

Minutes

LICENSING SUB-COMMITTEE

5 August 2016

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



	<p>Committee Members Present: Councillor Dominic Gilham (Chairman) Councillor Lynne Allen Councillor Patricia Jackson</p> <p>Respondents Present Temporary Street Trading application Mr John Craddock, Applicant</p> <p>Application for a Premises Licence Mr Tim Shield - John Gaunt & Partners solicitors acting for Staycity Heathrow Ltd Mr Simon Lee (Food and Beverage Manager).</p> <p>Officers Present Stephanie Waterford - Licensing Service Glen Egan, Legal Advisor Khalid Ahmed, Democratic Services Manager</p> <p>Also Present Ms Jyoti Mehta (Legal Services) and Mr Michael Facey - Market Manager, Uxbridge Market Traders Company</p>
22.	<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 noted that all business would be considered in Part I.</p>
23.	<p>STREET TRADING: APPLICATION FOR A TEMPORARY STREET TRADING LICENCE, HIGH STREET, UXBRIDGE (<i>Agenda Item 5</i>)</p> <p>The Sub-Committee gave consideration to an application by Mr John Craddock for a Temporary Street Trading Licence for a maximum period of 6 months in relation to a pitch measuring 5 x 4 m to be located on the pedestrianised area of High Street, Uxbridge between Marks & Spencer and Greggs Bakery. The proposed pitch would be used to sell fruit and vegetables</p> <p>The proposed hours of trading were for 6am to 7pm, Monday to Saturday only.</p> <p>Introduction by Licensing Officer</p> <p>The Licensing Officer, Stephanie Waterford, introduced the application and report to the Sub-Committee and confirmed that the application had met all Council requirements and that the consultation ended on 30 June 2016.</p>

The Sub-Committee was informed that two letters of objection had been received. One was from Mr Facey, Managing Director of the Uxbridge Market Traders Company (and the second from Mr Bayliss, Centre Manager of the Pavilions Shopping Centre.

Representations made by applicant

Mr Cradduck informed the Sub-Committee that the Temporary Street Trading Licence was required to enable fruit and vegetables to be sold on the pedestrianised area of Uxbridge High Street using a gazebo pop up tent.

Mr Cradduck confirmed that the exact form of the gazebo structure was not yet confirmed and that he would be happy to comply with any Council requirements in this regard. Mr Cradduck also stated that stock would be kept within the Unit under trellis tables and there would be no storage of rubbish on the pitch. The Sub-Committee was informed that it was thought that replenishment of the site would not be necessary during the course of day.

Members queried the proposed operating hours and whether there would be any set up before 6am. In response, Mr Cradduck confirmed that there would be no trading before 6am.

Members also queried how the pitch would affect the running of special events on Uxbridge High Street such as Big Fest, marches and the French Market. In response, Mr Cradduck confirmed that he would be happy to comply with any Council requirements in this regard.

The Chairman queried whether it was possible, given the standard conditions of licence, for trading to take place from 6am when neighbouring shops do not open until 8am. Mr Cradduck confirmed that an 8am start for trading would be acceptable, although he felt that setting up a stall after 8am would be dangerous given the number of pedestrians using Uxbridge High Street at this time.

Mr Cradduck confirmed that the store would only sell fruit and vegetables and that waste would be minimal. The Sub-Committee was informed that the pitch would be cleaned up at the end of the day.

Representations from objectors

Mr Facey informed the Sub-Committee that he had been involved in the management of markets within Uxbridge for 50 years. In relation to the application he questioned whether all products for sale could be contained within the store. Mr Facey considered that it would be necessary to reload on a regular basis and also that cleaning equipment would be required.

Mr Facey queried how this could be safely done when storage facilities were some distance away. Mr Facey stated that he considered the site to be unsuitable and that regular cleaning, including pressure washing would be needed.

Mr Facey also considered that the stall would create rubbish which the applicant would have to deal with. He also stated that he believed that the stall would do nothing to enhance Uxbridge Town Centre and that the fees charged for Street Trading licences significantly undercut those paid by traders at Uxbridge Market.

Discussion

In response to questions about trading hours, Mr Craddock confirmed that trading would not commence before 8am and would finish by 6pm.

In response to questions raised by the Chairman and the Legal Adviser, Mr Craddock confirmed that it would be necessary to replenish the pitch during the course of the day. Mr Craddock confirmed that he would comply with the Council's requirements in this regard and suggested that replenishment could take place using a Dutch trolley. Mr Craddock also confirmed that no vehicles would be used during trading hours.

Closing Remarks

The Sub-Committee heard closing arguments from all parties before retiring to deliberate.

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

THE DECISION

The Sub-Committee has considered all relevant representations made and, in doing so, has taken into account the London Local Authorities Act 1990 and the Council's Street Trading Policy.

The decision of the Sub-Committee is to grant a temporary street trading licence to the applicant for a 6 month period subject to the Council's Standard Conditions of Licence and the following additional conditions:

- i. Hours of Trading: 8am to 6pm Monday - Saturday**
- ii. The Trader is not granted vehicular access to Uxbridge High Street during trading hours.**
- iii. No stock shall be replenished from vehicular storage.**
- iv. No equipment used for replenishment to be retained on site at any time.**
- v. No trading may take place under this Temporary Street Trading Licence until such time as the trading stall and/or any associated installations or equipment are approved by the Regulatory Services Team.**

The above additional conditions were imposed by the Sub-Committee in accordance with Paragraph 10.7 of the Council's Street Trading Policy in order to protect public safety, to prevent possible public nuisance or environmental damage and to safeguard the appearance of the trading area.

24. APPLICATION FOR A PREMISES LICENCE AT STAYCITY HEATHROW, HIGH POINT VILLAGE, STATION APPROACH, HAYES UB3 4FL

The Sub-Committee gave consideration to an application for a new premises licence application by Staycity Heathrow for a new premises licence at Staycity Heathrow, High Point Village, Station Approach, Hayes UB3 4FL. The application related to the indoor area of the premises for the sale of alcohol, on and off sales and the provision of late night refreshment. The proposed hours for licensable activities were:

Monday - Sunday: 10:00 hrs - 00:30, with proposed opening hours of 06:00 - 01.00 hours Monday - Sunday.

Introduction by Licensing Officer

The Licensing Officer, Stephanie Waterford, introduced the application and informed the Sub-Committee that objections had been received from 3 local residents and that a petition had been received from a further resident. This petition had been signed by 68 persons and opposed the grant of a licence on the basis that local residents might experience nuisance or crime and disorder if a licence was granted. Residents were also concerned that if off sales were permitted this could also give rise to nuisance or crime and disorder.

The Licensing Officer confirmed that no representations had been received from the Police or other responsible authorities.

The Licensing Officer confirmed that the Officer recommendation was for the application to be granted but that it be subject to conditions, as thought appropriate by the Sub- Committee, which could be based on the draft conditions submitted by the Applicant.

Representations made by applicant

Mr Shield informed the Sub-Committee that the Applicant's business was aparthotels in different areas of the world, which offered accommodation with a small kitchenette. The Applicant also had a food and beverage offering including the sale of alcohol. This was predominantly geared to clients staying in the Aparthotel. The Sub-Committee was informed that the Applicant wished to offer this service to non residents as well in order to try and involve the community in the premises.

Mr Shield noted the concerns of residents, but felt that these related to how the premises had previously been run. Members were informed that the licensed areas were detailed in red in the plans contained in the agenda, and that the only point of access to the premises was through the front door area. M

Mr Shield informed the Sub-Committee that the back door area was alarmed. With regard to potential crime and disorder implications, Mr Shield emphasised that there had been no objections from the Metropolitan Police.

The Chairman also stated that no complaints about the premises had been made to the Council's Anti Social Behaviour Unit.

In response to a question from the Chairman, Mr Shield advised that the reason why the Applicant had sought permission for off sales was to enable hotel residents to take a drink from the licensed area to their room. After taking instructions from Mr Lee, Mr Shields confirmed that the Applicant's Business Model was geared for the benefit of hotel residents and that their business did not wish to try and compete with nearby shops.

Mr Shield confirmed that if the issue of off sales was a concern to Sub-Committee, the Applicant would accept a condition which did not permit off sales, provided that the entire internal area of the aparthotel was red-lined to enable hotel residents to take alcohol to guest rooms.

In response to a further question, Mr Lee confirmed that a start time of 6 am was to enable breakfast to be served. The Sub-Committee was informed that this facility would be available to non hotel residents.

Mr Shields clarified that neither the consumption of alcohol nor the smoking of cigarettes would be allowed in external areas of the premises. All consumption of alcohol would be in internal areas and smoking would take place only in the front area adjoining Station Road.

The Chairman also queried whether the Applicant was prepared to participate in the "Challenge 25 Scheme". Mr Lee explained that the Company's training was for "Challenge 21" as this was considered to be more appropriate. However, Mr Lee stated that he would leave this decision to the Chairman.

A Member of the Sub-Committee referred to a conversation she had had with a nearby resident that morning concerning this application. This conversation was described as a conversation in passing at a newsagent. However, after questioning from the Chairman and the Legal Adviser, the Member confirmed that she did not wish to place any additional information before the Sub-Committee.

The Legal Adviser emphasised that the Sub-Committee's decision could only be made on the basis of the information contained in the report or which had come to light during the course of the hearing. All other information had to be disregarded.

The Sub-Committee noted that none of the objectors or lead petitioners were present to address the Sub-Committee. The Sub-Committee confirmed that the relevant representations would be taken into account and weighted when determining the Application.

Discussion

The Sub-Committee noted that the Applicant had sought to address the concerns raised by residents by amending his application.

Consequently the Sub-Committee agreed that the licensing objectives could be upheld by granting the licence, subject to conditions which addressed resident concerns regarding nuisance and disorder. In particular, the Sub-Committee agreed that conditions would be required to ensure that off sales did not contribute to any disorder in the area.

The Sub-Committee noted that the Applicant had agreed to remove the application for off-sales subject to the entire internal premises falling within the red-lined area applicable to any licence that may be granted.

The Sub-Committee also noted a number of conditions volunteered by the Applicant which were aimed at preventing crime and/or disorder. The Sub-Committee concluded that the removal of off sales, the extension of the red-line area and the conditions offered by the Applicant were suitable to address the concerns of residents.

The Sub-Committee noted that the Applicant did not currently participate in the Challenge 25 Scheme, but was advised that requiring such participation by the Applicant might be considered unreasonable. The Sub-Committee accepted this advice, but would nonetheless encourage the Applicant as a responsible business within Hillingdon to adopt the Challenge 25 Scheme so as to bring the Applicant into line with its competitors.

Closing Remarks

The Sub-Committee heard closing arguments from all parties before retiring to deliberate.

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

THE DECISION

The Sub - Committee has considered all relevant representations made and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under section 182 of the Act, the Council's Statement of Licensing Policy, the Licensing Objectives and the Public Sector Equality Duty.

The decision of the Sub- Committee is to grant the Premises Licence subject to the conditions:

- 1. The sale of alcohol is authorised between 10h00 and 00:30 daily;**
- 2. The provision of late night refreshment is authorised between 23:00 and 00:30 daily;**
- 3. The premises opening hours shall be 06:00 until 01:00 daily;**
- 4. The premises is not authorised to carry out off sales of alcohol;**
- 5. No resident and/or guest shall remove alcohol and other drinks from the licensed premises**
- 6. The premises area that fall within this licence and which shall be red-lined shall be the entire physical premises of Staycity Heathrow;**
- 7. The premises are authorised to carry out sales of alcohol and provision of late night refreshment from the start of business on New Years Eve until the end of business on New Years Day;**
- 8. All staff will receive training on matters concerning underage sales, drugs policies and operating procedures;**
- 9. Management shall carry out regular checks of all licensable areas in order to ensure that no illegal drugs are used or found on the premises. All illegal drugs seized shall be stored securely and handed to the police.**
- 10. The premises shall operate a proof of age scheme and require photographic identification from any person who appears to be under the age of 25.**
- 11. CCTV will be installed with recording facilities. Such recordings shall be retained for a period of 31 days and made available, within a reasonable time, upon request by the police and Council officers.**
- 12. Prominent, clear and legible notices shall be displayed at all exits requiring the public to respect the needs of local residents and to leave the premises quietly. Patrons will be encouraged by staff to leave quietly and respect the interests of any nearby premises.**
- 13. The door numbered EDP 04 shown on the map at page 76, being a fire door, shall be alarmed at all times in the same way that all other fire doors in the premises.**

The meeting, which commenced at 2.00pm, closed at 5.20pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services on 01895 250833. 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.