with an interest could also request a review of the licence.

Officers noted that if, in future, the business dynamics changed and the operation became busier than initially expected, the applicant could apply to amend the licence. It was highlighted by the applicant that the virtual cocktail making masterclasses formed only a part of the overall Hey Bartender business.

The applicant noted that he was happy to accept any conditions that the Sub-Committee decided were appropriate to uphold the licensing objectives. With regard to CCTV, it was noted that this had been installed at the front and side of the premises ensuring coverage of the outhouse and that CCTV footage would be available to any responsible authority requesting it.

### **CLOSING REMARKS**

On behalf of the Manor Ward Councillors, Councillor Markham highlighted that it had been useful to hear the clarifications from the applicant but reiterated some of the concerns of the Ward Councillors, namely that they encouraged the Sub-Committee to implement the Licensing Authority's suggested conditions.

Upon making her closing remarks, Sue Daniels raised significant concerns that the application differed significantly from what had been heard from the applicant during the hearing and asked for Members to refuse the application. The Chairman highlighted that, if the Sub-Committee were minded to grant the license, they could ensure the premises operated in the way expressed by the applicant during the hearing by way of implementing conditions.

On behalf of the Licensing Authority, Mr Ferrer highlighted that the Licensing Authority's representation was still being maintained in light of the applicant's remarks and would support the Sub-Committee in providing certainty, by way of conditions, that the premises would operate in the way described by the applicant throughout the hearing as opposed to how it was described in the original application.

Harpreet Dhand apologised for the lack of clarity in his original application and stated that he was happy to accept any proposed conditions from the Sub-Committee.

### **THE DECISION**

The Sub-Committee considered all advance relevant written evidence and verbal submissions at the hearing.

In doing so, the Sub-Committee took into account the Licensing Objectives, the Licensing Act 2003 as amended, Hillingdon's Statement and Licensing Policy, in particular paragraphs 20.1 – 20.4, 24.1 – 24.3, and 21.1 – 25.5, and Statutory Guidance issued by the Secretary of State under Section 182 of the Act, in particular paragraphs 3.8 – 3.10, 9.42 – 9.44, 10.2, 10.8, 10.10, 10.13, 14.19, 14.51 and 14.52. The Sub-Committee had due regard to its Public Sector Equality Duty, under s.149 of the Equality Act 2010, as amended.

After deliberations in private session, the decision of the Sub-Committee was to **grant the Premises Licence**, subject to the below conditions. The Sub-Committee's reasons for this decision would be published in the written Decision Notice.

**The Conditions are as follows:**

1. Operating time schedule is Monday – Friday 09:00 hours to 18:00 hours only (there will be no operation of business on Saturday or Sunday);
2. The premises shall operate for the storage and dispatch of alcohol which has been ordered online.
3. The alcohol shall not be collected by wholesale/retail customers or consumers (the public).
4. The premises will not be open to wholesale/retail customers or the public for over the counter sales of alcohol.
5. The premises shall install and maintain a comprehensive CCTV system. The system shall include a camera which covers the unit being used for the storage of alcohol. The CCTV shall continually record whilst the premises is open for licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon request of Police or authorised officer throughout the entire 31 day period.
6. A person from the business who is conversant with the operation of the CCTV system shall be available during licensable hours. This person must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following:
  - (a) all crimes reported to the venue;
  - (b) any complaints received concerning crime and disorder;
  - (c) any incidents of disorder;
  - (d) any faults in the CCTV system;
  - (e) any refusal of the sale of alcohol;
  - (f) any visit by a relevant authority or emergency service.
8. Delivery drivers shall check that persons to whom a delivery is being made are not intoxicated.
9. Deliveries shall be made to a suitable collection point premises address only and shall not be made to public or open spaces i.e. parks, street corners or telephone boxes etc. or left in places or lockers;
10. Vehicle engines shall not be left running and vehicles shall be parked considerately.
11. Waste disposal must be stored within the premises, and presented externally of the premises on bin collection day only (it must not exceed 6 bags including domestic household rubbish), unless removed by the Designated Premises Supervisor of the land to a waste recycling centre;
12. An age verification check shall take place at the point of entry to the website.

13. At the time that an online order is placed a declaration shall be required from the person placing the order that that person is over 18 years of age.
14. The website shall contain a statement which reminds customers that it is a criminal offence for a person under the age of 18 to purchase or attempt to purchase alcohol and that it is also a criminal offence to purchase alcohol on behalf of a person under the age of 18.
15. Delivery drivers, including third parties, shall require a Challenge 25 proof of age check prior to the alcohol being handed over in order to ensure that the recipient is over 18 years of age.
16. No collections / pick ups from customers or delivery drivers on behalf of customers at the premises land;
17. The only acceptable forms of identification are recognised photographic identification cards, such as a photocard driving licence, passport or proof of age card with the PASS Hologram. The website shall contain a declaration to this effect.
18. Training records shall be made available for inspection upon request by the Police or authorised officer.
19. All staff with responsibility for alcohol sales and/or delivery of alcohol shall undertake full training including the following topics:
  - (i) Proof of age and offences relating to children and alcohol; and
  - (ii) Responsible and safe retail of alcohol.

#### **RIGHT OF APPEAL**

If any individual who made relevant representations to the application feels aggrieved by the decision of the Sub-Committee to grant the application, they may appeal to the Justice Clerk under section 181 and schedule 5 of the Licensing Act 2003 to Uxbridge Magistrates' Court, The Court House, Harefield Road, Uxbridge, UB8 1PQ, within twenty-one days of the date of notification of the 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 meeting, which commenced at 10.02 am, closed at 11.49 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - 01895 250636 or email: [democratic@hillington.gov.uk](mailto:democratic@hillington.gov.uk) on . 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**

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**remain the official and definitive record of proceedings.**