

Minutes

LICENSING SUB-COMMITTEE

07 May 2024

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



HILLINGDON
LONDON

	<p>Sub-Committee Members Present: Councillors Roy Chamdal (Chair) Becky Haggar OBE Kuldeep Lakhmana</p> <p>Officers Present: Jhini Mukherjee, Licensing Officer Chantelle McLeod, Legal Advisor Ryan Dell, Democratic Services Officer</p> <p>Applicant and Applicant's representative: Manpal Singh, Applicant Mr Panchal, Applicant's representative Mr Singh Sr</p> <p>Interested Parties present: Peter Charalambous</p>
36.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
37.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
38.	<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 would be heard in Part I.</p>
39.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
40.	<p>APPLICATION FOR A STREET TRADING RENEWAL - SARIN EXPRESS (<i>Agenda Item 5</i>)</p> <p>Introduction</p> <p>Jhini Mukherjee, Licensing Officer, introduced the application for a renewal of a shop front trading license for a 2.0 metre shop front display outside Sarin Express, located at</p>

212 High Street, Harlington, Hayes, UB3 5DS.

The application was submitted by Mr Manpal Singh and he was represented by his agent Mr Panchal.

The applicant sought to renew the license to display fruits and vegetables, various household goods, charcoal and water.

The shop front projected 2 meters outwards from the boundary of the shop. The original permission was granted on 29 October 2021, and since then the license had been renewed four times, each for a six-month period.

As with every other renewal, this application was consulted with the Ward Councillors, the Council's Highways team and the Antisocial, Behaviour and Environment team. The purpose of these consultations was to seek assurances that the applicant's proposals satisfied the requirements of the legislation and that they were suitable to be licensed. This renewal had received objections from five residents. Two addenda included further submissions of photographs of the shop front.

There were no breaches of Street Trading license conditions, and it was recommended that the Sub-Committee grant the license. Regarding the length of time that the license could be granted for, officers referred Members to Appendix 3, which was the Street Trading policy where under paragraphs 4.1 and 4.2 there was further information on suitable license durations. The Sub-Committee may wish to attach additional conditions to the license to deal with the concerns raised. Officers invited the Sub-Committee to determine the application.

The Chair asked why there had been so many visits to the premises. Officers noted that visits had been ongoing since 2021. Because the premises had attracted a number of complaints, every six months when up for renewal site visits were carried out. Some of these visits were conducted by officers who had now left the Council.

The Chair asked if any representations had been received from any Responsible Authorities. Officers confirmed that there were none, however an email from Councillor June Nelson had been received on the previous day. This contained a photograph taken by a resident and had been shared with the Sub-Committee. The Chair confirmed that all parties had seen a copy of this submission, and that all parties were happy to accept it.

Members noted a pole that was holding up the canopy in one of the photographs, and asked if this pole was within the 2 meters. It was noted that there were two poles outside the shop. One was Council property; the other was holding up the canopy. The pole holding up the canopy was thought to be within 2 meters. It was noted that the license could be conditioned around space between the pole and the shop front. It was further noted that the pole was temporary and only used to hold up the canopy during rain/ adverse weather.

The Applicant

The applicant's representative noted that the premises has traded previously, and a license had been granted as a result of a previous Sub-Committee. There were no objections from the Antisocial Behaviour team or any other Responsible Authorities because the conditions had been followed. There had been no breaches of the conditions. A few of the objections were similar to those received during previous

applications.

It was noted that from the decision that was made on 29 April 2022, there was a condition existing to say that the licensed area must be within the dimensions approved by the Council and marked out by the Council.

It was noted that there had been one Fixed Penalty Notice.

It was clarified that the opening hours were 07:00-23:00 Sunday to Thursday, and 07:00-23:30 Friday and Saturday. The premises had a license to stay open until 00:00 every day.

Interested Parties

Mr Peter Charalambous addressed the Sub-Committee. The main concern was the premises being open late on a Friday and Saturday night, often open until midnight. This was especially a concern in summer with the level of alcohol consumption in the High Street.

A second issue was that the boxes outside the premises were not cleared away when the store was closed. These boxes were potentially hazardous, especially to the partially sighted. Furthermore, children on the way home from school often had to walk in the road because there was limited space to walk. This premises was located within a Conservation Area.

It was suggested that the pole was not within the 2 meters.

Discussion

The Chair asked if Mr Charalambous had had the opportunity to speak to the applicant about their concerns. Mr Charalambous confirmed that he had not.

The Chair asked if the distance to the pole had been measured, and whether it was further than 2 meters, while noting that it was a temporary pole. The applicant confirmed that the canopy was around 2 meters, and the pole was temporary and only used when it was windy or raining to keep produce from getting wet. For clarity, the Chair asked if the pole was within the 2 meters. The applicant confirmed that it was.

The Chair noted comments from objectors about waste and asked if the applicant agreed with this. The applicant confirmed that they had their own waste bin behind the premises. The applicant did not use the Council bin on the High Street. The applicant had a contract with the Council for waste collection. The Chair asked how waste was disposed of. There was a door at the back of the premises and waste was collected weekly.

The Chair noted that there had been other representations from residents who were not present at the Sub-Committee. These had been taken on board.

The Chair noted that the boxes outside the shop were not taken in at night and asked why. The applicant noted that they were previously using bread baskets but had been told by the Council that this was not allowed. The current boxes were too heavy to move. If the premises was granted a yearly or permanent license the applicant could utilise trolleys which could be moved inside at night. These trolleys were too expensive on a temporary license.

The Chair clarified that the applicant was offering a condition that in the event of being granted a permanent license, they would acquire mobile trolleys that would be taken in at night.

Members asked about the distance between the premises and the Council-owned pole, and whether there was space for a buggy to get past. This could be passed on to the Highways Team. The Chair asked if there had been any Members Enquiries on this. Officers confirmed that there had been one Members Enquiry, but this referred to littering.

Officers clarified that Highways had been consulted but had not submitted a representation. It was also noted that while the space between the premises and the pole looked limited in some photographs, there appeared to be more space in other photographs.

Furthermore, officers clarified around the hours. The premises benefited from a premises license under the Licensing Act 2003. This was separate to the shop front trading license. The shop front trading license hours were until 23:00 and no goods should be displayed after this time. However, the shop could stay open until 00:00 every day.

It was clarified that there was a difference between regulated hours (what time the premises can open) and operating hours (what time the premises does open). The premises was licensed to open until 00:00.

Hours of licensable activities were 23:00-05:00.

It was clarified that the premises had two separate licenses that came under separate legislation. The current Sub-Committee was dealing only with the shop front trading license which related to produce displayed outside the shop. The hours for this were until 23:00. The shop itself was not under this license and came under the Licensing Act 2003. The shop itself can stay open and sell alcohol until 00:00.

Members asked if this premises was the only off-license in the High Street. Officers confirmed that there were others.

Members asked how many poles were holding up the canopy. It was confirmed that there were two, one on each side. These two poles were part of the canopy.

Members asked if the canopy lowered in the middle under the weight of rain. It was confirmed that it did, and this was the reason for using the poles.

Reference was made to part of a submission from a resident who noted that someone had hit their head on the canopy. Members asked the applicant if they were aware of this. The applicant confirmed that they were not.

Closing remarks

Mr Charalambous stated that if the license was to be granted, it would be better if the area was kept clear at closing time until opening time because it was hazardous. Mr Charalambous also queried whether trolleys would have enough room to be stored within the premises. Mr Charalambous reiterated that this premises was located in a Conservation Area and suggested that this was the only shop within three parades that

had a license to display goods in front of the shop. Mr Charalambous stated that this was an eyesore.

The Licensing Officer agreed that the receptacles should be taken in at the end of trading hours, irrespective of the length of the license.

The applicant's representative noted that the premises had traded previously. The applicant was happy to remove the receptacles overnight. The Chair confirmed that this was being offered as a condition, and it was further clarified that, should the license be granted, the receptacles would be replaced with metal trolleys that would be removed overnight.

In summary, should the license be granted, the applicant would replace the receptacles in front of the shop with trolleys. These trolleys would be removed from the shop front to the garage at the back at 23:00. The shop closed at 23:00, and at 23:30 on Friday and Saturday. The applicant's representative noted that they were happy to get in touch with residents to address their concerns.

Committee Deliberation

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

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

The Decision

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the London Local Authorities Act 1990 and the Council's Street Trading Policy. The Sub-Committee has paid particular attention to paragraphs 3.2, 4, 6.6, 9.1, 10.1, 10.5, 10.7 and 13.1 of the Street Trading Policy.

The Licensing Sub-Committee has determined that it is necessary and proportionate to grant a permanent Street Trading Shop Front Licence for Sarin Express, 212 High Street, Harlington, Hayes, UB3 5DS.

In making its decision the Sub-Committee has taken into account that this premises has been previously granted four temporary licences since 2021. The Sub-Committee listened carefully to all representations made both orally and written. The main theme of the complaints related to the dimensions of the licensable area, litter, hours of operation and the general appearance of the shop front which is in a conservation area.

Whilst the Sub-Committee considered the objections, significant weight was placed on the fact that there were no representations from any of the responsible authorities in relation to this premises, particularly from the street scene enforcement team in relation to nuisance or Highways in relation to public footpath area around the licensable activity.

The Sub-Committee also considered that there had been no breaches of the temporary licence and welcomed the clarification surrounding the distinction between the operating schedule pertaining to the premises licence granted under the Licensing Act 2003 and the Street Trading Licence granted under the London Local Authorities Act 1990.

The Sub-Committee also determined that the issues raised could be sufficient mitigated by the following conditions:

- 1) The licenced area must be within the dimensions approved by the Council and marked out on the ground by the Council.
- 2) The wooden boxes must be removed and replaced with mobile display stands which must be removed and stored away from shop front every day.

The Sub-Committee welcomed the opportunity for parties to discuss the issues and encourage continued engagement and dialogue going forward.

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 Applicant 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.

The meeting, which commenced at 2.00 pm, closed at 3.35 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell at democratic@hillington.gov.uk. 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.