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22<sup>nd</sup> March 2023

**Re: Representations – Curry Corner – UB7 8EX**

To Whom It May Concern:

I write to you regarding representations for a premises license for Curry Corner UB7 8EX. I acknowledge that the reason for representations must fall into the following licensing objectives:

1. Prevention of Crime/ Disorder
2. Prevention of Public Nuisance
3. Protection of Children from Harm
4. Public Safety

My representations will focus on representations on each objective with supporting evidence where applicable.

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**The Application:**

I note that the applicant Mr. Arumugam Uthayashankar has indeed completed the Application for a premises licence under the Licensing Act 2023 however, the application under **Section 18** has no substance.

For a matter such as a licensing application, one would expect thorough detail on how the applicant would take steps to promote the four-licensing objective. In the case of Curry Corner, in all instances it is barely one sentence.

Before us, is an application for a new premises licence for which the applicant should at least take the due diligence to provide full detail of detailed steps on how they wish to promote the licensing objective.

A clear flaw in this application is under Section 18 (e) – The protection of children from harm, where I note the applicants, response is that *'We won't sell alcohol under age of 21'*, there is no such policy – the policy that does, however, exist is Think 25 which is in line with mainstream supermarkets as well as the **Retail of Alcohol Standards Group**. I am, perplexed therefore, as to how this application was not sent back to the applicant to review the objective. This may be a procedural error or in fact it may be the case that the Council wishes to make representations at a hearing before granting the license regarding this.

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## Prevention of Crime/ Disorder:

I take note that the applicant has answered *'We will follow the govt guidelines always'*

The applicant has not taken any steps to state what these are or, that he has knowledge of these. From the viewpoint of an objective resident who wishes to inspect the applicant's application, it seems to be just a tick box exercise.

The applicant for example, refers to the CCTV system but fails to mention anything additional on the following:

1. Will the system be always maintained in good working order?
2. Will the applicant ensure that the CCTV views are not obstructed so that if necessary clear facial images can be captured for the purposes of prevention of crime and disorder.

Furthermore, the applicant fails in my opinion to provide due diligence on where they will purchase goods from:

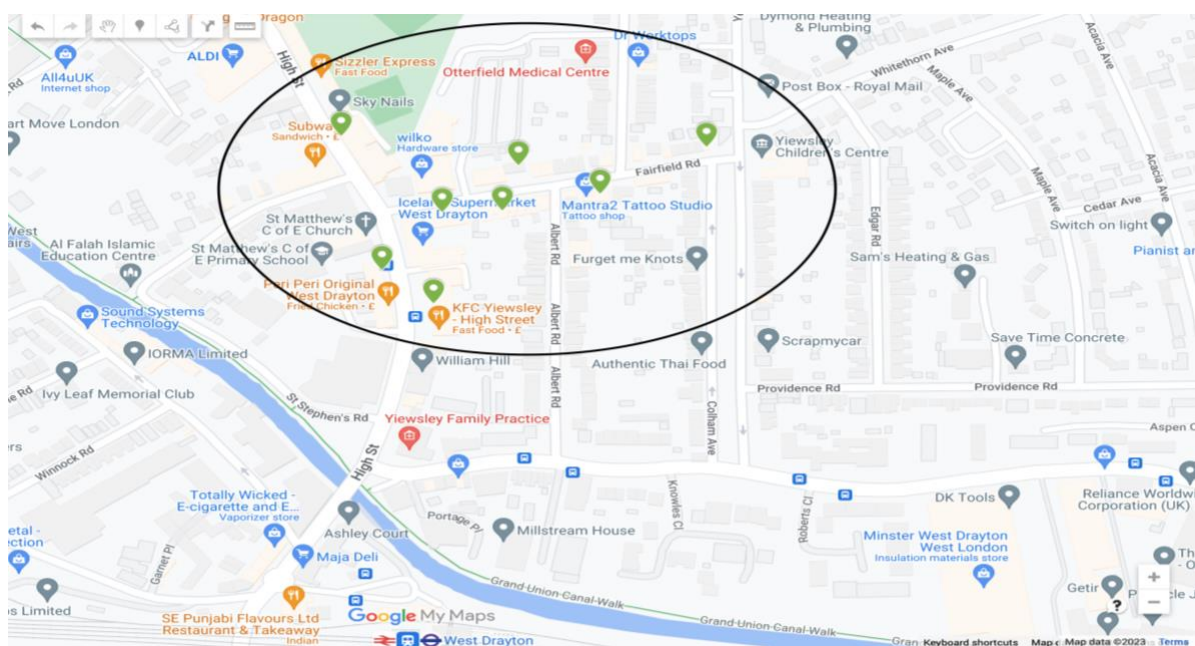
1. Will the applicant ensure these are purchased from an AWRS registered wholesaler?

In my opinion, there is a rather large amount of information that the applicant has failed to communicate satisfactorily during the period of consultation which shows how the objective of prevention of crime and disorder will be met.

Moving on to the Local Authority – here on in referred to as the **'LA'**

In accordance with S17 of the Crime and Disorder Act 1998, the Licensing Authority must have due regard to the likely effect of the exercise of its functions on crime and disorder; and to the need to do all that it reasonably can to prevent crime and disorder.

In regard to the LA's likely effect of the exercise of their functions, I would like to point out the following:



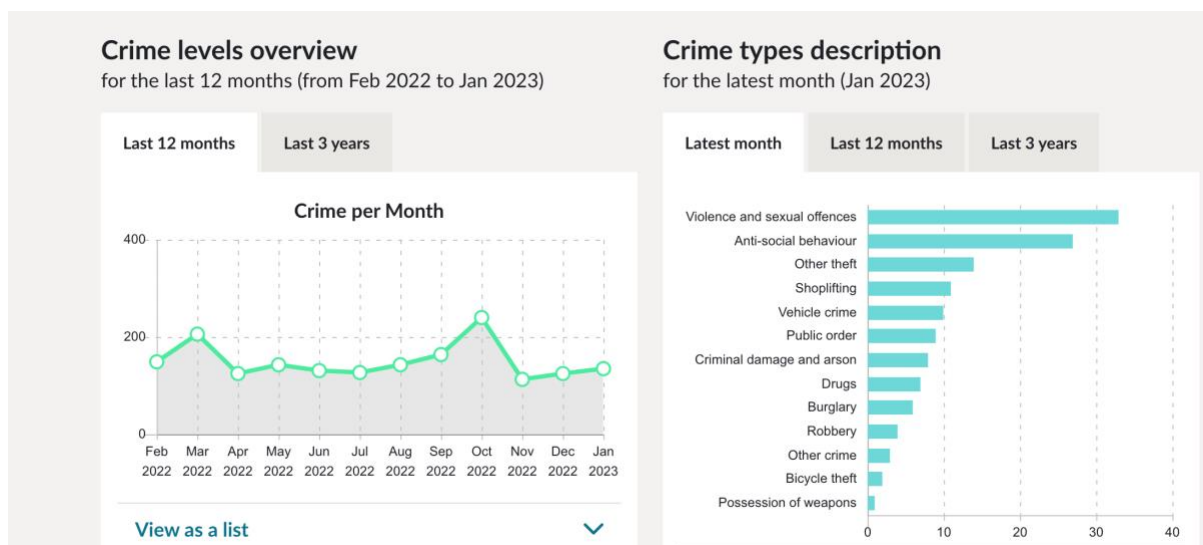
Within less than a 3 minute walk we have available the following off licenses:

1. Silver Stores
2. Magazin Romanesc
3. Reena's
4. GK Wines & Food
5. Savers
6. Chopra Food & Wine
7. Maxim Food & wine
8. Fine Wines

Curry Corner will be the ninth off license that will be available for members of the public within less than half a mile, the LA needs to acknowledge and have consideration that within this close proximity we already have 8 off licenses with this number increasing it is inevitable that there is potential for more anti-social behaviour as well an increase in crime.

The situation is not relatively better, given the applicants one sentence response as it does not demonstrate what government guidelines they wish to follow.

The issue of Prevention/ Crime Disorder is a serious one as the below illustrates:



The data above is taken directly from - <https://www.police.uk/pu/your-area/metropolitan-police-service/iewsley/?yourlocalpolicingteam=about-us&tab=statistics>

The data suggests that crime was at its peak especially in September 2022 & October 2022, whilst the rates of crime have dropped significantly since October there is slight increases from November to January. Of particular concern, is that Anti-social behaviour is the second most reported crime within the last month being January.

Looking at the data therefore, it is fair to say that the situation will most definitely not be helped by the fact that the LA is considering granting another Premises License when there is quite frankly no requirement for one given that the local resident of Hillingdon within this area have 8 outlets to choose from within less than 1 mile.

In conclusion therefore, about Prevention of Crime & Disorder:

1. The applicant has failed to show by way of his application that he is familiar with the Government Guidelines. This is most certainly the case by his use of a policy that is not recognised *'We won't sell under age of 21'*.
2. Based on the numerous off license outlets and the data given by [www.police.co.uk](http://www.police.co.uk) on crime statistic before the grant of this license the LA should consider the following:
  - 2.1. Whether the premises makes or will make an adverse contribution to levels of crime and disorder.
    - 2.1.1. In my opinion and, as per the data above this premises will have an adverse contribution to levels of crime and disorder. Another premises for the sale of alcohol especially from the timings that the applicant would like from 07:00 – 23:00 would lead to an increase in anti-social behaviour.
  - 2.2. The LA should also look at whether measures have been adopted to ensure that consumption of alcohol does not adversely affect the crime and disorder objective.
    - 2.2.1. A factor in line with the representations above to consider in the pretext here is that, there are already 8 premises permitted to sell alcohol within less than half a mile radius. Businesses will seek to become more competitive, as such this could lead to promotions that may lead to excessive consumption of alcohol which, in turn would lead to an increase in Crime & Disorder.
  - 2.3. The applicant has failed to mention but, the local authority should consider how they will monitor if they grant the license whether this is to be through:
    - **The Correct** – Proof of age scheme
    - Crime Prevention Notices
    - Relevant signage
    - The recording of incidents at the premises
    - The LA should in my opinion pay important attention to how they would monitor irresponsible promotions – as the grant of another license and increased competition will lead to heavy competition between the 8 other existing businesses.

### **Public Safety:**

I take note of the applicant's application comments on the point of public safety which states that *'No sale or supply can be made without premises supervisor'*

The Public Safety element of the objectives are concerned with the physical safety of the people using or working in the premises and not with public health, which is dealt with in other legislation.

It is the responsibility of the applicant to ensure that the premises is safe for the public & staff. Whilst it is not a necessary requirement it is recommended that the applicant provides a risk assessment alongside the operating schedule to demonstrate that **safety has been considered, assessed, and addressed.**

I note that the applicant fails to refer to any signage aside from the final exit signage which is displayed in the planning application at the end of the premises. I further note that the fire exit for which there is only one is displayed at the rear Fire Door.

If the LA wishes to grant the license, in the event of a fire without any signage as indicated in the application how would a customer or staff know the best route to take in the case of a fire?

Is it safe that there is only one fire extinguisher which is at the rear of the premises? If the fire was in the rear, how would one be expected to get to the fire fighting equipment? Which leads me on to my next point that there is only one smoke detector therefore, if a fire was to take place in the rear would the lone smoke detector in the commercial unit be sufficient on its own?

Therefore, has the local Fire Authority been made aware, and conducted a review of the businesses fire risk assessment and checked whether:

1. There is a fire risk assessment in place
2. There is a detailed fire evacuation plan which includes action to be taken by all staff in the event of a fire

Whilst this is not the job of the LA to be involved with directly, the scale plan fails to refer in any event to routes to take in the event of a fire or the appropriate signage indicating the best route to take for potential customers.

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### **Prevention of Public Nuisance:**

On the point of public nuisance, I note that the applicant mentions '*make sure no one is drinking outside and in front of our premises*'.

Whilst considering this application the LA should focus on the impact of the licensable activity at the specific premises and the person(s) living and working (including doing business) in the vicinity.

The first point to note is in relation vicinity – this premises is located directly below flats yet; the applicant fails to detail steps of how they would prevent public nuisance on the noise levels or litter.

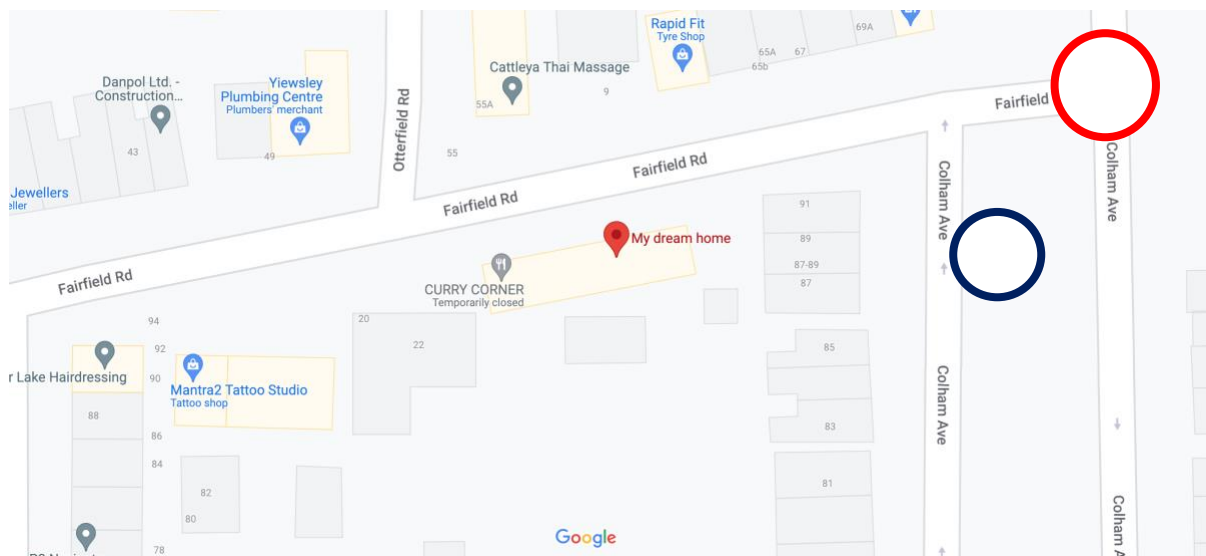
- For instance, will there be in place a strict policy in place to tell staff not to serve those who already may be intoxicated?
- Will there be in place, appropriate signage displayed in prominent position informing customers they are being recorded on CCTV to act as a deterrent of some sort?

With regards to litter, I also note that there is only one bin which is available opposite Whitethorne Avenue. Does the council propose to install new bins to prevent litter? The issue of litter is a major issue in this area, residents in Colham Avenue have been on their own accord cleaning up the green that is within the vicinity of this premises. As a resident of 81 Colham Avenue, every day I find litter on my street mostly being miniature bottles or beer cans thrown into my front garden. In addition, to this it should be highlighted that there are several instances where vehicles will park upon the green & leave beer bottles/ cans on the side of the road which should not be happening but seems to be rather common.

It is easy to say what an individual may do but, how the individual goes about the prevention is something that members of the public should be able to ask or obtain from the application form which in this instance is not available.

For the purposes of illustration please see attached locations of bins near the applicant's vicinity:

- The red circle indicates a bin for general litter
- The blue circle indicates a bin for animal waste
- It should be noted that there are no other bins available in Colham Avenue or after the junction of Fairfield Road – Colham Avenue meaning no bins in Whitethorne Avenue until further down



The issue in my opinion here is twofold –

1. The applicants lack of detail as to how they will deal with noise or litter
2. The lack of bins provided by Hillingdon Council

For the purposes of this representation, it is an important factor for the Licensing Authority to consider the following:

1. What measures have been adopted to minimise and control noise from customers entering and leaving the premises – this may include signs asking customers to leave quietly – the applicant makes no mention of this on their application.
2. Whether people standing outside the premises are likely to cause a nuisance to residents – this is likely to be the case given that the premises is underneath several flats and backs onto the rear of houses within Colham Avenue
3. The Licensing Authority should also consider whether measures such as litter bins outside the premises have been adopted or will be adopted and maintained to ensure that discarded litter is kept to a minimum.

From the above factors, it is not appropriate given that this is a residential area that the applicant stays open till 23:00 as is proposed in the application. This will cause significant issues with noise & litter to the surrounding houses/roads.

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### **Protection of Children from Harm**

On the point of Protection of Children from Harm, I note the applicant's response '*we won't sell alcohol underage of 21*'.

It is difficult to establish from the applicant's application whether the supply of alcohol will be the primary purpose in Curry Corner along with the takeaway.

The location where the applicant proposes to a license be granted is the main route several residents take when dropping their children to school. It is worrying enough as is that we already have several off license premises within less than half a mile of this location. As a result of this, one question therefore the potential environment the children are around. There are several factors to this:

1. This will be if granted the 9<sup>th</sup> off license premises within less than half a mile. Most of these premises have images of alcohol or spirits outside the premises – children see these images and, the question that the LA should really be asking is this what we want, do we want children to be raised and educated in an area that is heavily populated by off licenses?
2. The fact that there already exist many premises within such a close proximity will inevitably lead to increased competition and as such an increase in promotions whether this be responsible or not, it will have an impact on the local community and the children that walk this daily route to school and back home

By granting this application there is in my opinion a high risk for moral and psychological harm to children.

However, more concerning is this on the 19<sup>th</sup> of February 2018, Hillingdon Council refused the change of use of this premises from class A1 to D2 to allow for a full time Martial Arts Centre, which would have been more appropriate for children around this area.

The reason for the refusal being that the Martial Arts Centre would result in a loss of retail and would erode the retail function and attractiveness of the area, harming the vitality of the parade to the detriment of the local community

I would like it to be addressed by the Local Authority how a ninth premises within less than half a mile radius open from 07:00am to 23:00 will aid the vitality of the parade and be of use to the local community. The grant of this license does more harm than good, it has potential to cause moral or physiological harm to children. Children should have facilities available to them to use, they should be able to walk to school in a quiet & calm residential area, and not be influenced or lured in by fancy colourful bottles of spirits on window vinyls or displays continuously on their way to school.

I appreciate, that it is not for a committee or hearing to comment on decision relating to other application however, that being said I am not asking for a justification but in essence for the same principle that being – the interest of the local community to be taken into account.

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### **Conclusion & Outcome:**

In the first instance, this entire application submitted by the applicant seems very vague it contains one-word sentences as to how the applicant is proposing to promote the four licensing objectives. It fails to mention specific measures the applicant will take and, this is very concerning.

The application form is made available for individuals to be able to view and make a judgment on whether the action being taken is enough to promote the objectives or more can be done. To me, the applicant has made this look more like a tick box exercise when this is simply not the case. It begs the question, does the applicant have enough knowledge as he wishes to implement an age policy that simply does not exist, and this is fundamental to the sale of alcohol in the premises.

The Local Authority also need to look at this application in detail, and question whether this is enough detail for the applicant to put on the application because, otherwise it sets a precedent for others to apply thinking this is a plain tick box exercise which should not be the case.

Consideration has to be given to the prevention of crime and disorder objective; the data above suggests crime is increasing from its peak in November 2022 in reference to the data provided. It further suggests that the second most reported crime was antisocial behaviour, the LA needs to consider the impact of another licensed premises within such a close vicinity. This is more concerning given the applicant wishes to stay open till 23:00 hours. The LA need to also consider the impact of increased competition within businesses, and the potential for irresponsible promotions on the sale of alcohol. Regarding how the applicant will aim to reduce crime and disorder, well to be frank apart from the CCTV element the applicant does not suggest anything further and this is concerning.

With regards to Public Safety, the applicant has failed to mention any relevant measures. The area plan at the end of the application demonstrates the location of the fire extinguisher as well as entry and exit points however, for the member of the public who will be in the premises, how will they know where to go? The application fails to mention any form of fire exit signage, there are also concerns with only one fire extinguisher at the premises at the rear. The LA should in my opinion check whether the Local Fire Authority has conducted a risk assessment of the above premises.

The prevention of public nuisance highlights once again an issue with the measures that the applicant has failed to mention in his application. Noise nuisance has not been addressed and neither has the issue of litter been addressed but, this highlights a more prevalent issue which is the lack of bins within the proposed premises vicinity. With that in mind, the issue of noise in a residential area must be addressed before the application is granted, in its current state the application does not consider any noise nuisance for the resident above the premises or the surrounding houses.

I find that the grant of this application, is highly likely given the current numbers of licensed premises within a proximity to cause moral or physiological harm to children. Considering the



council's previous decision on the change of use for the premises the local community were taken into account and the same should apply here. One must ask the question, do we really need a ninth premises selling alcohol, on a route that most children take to their local primary schools. What message are we sending children and is there a danger we are influencing them.

Given that the applicant has failed to demonstrate the measures he will take, I find this application highly flawed and if approved in danger of setting a precedent for future applications that not much is required when apply for a premises license. One should remember that licenses like this carry with them a heavy burden of responsibility and I have been unable to translate this based on the answers from the application as to how the four objectives will be met. On this basis, therefore I would refuse the application in its entirety as it does not consider any form of policy relating to the licensing objectives

If it were, the case that this application was to be granted, I would urge the Local Authority to look at the local community and surrounding factors, such as:

- Increase of crime
- Increase of antisocial behaviour
- Increase of potential irresponsible selling of alcohol due to excessive competition
- The lack of signage & equipment in the event of a fire for members of the public
- Increase of litter due to lack of bins and increased number of premises selling alcohol
- Increase noise nuisance to surrounding and residents living within the building
- Potential moral & physiological harm to children due to the influence of alcohol given the increased number of premises now selling alcohol

The list above is not conclusive and should be considered in line with my representations above.

Once these factors have been considered I would hope that the LA authority considers the following outcomes:

1. Refusal of the application based on the prevention of crime & disorder, and the potential for irresponsible selling due to increased competition
2. Refusal of the application on the grounds of public safety based on concerns of fire safety
3. Significantly reduced hours than proposed based on the increase of litter and noise nuisance to surrounding residents and those that live within the building
4. Refusal on the grounds of the potential moral & physiological harm to children within the local vicinity of primary schools

A ninth premises is not what this community needs, I urge the Local Authority to look into all the factors and data provided in detail and, I trust they will do the needful.

Yours Sincerely,

Raghav Puri