

Minutes

LICENSING SUB-COMMITTEE

27 June 2024



Meeting held at Committee Room 5 - Civic Centre

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| | <p>Committee Members Present: Councillors Becky Haggart (Chair) and Janet Gardner</p> <p>LBH Officers Present: Daniel Ferrer, Licensing Officer Chantelle McLeod, Legal Advisor Anisha Teji, Democratic Services</p> <p>Applicant and Applicant's representative: Applicant – MrJasnoor Singh Vadwah Applicant's representative- Mr Panchal</p> |
| 56. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Peter Smallwood.</p> |
| 57. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p> |
| 58. | <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> |
| 59. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p> |
| 60. | <p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: HARFIELD LOCAL, 42 SCHOOL PARADE, HIGH STREET HARFIELD, UB9 6BU (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Officer</p> <p>Daniel Ferrer, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the application for a new Premises Licence in respect of Harefield Local, 42 School Parade, High Street, UB9 6BU. A background and chronology of events was provided.</p> <p>A new premises licence application had been made to authorise the sale of alcohol for consumption off the premises. The opening times would be Monday to Sunday from 08:00 hours to 00:00hours.</p> |

The Committee was advised that there had been no representations from Ward Councillors and Responsible Authorities. There had also been no Members Enquiries submitted.

A petition consisting of 100 signatures had been submitted in objection of the licence and included signatories from a Licence Holder and Designated Premises Supervisor in a nearby shop.

During the consultation period on 30 May 2024, the Licensing Authority (as a Responsible Authority) had agreed ten conditions with the Applicant. The conditions covered delivery drivers, alcohol sales and identification procedures.

A recommendation was made to consider the representations received.

Representations by Applicant and Applicant's representative

The Applicant – Mr Jasnoor Singh Vadwah and the Applicant's representative- Mr Panchal addressed the Committee.

As a background to the application, the Committee was informed that the Applicant held a personal licence and had experience of running these types of businesses. The Applicant agreed to the conditions that had been proposed by the Licensing Authority.

The Committee was advised that the Applicant would comply with the Licensing Objectives by ensuring that a training manual and incident logbook was maintained, posters were placed in appropriate places and made clearly visible and CCTV was provided. It was also noted that the Applicant would implement the Challenge 25 policy and ensure that all staff had a right to work.

In response to Member questions, it was confirmed that the closure time of the premises would be midnight and the shop would sell alcohol in addition to groceries and other convenience products. The Applicant explained that it was necessary to stay open until midnight as this was more profitable in terms of available business.

Representations by Interested Parties

The petitioner was not in attendance.

Discussion

- In respect of adhering to the conditions proposed, the Applicant explained that they would be duly followed as they had prior experience. The Applicant would check the age of drivers who were delivering alcohol.
- In order to manage delivery drivers and avoid congestion, appropriate collection point signage would be clearly placed.
- It was confirmed that the shop would be physically open until midnight however an 11pm closure would be considered.
- Further clarification was sought about the Applicant's background and experience. The products purchased varied depending on customer needs. The Applicant had opened two shops in Reading and obtained a personal licence for both.
- The Applicant was familiar with the Licensing Objectives. In order to manage

busy times and maintain safety, an extra Member of staff would be employed during school times and there would be a policy of no more than two school children at a time.

- The Applicant was aware that CCTV footage needed to be kept for up to 31 days.
- Questions were raised around deliveries and the Challenge 25 policy. The Applicant's representative noted that the Licence Holder would need to ensure that the delivery drivers were of the right age when selling alcohol by checking ID, however the onus was on the drivers to ensure that alcohol was sold to the customer above the age of 18. All the deliveries from the shop would be done by third parties.
- The sale of alcohol would consist of around 20%, most sales was groceries and convenience products.
- Members raised concerns regarding anti-social behaviour and closure times. However, it was noted that the Applicant had installed a panic button and alarm to maintain the safety of residents, customers and staff. The Applicant had previous experience of managing antisocial behaviour.
- The Applicant would be in the shop everyday. Staff would be fully trained and already had experience.

Closing remarks

There were no further submissions from the Licensing Authority.

In closing, the Applicant's representative submitted that there would be compliance with any conditions.

Committee Deliberation

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

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

The Decision

The Sub-Committee listened to all representations made both oral and written. In addition, the Sub-Committee welcomed the conditions offered by the Licensing Authority and agreed by the Applicant and their willingness to commit to the licensing 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

The decision of the Sub-Committee is to **GRANT** the application for the supply of alcohol for consumption off the premises Sunday to Monday between 0800 hours and 2300 hours. The operating hours of the business shall be between 0800 hours and

2300 hours. The new premises licence will be subject to the 23 conditions set out in their application together with 10 additional conditions agreed by the licensing authority as set out below:

1. No deliveries from the premises, either by the licensee or a third party shall take place between 23.00 and 08.00 hours on the following day.
2. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
3. Delivery drivers shall check that persons to whom a delivery is being made are not intoxicated.
4. 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.
5. 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.
6. 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.
7. If the licensee starts taking orders online, then an age verification check shall take place at the point of entry to the website.
8. At the time that an online order is placed a declaration shall be required from the person placing the order that the person is over 18 years of age.
9. 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.
10. 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.

REASONS

The Sub-Committee recognise that this is a new application for a premises licence for the sale of alcohol off the premises ancillary to the business which is a convenience store selling a variety of goods.

Apart from the petition objecting to the application, the Sub-Committee note that there have been no further objections particularly from residents, Responsible Authorities nor

members' enquiries logged by councillors in respect of this application.

The applicant in his submissions demonstrated sound knowledge, understanding and experience of the licensing objectives. The sub-committee also considered the petition which objected to the application on the basis of need, anti-social behaviour and a school being in close proximity. The sub-committee determined that 'need' was not a relevant licensing consideration as per paragraph 14.19 of the statutory guidance. In addition, the Borough does not have a cumulative policy in place there was no tangible evidence of anti-social behaviour in the area.

After considering all the information put before it, the Sub-Committee were satisfied that the Applicant would comply with and promote the licensing objectives at all times.

The Sub-Committee determined that the conditions proposed by Licensing Authority were to be added to the licence along with the conditions outlined in their application. The Applicant had applied for a terminal hour of midnight however, the Sub-Committee were not persuaded that the proposed time would promote the licensing objectives and that a terminal hour of 11pm was more in line with licensed premises within the area.

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 10.00 am, closed at 11.15 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on ateji@hillington.gov.uk or 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.