

Minutes

LICENSING SUB-COMMITTEE

19 April 2023

Meeting held at Committee Room 5 - Civic Centre



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Colleen Sullivan Barry Nelson-West</p> <p>Officers Present: Chantelle McLeod, Legal Officer Mark McDermott, Licensing Officer Ryan Dell, Democratic Services Officer</p> <p>Also Present: Mr Arumugam Uthayashankar, Applicant Mrs Uthayashankar, Applicant Ms Paula Stratford, Interested Party Mr Steve Stratford, Interested Party</p>
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
3.	<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 4</i>)</p> <p>It was confirmed that all items of business were marked as Part I and would be considered in public.</p>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>)</p> <p>None.</p>
5.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CURRY CORNER, OFF LICENCE, 24-32 FAIRFIELD RD, WEST DRAYTON, UB7 8EX (<i>Agenda Item 6</i>)</p> <p>INTRODUCTION</p> <p>Mark McDermott, Licensing Officer, introduced the application for a new Premises Licence in respect of the proposed Curry Corner, off-licence, 24-32 Fairfield Road, West Drayton, UB7 8EX. Officers summarised that the proposal was to authorise the sale of alcohol for consumption off the premises, Monday to Sunday from 07:00 hours</p>

to 23:00 hours, with opening times also of Monday to Sunday from 07:00 hours to 23:00 hours. It was noted that four representations had been received, three from local residents and one from Ward Councillor Punja. The applicant had agreed conditions with the Licensing Authority and Police that had been relayed to the objectors to see if these would allay their concerns but they had decided to maintain their objections. Officers further highlighted that there had been no Members Enquiries or Police Reports. The Sub-Committee were invited to determine the application.

THE APPLICANT

Mr and Mrs Uthayashankar, as applicants, noted that this was the first time they had made an application of this type, and that their application was to open part of the premises as an off-licence. It was highlighted that Curry Corner was the former name of the site, and that the applicants had purchased the premises prior to the COVID-19 pandemic. Opening during this time had made business difficult, and the business was struggling initially. Alcohol sales often acted as a lifeline for other similar businesses. The site currently held an A1 retail license, and so the applicants now needed an alcohol licence. The applicants also noted that they had been in discussions with the Police and Licencing Authority, receiving advice on the process. It was noted that there was a residence above the premises and further noted that the applicant's cousin would be the proposed Designated Premises Supervisor (DPS), who currently held a Personal Licence. There would be a total of five staff working at the site. The applicants further noted that training would be undertaken in relation to, for example, not selling alcohol to minors and not selling alcohol in open containers. It was noted that the off-licence would be only part of the business, along with selling groceries.

Members queried the early start time of the requested licence, and that there was a concern relating to underage/ school children. The applicants noted that the early opening time was in order to sell groceries, not specifically alcohol. The applicants were happy to agree to a new condition of amended licensable activities times of 10:00-23:00.

INTERESTED PARTIES

Ms Paula Stratford, a local resident who had submitted an objection to the proposal, addressed the Sub-Committee. It was noted that they had been a resident of the area for around 35 years and lived very close to the site. There were already five premises selling alcohol in the vicinity, and residents often had to clear up rubbish, bottles and cans from these other establishments. It was noted that people often sat in their vehicles drinking by the green, which often lead to anti-social behaviour, littering and damage to property. Ms Stratford was concerned that another premises selling alcohol would add to these concerns. Members asked whether these issues had been reported, and Ms Stratford clarified that they had spoken with the waste collectors/ road sweepers and had previously discussed with Ward Councillors, although not recently.

Mr Steve Stratford, who had also submitted an objection to the proposal, addressed the Sub-Committee. Mr Stratford noted that there were too many premises selling alcohol in the area, and this this site was too far from the High Street. It was suggested that customers of local pubs would move to this site when pubs closed, due to the late opening hours. Reference was made to scratches on cars and rubbish including bottles, food waste and gas cannisters. Parking in Colham Avenue represented an issue with potential customers. Members asked whether Mr Stratford had spoken with his Ward Councillors, to which Mr Stratford replied that he had, but not recently. It was noted that this was not a Police matter. It was also noted that this was an evidence-

based Sub-Committee. Members noted their concerns, in line with the objectors, of anti-social behaviour, littering, noise, fly-tipping and public safety.

DISCUSSION

It was further noted that the site was no longer called Curry Corner, this was however noted in the application, and aided identification of the site. The site would be partly a Sri Lankan grocery store, requesting an alcohol licence. It was noted in their absence that the Sub-Committee had received representations in objection from Councillor Punja and Mr Puri.

The Chairman asked the applicant to name the four licensing objectives. The applicant noted that they had worked in a retail shop previously that sold alcohol, and that they had experienced issues of attempted underage purchases, asking for ID, and refusing sales to minors.

In terms of stock, the applicant noted that they purchased stock from an existing list of suppliers only.

The applicants noted that they had not experienced issues of anti-social behaviour outside the shop but did highlight the lack of bins in the area.

The Chairman asked if the applicants had had any professional help with their application. The applicants noted that they had spoken to the Licensing Officer but had no solicitor due to costs. The Sub-Committee noted that the application was light on details.

In terms of the licensing objective of the prevention of crime and disorder, the application noted that that applicants would follow government guidelines. The Sub-Committee asked for elaboration on this. The applicants noted that they had CCTV in and out of the store, with 45-day recordings. The stock would be kept two meters away from the main entrance. A new condition was agreed for no sale of alcohol during any times where the CCTV was not working.

Regarding the licensing objective of the prevention of public nuisance, the application stated that the applicants will ensure no one is drinking outside and in front of the premises. The Sub-Committee asked how this would work. The applicants noted that they would tell customers directly not to drink in front of the store, and if this was not adhered to, the customer would be banned from the store. A record of this would be kept and shared with all employees.

Regarding the licensing objective of the protection of children from harm, guidance on Challenge 25 would be followed. Purchases of stock would be made from an existing list of suppliers.

On the schematic within the report of the store layout, the location of CCTV cameras; the length of the till counter; storage areas; and the specific location of where licensable activities will take place were clarified. An additional condition of no sale of miniature alcohol bottles below 20cl was agreed.

Ms Paula Stratford confirmed that the road was swept every Wednesday, and there were four waste bins and two animal waste bins. It was unclear that the applicants owned all five units, and not just the former Curry Corner unit. The other four units were the existing plumbing business. The licensable activity would take place in only one

unit. It was noted that the applicants did not live in the area, and so would not have experienced late-night issues. It was clarified that the updates to the schematic in terms of the CCTV/ length of the till counter would not require a new application.

Mr Steve Stratford highlighted potential issues around working hours if there were only five employees. The applicant noted that working hours would be split among the employees, with reference to peak times. Experience of the employees was questioned, and it was clarified that all licensable activities would take place in front of the counter, in full view of the staff behind the counter. A feature reminding staff to ask for ID was due to be implemented. The number of similar premises was again noted. With the location of the store, it was suggested that not many people would walk in that direction late at night, as it would not be through traffic, and potential customers were already causing issues. The close proximity to Silver Stores was noted.

Officers noted that, in relation to the cumulative effect, there was no 'special policy' to reduce the number of premises of the same type. It was further noted that the need for a new premises with licensable activity was not a licensing consideration, and that the Sub-Committee was evidence based and must refer to the licencing objectives. Officers further clarified that the conditions agreed with the Police and the Licencing Authority had been agreed with the applicants. It was also noted that the proposed DPS can designate authority.

CLOSING REMARKS

Ms Paula Stratford noted the responsibilities of the application, but that they were still in objection to the proposal.

Mr Steve Stratford noted acknowledged that they had focused on side effects, and that if granted, the new licence would add to existing concerns. The main issue was the sale of alcohol.

THE DECISION

The Sub-Committee took account of all representations made by all interested parties, both verbal and written. In addition, the Sub-Committee welcomed the conditions offered by the Applicant and their willingness to commit to the licencing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- Licensing Objectives, Licensing Act 2003
- Hillingdon's Licensing Policy
- Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003, in particular paragraphs 9.42 and 10.46.

The decision of the Sub-Committee is to GRANT the application for a new premises licence for the sale of alcohol off the premises between the hours of 10:00 hours and 23:00 hours subject to the following conditions:

General

1. All staff will receive training in relation to the sale of alcohol and in particular the prevention of underage sales. Records will be kept of training and refresher

training.

2. Alcohol shall not be sold in an open container.

The Prevention of Crime and Disorder

3. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. Cameras shall also cover the till area and areas where alcohol is displayed for sale. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
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 the request of Police or authorised officer throughout the entire 31-day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member 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.
5. 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.
6. In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per the minimum requirements of the Metropolitan Police Service.
7. Spirits and high value alcohol shall be kept behind the counter as per the revised plan.
8. No alcohol shall be stored within 2 metres of the door.
9. No alcohol is to be displayed (for sale or otherwise) or sold from the area on the deposited plan shown as the outside area.
10. Purchases of alcohol and tobacco shall be made from AWRS registered wholesalers and invoices shall be retained and made available for viewing by relevant officers.
11. A policy shall be in place which restricts the sale of alcohol to anyone deemed to be drunk.
12. There will be no display or sale of single cans or single bottles of beer, lager, cider, ale or spirit mixtures sold at the premises.
13. There will be no stock or sale of high strength beer, lager or cider (above 6%

ABV).

14. There will be no stock or sale of miniature sized alcohol bottles below 20CL.

The Prevention of Public Nuisance

15. Prominent, clear notices shall be displayed at the premises, including the entrance and exit, requesting customers to respect the needs of local residents and leave the premises and area quietly.

16. The immediate area outside the premises shall be kept clean and clear of litter.

17. No disposal of waste shall take place between 20:00 hours and 08:00 hours.

18. Deliveries and activities relating to deliveries shall only take place between 08:00 and 17:00 Monday to Saturday.

The Protection of Children from Harm

19. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a photo card driving licence, passport or proof of age card with the PASS Hologram.

20. Challenge 25 notices shall be displayed in the customer area.

21. Staff shall receive Challenge 25 training and training records shall be made available for inspection upon request by the Police or authorised officer of a responsible authority.

22. A refusal record shall be operated and maintained. The record shall be made available for inspection upon request by the Police or authorised Council officer.

Public Safety

23. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

Reasons

The Sub-Committee recognise that this is a new application for a premises licence for a grocery/convenience store with the sale of alcohol subsidiary to the business. Whilst the Sub-Committee were addressed about the occurrence of public nuisance and crime and disorder, it noted that there were no representations or evidence submitted from any of the responsible authorities or members enquiries logged by councillors in respect of this application.

Whilst the Sub-Committee are sympathetic to issues raised by interested parties particularly concerning the volume of licensed premises in close proximity, there is currently no cumulative policy/special policy in place. The Sub-Committee were not provided with any tangible evidence relating to the impact this particular premises would create in addition to the current licenced premises in the vicinity. As such, the Sub-Committee determined that the conditions agreed by the applicants and the

	<p>responsible authorities together with modified conditions would serve to sufficiently uphold the licensing objectives.</p> <p>The Sub-Committee recognises the need for businesses to continue trading however, this must not be at the expense of local residents. Local businesses are reminded about their obligations to adhere to regulations to ensure the licensing objectives are being adhered to.</p> <p>Right of Appeal:</p> <p>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.</p> <p>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.</p> <p>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,</p> <p>You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.</p>
	<p>The meeting, which commenced at 2.00 pm, closed at 5.00 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - email: democratic@hillingdon.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 remain the official and definitive record of proceedings.