

Application for the grant of a Premises Licence: Daman Food & Wine, 6 Dawley Parade, Dawley Road, Hayes UB3 1EA

Committee	Licensing Sub-Committee
Officer Contact	Licensing Officer – Austen Young
Papers with report	Appendix 1 - Application for the grant of a new Premises Licence with Plan Appendix 2 - Representations from B Khaneja Appendix 3 - Representations from F Hajisa Appendix 4 - Map of the area Appendix 5 - Photographs of premises
Ward name	Wood End

1.0 SUMMARY

To consider an application for the grant of a new Premises Licence in respect of Daman Food & Wine, 6 Dawley Parade, Dawley Road, Hayes UB3 1EA. The Application Form and Plan is appended as **Appendix 1** and has attracted representations from two neighbours objecting to the application. There have been no representations received from Ward Councillors or any of the Responsible Authorities.

2.0 RECOMMENDATION

That the Licensing Sub-Committee consider this application for the grant of a new Premises Licence in respect of Daman Food & Wine, 6 Dawley Parade, Dawley Road, Hayes UB3 1EA.

3.0 APPLICATION

3.1 Licensable Activities

A new Premises Licence application has been made by Pito Singh Chopra. The application is seeking a licence to authorise the sale of alcohol for consumption off the premises, Monday to Sunday from 07.00 hours to 00.00 hours.

The proposed opening times are Monday to Sunday from 07.00 hours to 00.00 hours.

3.2 Proposed Hours for Licensable Activity

Monday	07.00 – 00.00
Tuesday	07.00 – 00.00
Wednesday	07.00 – 00.00
Thursday	07.00 – 00.00
Friday	07.00 – 00.00
Saturday	07.00 – 00.00
Sunday	07.00 – 00.00

3.3 Type of Application Applied For

New Premises Licence application pursuant to s.17 Licensing Act 2003.

3.4 Description of The Premises

The premises is a ground floor unit in a small parade of shops on Dawley Parade close by to other premises including one off-licence, an unlicensed convenience store, and two unlicensed take-aways. There are residential units above this row of shops. Opposite the premises is the Stockley Park golf course. Photographs of the premises and its immediate vicinity are attached at **Appendix 5**.

3.5 Other Licensed Premises Nearby and Licensable Activity Times

Premises	Address	Licensable Activities and Hours
Dawley Superfoods Ltd t/a Costcutter	2-3 Dawley Parade Dawley Road Hayes UB3 1EA	Sale of Alcohol (Off sales only) Monday to Sunday 06.00 hours to 00.00 hours
Spike Bar and First Floor Restaurant	Stockley Park Golf Course Stockley Park Uxbridge UB11 1AQ	<p>Sale of Alcohol (On and Off sales) Monday to Sunday 10.00 hours to 00.00 hours</p> <p>Live Music, Performance of Dance and Anything of a Similar Description Monday to Sunday 09.00 hours to 00.30 hours</p> <p>Recorded Music Monday to Sunday 05.30 hours to 00.30 hours</p> <p>Late Night Refreshment Monday to Sunday 23.00 hours to 00.30 hours</p> <p>In addition to the hours detailed above, when functions are held and the premises are closed to the general public during the extended hours:-</p> <p>Sale of Alcohol Monday to Sunday 10.00 hours to 03.00 hours the following day</p> <p>Live Music, Performance of Dance and Anything of a Similar Description Monday to Sunday 09.00 hours to 03.30 hours the following day</p> <p>Recorded Music Monday to Sunday 05.30 hours to 03.30 hours the following day</p> <p>Late Night Refreshment Monday to Sunday 23.00 hours to 03.30 hours the following day</p>

3.6 **Operating Schedule and Conditions**

Section 18 of the Operating Schedule of the application demonstrates the steps the applicant proposes to take to promote the licensing objectives, which are as follows:

General

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 31 days recording system
3. All staff to be trained in responsible alcohol retailing

The Prevention of Crime and Disorder

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the council.
2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
3. The CCTV system shall display on any recordings, the correct date and time of the recording.
4. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public.
5. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the internal area and servery counter.
6. A suitable intruder alarm complete with panic button shall be fitted and maintained.
7. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
8. Staff training must be documented and based on legislation and operating procedures. All training shall be signed and dated, and a copy of such records will be available for inspection by Police and local authority enforcement officers.
9. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.

Public Safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. CCTV working at all times

The Prevention of Public Nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighbourhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all

- Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

The Protection of Children from Harm

- A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
- The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
- An refusal book shall be kept at the premises and updated as and when required, and made available for inspection on request to an Licensing Officer, Police or other responsible authority.
- The licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.
- A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

4.0 CONSULTATION

4.1 Closing date for representations

25 September 2024

4.2 Public Notice published in local newspaper

4 September 2024 – Uxbridge Gazette.

5.0 REPRESENTATIONS

5.1 Representations have been received from the following interested parties:

Interested Party	Grounds for Representations	Appendix
Bhajan Khaneja	Prevention of Public Nuisance, Prevention of Crime and Disorder	2
Fahim Hajisa	Prevention of Public Nuisance, Prevention of Crime and Disorder	3

5.2 No Members’ Enquiries have been received by the licensing service for this premises.

No complaints have been received by the licensing service regarding this premises, although it should be noted that the premises is not currently licensed and not trading.

There have been no representations received from any of the Responsible Authorities.

6.0 BACKGROUND INFORMATION

6.1 Designated Premises Supervisor

The proposed Designated Premises Supervisor is Pito Singh Chopra (also the proposed licence holder), who currently holds a Personal Licence issued by the London Borough of Hillingdon.

6.2 A Map of the area is attached at **Appendix 4**.

7.0 OFFICER'S OBSERVATIONS

7.1 Both representations mention the potential for the grant of this licence to exacerbate existing nuisance and anti-social behaviour issues in the local area. Objectors may expand upon their original submissions but should not introduce new evidence during the hearing, unless the new evidence is provided and circulated before the hearing or introduced at the hearing with the agreement of all parties present.

7.2 It should be noted that both the Police and the council's Environmental Protection team were consulted on this application as statutory consultees in their roles as Responsible Authorities, but no representations were received from these authorities.

7.3 The representations from Bhajan Khaneja state that they are concerned that the grant of a new licence will affect their business. These comments do not directly relate to one or more of the licensing objectives, and therefore should not be taken into account when considering the representations. The representations from Bhajan Khaneja do however mention their concerns that granting this licence could result in increased crime and disorder in the area, which may be considered to be relevant to the licensing objectives.

7.4 The premises previously traded as a local convenience store and held a licence to sell alcohol from 07.00 hours to 00.00 hours Monday to Sunday. The premises licence was surrendered on 14th August 2024, but we are advised that the premises had ceased trading in September 2023. The applicant for this licence is not the same person as the previous licence holder.

7.5 The representations mention anti-social behaviour occurring in a local car park. There is parking available on Dawley Parade and Dallega Close. These parking spaces are covered by the council's parking management scheme and are available for use by permit holders only between 08.00 hours and 18.30 hours Monday to Saturday. Permit bays are available outside the premises to a distance of approximately 125 metres away. Immediately outside the premises are seven pay and display bays, operational between 08.00 hours and 18.30 hours Monday to Saturday.

7.6 There is a private yard, accessible down the side of 7 Dawley Parade, which could also be used for parking, but this land is privately owned and does not fall under the responsibility of the council.

7.7 Both representations mention how there is already an existing licensed premises in the area. This location is not covered by a cumulative impact zone or other special policy under the council's Licensing Policy and there is no power to limit the number of premises within a specific area. Any discussion regarding this application should focus upon the application and premises in question.

8.0 RELEVANT SECTIONS OF S.182 GUIDANCE

8.1 Public nuisance

Paragraph 2.27 states “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night”.

8.2 Determining actions that are appropriate for the promotion of the licensing objectives

Paragraph 9.42 states "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be".

Paragraph 9.43 states "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve".

Paragraph 9.44 states "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination".

8.3 Proportionality

Paragraph 10.2 states “Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided”.

Paragraph 10.8 states “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

Paragraph 10.10 states "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7).

Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives".

8.4 Hours of Trading

Paragraph 10.13 states "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application".

Paragraph 10.15 states “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”.

8.5 Licensing Hours

Paragraph 14.51 states “With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application”.

Paragraph 14.52 states “Statements of licensing policy should set out the licensing authority’s approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so”.

8.6 The Need for Licensed Premises

Paragraph 14.19 states “There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy”.

9.0 RELEVANT SECTIONS OF HILLINGDON’S LICENSING POLICY

9.1 Licensing Objectives – The Prevention of Crime and Disorder

Paragraph 10.1 states “Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B”.

Paragraph 10.3 states “Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however there is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises”.

Paragraph 10.6 states “Applications referred to the Licensing Sub-Committee where relevant representations have been received will be determined on the individual merit of each case.

The Licensing Sub-Committee has the power to impose specific conditions when considered appropriate in respect of the Crime and Disorder objective”.

9.2 Licensing Objectives – The Prevention of Public Nuisance

Paragraph 12.1 states “Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. This may also include patrons outside a premises and the dispersal of customers. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.”

Paragraph 12.7 states “Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective”.

9.3 Licensing Hours

Paragraph 25.1 states “Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously”.

Paragraph 25.2 states “The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times”.

Paragraph 25.3 states “Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case”.

Paragraph 25.4 states “In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance”.

Paragraph 25.5 states “Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance”.

9.5 Licence Conditions

Paragraph 20.1 states “Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act (current list included as Appendix G)
- Measures decided at a hearing by the Licensing Sub Committee”

Paragraph 20.2 states “Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule”.

Paragraph 20.3 states “Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity. Conditions imposed by the Licensing Authority shall be appropriate, reasonable, and proportionate and should be determined on a case-by-case basis”.

Paragraph 20.4 states “The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances”.

10.0 LEGAL CONSIDERATIONS

10.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

10.2 Members should note that each objective is of equal importance. There are no other licensing objectives and the four objectives are paramount considerations at all times.

10.3 An application for a new premises licence may be made pursuant to s.16 and s.17 of the Act, and with regard to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42 and the Licensing Act 2003 (Fees) Regulations 2005/79.

10.4 The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
 - Have regard to the Council's statement of licensing policy
 - Have regard to the Secretary of State guidance
 - Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded
- 10.5 Where relevant representations are made, the licensing authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary under s.18(3)(a) Licensing Act 2003.
- 10.6 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licensing authority, frivolous or vexatious under s.18(7) Licensing Act 2003.
- 10.7 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. All applications will be decided on a case-by-case basis.
- 10.8 Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.18(3)(b) and (4) Licensing Act 2003, a decision can be taken:-
- i. To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - ii. To impose additional relevant conditions to such an extent as is considered appropriate for the promotion of the licensing objectives;
 - iii. To exclude any of the licensable activities to which the application relates;
 - iv. To amend the times for all or some of the licensable activities;
 - v. To refuse to specify a person in the licence as the premises supervisor;
 - vi. To reject the application.
- 10.9 Conditions will not be necessary if they duplicate a current statutory requirement. The licensing authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 10.10 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.
- 10.11 The Council in its capacity as licensing authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- i. Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - iii. Foster good relations between persons who share relevant protected characteristics and persons who do not.
- 10.12 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics these are:

- i. age
- ii. gender reassignment
- iii. being married or in a civil partnership
- iv. being pregnant or on maternity leave
- v. disability
- vi. race including colour, nationality, ethnic or national origin
- vii. religion or belief
- viii. sex
- ix. sexual orientation

10.13 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.

10.14 Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.