

Minutes

LICENSING SUB-COMMITTEE

16 April 2025

Meeting held at Committee Room 5 - Civic Centre



	<p>Committee Members Present: Councillors Becky Haggart OBE, Peter Smallwood OBE and Kuldeep Lakhmana</p> <p>Also Present: Theesan Kanthasamy - Applicant Nira Suresh from Arka Licensing – Applicant representative Mr Rajinder Chopra – Interested Party Mr Panchal – Interested Party representative</p> <p>LBH Officers Present: Chantelle McLeod, Legal Officer Anisha Teji, Senior Democratic Services Officer Mark Rose, Licensing Officer</p>
101.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
102.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>It was confirmed that there were no declarations of interest.</p>
103.	<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 4</i>)</p> <p>It was confirmed that all items would be heard in Part I.</p>
104.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>)</p> <p>None.</p>
105.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: S&K NEWS, 64 BYRON WAY, WEST DRAYTON, UB79JD (<i>Agenda Item 6</i>)</p> <p>INTRODUCTION</p> <p>Mark Rose, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the application for the grant of a new premises licence in respect of S&K News, 64 Byron Way, West Drayton. An application was made for the sale of alcohol from Monday to Sunday 06:00 hours to 23:00 hours. (7 days a week). The opening hours sought were from Monday to Sunday from 06:00 – 23:00 hours 7 days a week.</p>

A background of chronology of events was provided to the Committee. The application was submitted on 19 February 2025, with consultations lasting until 19 March 2025. During this period, an objection was raised from a local business owner concerned about potential crime increases and a petition submitted in support of the concerns was excluded from consideration due to non-compliance with Council legislation.

It was reported that the Metropolitan Police had confirmed that crime reference numbers mentioned in the report did not relate to the Applicant's premises. During a premises visit the Licensing team found no issues on the premises and the Applicant could provide further information if needed.

The Sub-Committee was invited to determine the application, considering all submissions both verbal and written.

APPLICANT

On behalf of Theesan Kanthasamy, the Applicant, Nira Suresh from Arka Licensing the Applicant's representative, addressed the Sub-Committee.

The Applicant informed the Committee that the premises had been operating for a long time as a local community convenience store. The Applicant had been working in the licensing industry for over 15 years and was aware of Licensing Objectives. The Applicant had developed an operating schedule and implemented CCTV, was aware of the Challenge 25 policy and used an incident recording book. It was a family run business and there would be a sign placed to prevent public nuisance. It was emphasised that there were no objections from any members of the public and responsible authorities. Although there had been a representation from a local business, it was submitted having another alcohol selling premises could be considered as offering a choice of products and services to the local community. In relation to crime, the Applicant had been running the shop for four months without any issues and it was submitted that there was no reason why this premises could not open as requested.

During Member clarification questions it was noted that the Applicant had been in the premises for a year and had over 15 years prior experience. The percentage of the shop that would be selling alcohol would be approximately 25% of the floor space and alcohol would be displayed on the side of the premises.

In response to Member questions around CCTV, it was explained that the CCTV had a recording period for 31 days. Any underage sales that were declined were noted in the logbook but there had not been many entries.

OTHER PARTIES

Mr Rajinder Chopra – Interested Party represented by Mr Surendra Panchal

Mr Panchal on behalf Mr Chopra addressed the Committee and opposed the application. It was submitted that if the licence was granted this would impact a family dependent business. It was questioned whether there was a requirement for this business and whether the Applicant was familiar with the Licensing Objectives. It was noted that the Applicant was new to the area and Mr Chopra had been there 17 years. The premises was previously run as a newspaper business, and it was questioned whether there was a need for another alcohol selling premises.

During Member clarification questions, it was confirmed that Mr Chopra had been in business since 2008 and each shop on the parade sold specific products. Mr Chopra's shop sold alcohol and the premises in question was a newsagent as per previous restrictions on premises. There had been incidents of theft and physical violence in the shop. Members expressed sympathy in relation to the previous incidents and competition matters raised however, it was noted that the competition matters were not relevant to Licensing Objectives. It was acknowledged that in the licensing guidance, competition was acceptable however, the Sub-Committee needed to be sure that the four Licensing Objectives would be upheld.

DISCUSSION

The below key points were noted during the discussion stage of the hearing.

- The Sub-Committee asked about the Licensing Objectives and how these would be promoted. The Applicant explained that there needed to be a protection of children and public safety. This would be done by asking for ID, implementing Challenge 25 and logging any refusals in the refusal book. Any issues would be reported to law enforcement agencies.
- It was noted that staff were trained to help police to see CCTV if there were any issues and there was panic button on the premises.
- There was discussion regarding the shop operating times and possible seasonal variation and it was clarified that this application was from 06:00 – 23:00. It was highlighted that no responsible authorities had put forward any concerns or representations and there were other premises in the area that closed later.
- It was clarified that the opening and closing time for the premises would be 06:00 – 23:00 if the application was granted.
- The Legal Adviser advised the Sub-Committee that a decision needed to be made based on both verbal and written representations considered today.
- Members requested the Applicant's understanding of the licensing objectives. The Applicant explained that protection of children, public safety, crime and disorder and stop public nuisance. It was emphasised that there had been no issues with the Applicant's experience.

CLOSING REMARKS

There were no closing remarks from the Licensing Officer.

Mr Panchal acknowledged the Applicant was nervous however, concerns remained that if the shop sold alcohol from 06:00 there would be an impact on the local community. Although the licensing guidance made it clear that competition was vital, it was noted that previous measures had been placed to restrict competition and the situation had now changed.

There were no closing remarks from the Applicant.

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 Chair to announce the decision of the Sub-Committee.

CONSIDERATIONS

THE DECISION

The Sub-Committee listened to all representations made both oral and written.

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 0600 hours and 2300 hours. The operating hours of the business shall also be between 0600 hours and 2300 hours. The new premises licence will be subject to the conditions as set out in their application.

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 newsagent selling a variety of goods.

Apart from the representations from the one interested party 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 Sub-Committee heard representations from the interested party who had been operating his business for last 17 years. The interested party outlined his concerns about the potential damaging effect the grant of an alcohol licence to a new premises could have on his business due to the low footfall within the area. The Sub-Committee were of the view that commercial damage caused by competition from new licensed premises was not a relevant representation to be considered, in keeping with paragraph 9.4 of the s.182 Guidance.

Having considered the interested party's representations regarding the possibility of an increase of crime public nuisance, alcohol related disorder, underage sale and antisocial behaviour the sub-committee were not persuaded that these issues could be directly attributed to the applicant's premises without tangible evidence and in absence of any representations from responsible authorities or members enquiries. In addition, the crime reference reports raised by the interested party were confirmed by the police licensing team to relate to the interested party's premises rather than the applicant's premises.

The applicant was asked to demonstrate his knowledge of the four licensing objectives and whilst he was not in his verbal submission able to recite them in full, the Sub-Committee were satisfied that he had a broad understanding of them and what was expected of him to promote them given his 15-year experience in other licensed

	<p>premises. The Sub-Committee also noted that the premises has run for the last 4 months without issue.</p> <p>Having considered all the information put before it, the Sub-Committee were satisfied on balance that the Applicant would comply with the licensing objectives.</p> <p>RIGHT OF APPEAL</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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.</p> <p>This decision Notice will be circulated to all parties within 5 working days.</p>
	<p>The meeting, which commenced at 10.00 am, closed at 11.28 am.</p>

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