



HILLINGDON  
LONDON



## Notice of Hearing Licensing Sub-Committee A

**Date:** THURSDAY, 19 AUGUST  
2010

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 4 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

**This agenda and associated  
reports can be made available  
in other languages, in Braille,  
large print or on audio tape on  
request. Please contact us for  
further information.**

### Councillors on the Sub-Committee:

Josephine Barrett (Chairman)  
Lynne Allen  
Peter Kemp

### Important Information

On receipt of this notice, you **MUST** notify  
the Committee Clerk (contact details  
below) by the following date:

### Monday 16 August 2010

If you don't notify you may lose your right  
to speak at the hearing. When notifying  
you must confirm:

- 1) Whether you intend to attend or to be  
represented by someone at the  
hearing;
- 2) If you consider a hearing to be  
unnecessary and;
- 3) Whether to request that another  
person attends (other than your  
representative) as a witness

**Published:** Wednesday, 4 August 2010

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This Agenda is available online at:

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# Useful information

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Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



# Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To confirm that items marked Part 1 will be considered in Public and items marked Part 2 will be considered in Private
- 4 Matters that have been notified in advance or urgent
- 5 Consideration of reports from the Council's Street Scene Enforcement Officer and the Licensing Officer

## **Consideration of Street Trading Licenses: Applications for Shop Front/Tables and Chairs Licences**

- 6 New Temporary Street Trading Tables and Chairs Licence Page 9 - 12
- 7 Renewal of Temporary Street Trading Tables and Chairs Licence Page 13 - 15

## **Hearing Protocol for Premises Licensing Applications**

- 8 Application for a New Premises Licence

<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
Lunetta 91 Field End Road Eastcote	Eastcote and East Ruislip	<b>9.50am Briefing</b>  <b>10am Start of Hearing</b>	33 - 64

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## Part III of the London Local Authorities Act 1990 (as amended): Street Trading

### Rules of Procedure for Urgent Licensing Sub-Committee Hearings

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#### 1. SCOPE

- 1.1 These procedure rules apply to Licensing Sub-Committees established by the Licensing Committee of Hillingdon Council acting as Licensing Authority. The rules are subject to Street Trading legislation as contained in Part III of the London Local Authorities Act 1990 (as amended)
- 1.3 The purpose of these procedure rules is to guide the Licensing Sub-Committees through the various stages of hearing urgent applications for street trading licences and to direct the sub-committee hearing a case, and all other parties involved, on the essential procedural requirements to be followed before, during and after a hearing.
- 1.4 Urgent applications to be determined in accordance with this procedure shall include but is not limited to:
  - a. Applications for charitable street trading;
  - b. Applications for street trading linked to community events, for example, fairs
  - c. Applications linked to Shop Front or Tables and Chairs Licences which seek to amend / vary the named Licence Holder;

- d. Applications for pitch licences which seek to amend / vary the assistants licensed to the pitch;
- e. Any other unopposed application which the relevant Council Officer considers to be urgent.

## **2. SUB-COMMITTEES**

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### **Role, Composition and Quorum**

- 2.1 All hearings under these procedure rules will be conducted by licensing sub-committees for the sole purpose of determining urgent applications for and in relation to licences as required under Street Trading legislation as contained in Part III of the London Local Authorities Act 1990 (as amended) [the “Act”].
- 2.2 A sub-committee will usually consist of two members drawn from the Licensing Committee. The quorum for hearings and meetings of a sub-committee is two members. Each meeting shall be chaired by a designated Licensing Sub-Committee Chairman.
- 2.3 The Head of Democratic Services, or his representative (usually the Clerk to the Licensing Committee) shall appoint each sub-committee taking into account the need for it to be politically balanced, where possible; the need to involve all members of the Licensing Committee as equally as possible; the need to avoid involving members with an interest in the item to be discussed or members from the ward in which the subject premises is located; and the timescale available for determining applications.
- 2.3 Where hearings are convened using this procedure, Section 100A of the Local Government Act 1972 permits a Sub-Committee meeting to be convened with less than five clear days notice.

### **Power to adopt own Procedure**

- 2.4 Except where otherwise prescribed by the Act, the sub-committee has wide powers to adopt its own procedures as to the general order and manner in which the hearing is to be conducted. For example, it may in any particular case dispense with or modify these Rules of Procedure.

### 3. BEFORE THE HEARING

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#### Time Limits for Setting up Hearings

- 3.1 The Act does not prescribe a specific period of time within which an urgent hearing is to be held. It is expected that a hearing will to be commenced within 72 hours of Democratic Services receiving a report related to an unopposed application for a street trading licence / variation of a street trading licence from the relevant Council Officer

#### Notice Procedures

- 3.2 In order to hold a fair and transparent hearing, the relevant Council division and parties to proceedings are required to notify each other of relevant information in advance of the hearing as follows:

##### Notice of Hearing from the Licensing Authority

- 3.3 Notice shall given as soon as possible by Democratic Services to all parties to the hearing specifying the date, time and place at which the hearing is to be held.
- 3.4 The Notice of Hearing shall be accompanied by information in writing regarding the following:
- (i) This procedure note, confirmation from the relevant Council Officer that the matter is unopposed and details of the application as provided by the relevant Council Officer.
  - (ii) Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
  - (ii) The consequences if a party:
    - (a) Informs the sub-committee that he/she does not wish to attend or be represented at the hearing, or
    - (b) Fails to inform the relevant committee whether he/she wishes to attend or be represented at the hearing, or
    - (c) Informs the sub-committee that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented.

- (iii) the legal requirements imposed on the sub-committee in conducting the hearing.

### **Street Scene Enforcement Team Officer's Report**

- 3.5 A report on the application to be determined will be presented at the hearing by the relevant Council Officer, which will contain a summary of the application, their technical observations and recommendations.

### **Consequences of failure to Attend Hearing**

- 3.6 The sub-committee committee may proceed with a hearing in the absence of the Applicant.
- 3.7 Where the hearing is held in the absence of a party, the relevant committee shall consider at the hearing the application or objections made by that party.

## **4. THE HEARING**

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### **Principles to be applied**

- 4.1 Subject to paragraph 4.2 and 4.3 below, the hearing shall take place in public.
- 4.2 The sub-committee may direct that all or part of a hearing must be held in private if it is satisfied that it is necessary in all the circumstances of the case, having had regard to:
  - (i) any unfairness to a party that is likely to result from hearing in public; and
  - (ii) the need to protect as far as possible, the commercial or other legitimate interests of a party.
- 4.3 Issues that involve personal details such as medical conditions or criminal records will normally be held in private session.
- 4.4 Changes to the membership of the sub-committee will be announced at the beginning of the hearing.

- 4.5 The hearing will take the form of a discussion led by the Chairman of the relevant committee. As the hearing is not a court:
- (i) strict rules of evidence will not apply
  - (ii) comments and questions are to be directed through the sub-committee Chairman.
  - (iii) cross-examination will not be permitted unless the sub-committee considers that cross-examination is required for it to consider the representations or application.
  - (iv) information, discussion and address must be relevant to the Act.
- 4.6 The sub-committee will have regard to the common law rules of natural justice and the Human Rights Act 1998 when exercising its decision-making functions, with particular reference to Article 6 of the European Convention of Human Rights which provides that:
- “...in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.*
- 4.7 A party may be assisted or represented at the hearing by any person whether or not that person is legally qualified. For the avoidance of doubt, a party may be assisted or represented by their Ward Councillor. However, no member sitting on the relevant sub-committee hearing the case can represent any of the interested parties or applicant.

### **Procedure at the Hearing**

- 4.8 The Chairman shall at the beginning of the hearing introduce the members of the sub-committee, invite the parties to identify themselves and then explain to the parties the procedure that the sub-committee intends to follow.
- 4.9 The relevant Council Officer will then be invited by the Chairman to present the relevant details of his/her report (referred to in paragraph 3.11 above), and any other information regarding any details relevant to the application or representations which may have come to light since the report was written. Alternatively, the Chairman may proceed directly to paragraph 4.10 below.
- 4.10 The Applicant (s) or their representatives will normally be invited to address the sub-committee.
- 4.11 Each party shall be entitled to:

- (i) address the sub-committee or call witnesses
- (ii) provide further information on, or explanation of, any matter on which the licensing authority has indicated that it would want further clarification under paragraph 3.7(vi) above.
- (iii) subject to paragraph 4.4(iv) above, question any other party or person representing a party on any matter that is relevant to the application, or representation made on the application, where in all the circumstances the sub-committee considers it is appropriate to do so.

4.12 The sub-committee will take into consideration documentary or other information in support of the application or objections produced by a party:

- (i) before the hearing; or
- (ii) at the hearing, with the consent of all other parties attending the hearing.

4.13 At any time during the hearing, parties may be asked questions upon their presentation or evidence by any member of the sub-committee.

4.14 The parties shall be entitled to make closing submissions and will normally be invited to do in the following order:

- (i) Street Scene Enforcement Officer
- (ii) Applicant

4.15 The sub-committee may require any person who in his/her opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or to return upon complying with such conditions as the relevant committee may specify. However, any such person will be allowed to submit any evidence in writing that they proposed to give orally, provided they do so before the end of the hearing.

4.16 At the conclusion of evidence and closing submissions, the sub-committee will adjourn into closed session in order to deliberate and reach a decision. During this process only the Legal Adviser and Committee Clerk will remain with them.

4.17 If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point, the hearing may be re-convened to deal with that issue before reaching a decision.

## **Role of Legal Advisor**

- 4.18 The sub-committee may seek advice or clarification of any procedural, technical or legal matter from the legal adviser at any time during the course of the hearing.
- 4.19 The legal adviser will provide the Sub-Committee with any advice it requires properly to perform its functions whether or not the Sub-Committee requested that advice, on:
- (i) questions of law or of mixed fact and law;
  - (ii) matters of practice and procedure;
  - (iii) the range of options available to the Sub-Committee;
  - (iv) Relevant national guidance, policy or codes;
  - (v) Other issues relevant to the matter before the Sub-Committee;
  - (vi) The appropriate decision-making structure to be applied in any given case.
- 4.20 The legal adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The legal adviser is under a duty to ensure that every case is conducted fairly.
- 4.21 The legal adviser will play no part in making findings of fact but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the committee clerk's notes.
- 4.22 The legal adviser will assist the Sub-Committee where appropriate as to the formulation of reasons and the recording of those reasons.

## **5. THE DECISION**

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### **Principles to be applied**

- 5.1 Each application will be determined on its own merits and the sub-committee shall make its decision based upon the merits of the individual circumstances of each case and its considerations shall be restricted to the evidence placed before it (see paragraph 5.3 and 5.4 below on how evidence will be assessed);

- 5.2 All decisions reached by a sub-committee shall be supported by reasons and a summary of the relevant evidence supporting those reasons. All decisions reached by the sub-committee must comply with the Act.

## **Time Limit**

- 5.3 The relevant sub-committee shall determine the application on the last day on which the hearing was held. So, if the hearing finishes on a Monday, the determination must occur on the same day.
- 5.4 A verbal decision is given to the public at the end of the hearing or at the end of the relevant agenda item.

## **6. AFTER THE HEARING**

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### **Notification of Decision**

- 6.1 After the hearing, formal notice of the sub-committee's decision and related information, such as any conditions that may be imposed on the street trading licence, shall be communicated to all parties to the proceedings, in writing, within 5 working days of a verbal decision being given.
- 6.2 All decisions upon an urgent application shall further be published for viewing on the Council's official website.

## NEW APPLICATION FOR TEMPORARY TABLES & CHAIRS STREET TRADING LICENCE

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Bill Hickson – Tel: 01895 277402
<b>Papers with report</b>	Annexure 1
<b>Ward(s) affected</b>	Northwood Hills

### SUMMARY

The Street Scene Enforcement Team has now processed the new application for a licence\*as tabulated in Annexure 1. Having considered the application and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to issue temporary tables & chairs street trading licence for the trader as tabulated in Annexure 1.

### RECOMMENDATION

**That temporary tables & chairs street trading licence of the reported trader identified in Annexure 1 be issued for a period of 6 months.**

### ALTERNATIVE OPTIONS

- A. Approve the issue of the licence for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee.**
- or;**
- B. Refuse to issue of temporary tables & chairs street trading licence.**

### INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The application listed in Annexure 1 are for new tables & chairs shop front street trading licence.
3. The licence issued will be temporary licence lasting for a period of 6 months.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation supplied by the trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team is satisfied that the application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.

6. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.
7. On 16/07/2010 correspondence was despatched to the relevant trader. The Street Scene Enforcement Team advised them by post of the date and time of the Sub-Committee meeting at which their application for their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
8. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
9. Additionally, the trader was advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
10. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason refuse the licences for the period requested.

### **LEGAL COMMENTS**

11. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
12. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
13. Section 25(4) of the Act specifies that a street trading licence may not be granted:
  - a. To a person under the age of 17 years;
  - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
  - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
  - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
14. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.

15. As at 26 February 2010, all **Highway**” means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership public within the London Borough of Hillingdon designated for the purposes of street trading under the Act.

## **BACKGROUND DOCUMENTS**

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

## ANNEXURE 1

NAME	:New Angel Cafe
LICENCE TYPE AND PERIOD	:Tables & Chairs – 6 Months
LOCATION	:7 The Broadway Joel Street Northwood Hills HA6 1NU
COMMODITY	:Tables & Chairs

## APPLICATION FOR THE RENEWAL OF TEMPORARY TABLES & CHAIRS STREET TRADING LICENCES

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Bill Hickson – Tel: 01895 277402
<b>Papers with report</b>	Annexure 1
<b>Ward(s) affected</b>	West Drayton, Uxbridge North

### SUMMARY

The Street Scene Enforcement Team has now processed the applications for the renewal of the Tables & Chairs street trading licences. Having considered the applications and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to renew the Tables & Chairs street trading licences of traders as tabulated in Annexure 1.

### RECOMMENDATION

**That the temporary tables & chairs street trading licences of each reported trader identified in Annexure 1 be renewed for a period of 6 months**

### ALTERNATIVE OPTIONS

- A. Approve the renewal of the licences for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee**  
**or;**
- B. Refuse to approve the renewal of the licences**

### INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The applications listed in Annexure 1 are for the renewal of tables & chairs street trading licences.
3. The licences issued will be temporary licences lasting for six months from date of issue.
4. The Street Scene Enforcement Team has examined all documentation accompanying the applications. Copies of the relevant documentation supplied by each trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing
5. The Street Scene Enforcement Team is satisfied that each application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.
6. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
7. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.
8. On 16/07/2010 correspondence was despatched to the relevant traders. They were advised by the Street Scene Enforcement Team by post of the date and time of the Sub-

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PART 1 - MEMBERS, PUBLIC AND PRESS

Committee meeting at which their application to renew their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

9. The correspondence also advised the traders of their right to attend the hearing and make written or verbal representations at the hearing.
10. Additionally, the traders were advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
11. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason to revoke the licence or issue a licence for a period of less than 6 months.

## **LEGAL COMMENTS**

12. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
13. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
14. Section 25(4) of the Act specifies that a street trading licence may not be granted:
  - a. To a person under the age of 17 years;
  - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
  - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
  - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
15. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.
16. As at 26 February 2010, all public pavements immediately in front of any shop within the London Borough of Hillingdon has been designated as a licence street for the purposes of street trading under the Act.

## **BACKGROUND DOCUMENTS**

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

## ANNEXURE 1

NAME :Nando's  
LICENCE TYPE AND PERIOD :Tables & Chairs – 6 Months  
LOCATION : Unit 204 The Chimes High Street Uxbridge UB8 1GE  
COMMODITY :Tables & Chairs

NAME :Kay's Kitchen  
LICENCE TYPE AND PERIOD :Tables & Chairs – 6 Months  
LOCATION :14 The Green West Drayton UB7 7RJ  
COMMODITY :Tables & Chairs

NAME :The Slug & Lettuce  
LICENCE TYPE AND PERIOD :Tables & Chairs – 6 Months  
LOCATION :219-221 High Street Uxbridge  
COMMODITY :Tables & Chairs

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## Licensing Act 2003

### Protocol for making representations and sub-committee hearings

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**This protocol outlines the procedures that will be followed:**

- When making representations
- On receiving the Notice of the Hearing
- Before, during and after the hearing

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

**It is important that you carefully read these procedures before you make a representations to an application or wish to attend and be heard at a Licensing sub-committee hearing**

# 1. Making representations

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## Am I eligible to make a representation?

Representations and objections to an application can only be made by parties or authorities entitled to do so under Government legislation – the Licensing Act 2003. The parties or authorities that can make representations are set out below:

An **interested party** which would be anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises
- A body representing persons living in the vicinity of the premises, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

A **responsible authority**, which are namely:

- Metropolitan Police Service
- The London Fire & Emergency Planning Authority
- Hillingdon Council's Planning & Transportation and Environment & Consumer Protection Services
- Health and Safety bodies
- Bodies relating to the protection of children from harm, e.g. Area Child Protection Committee

### Contact Information:

To make representations or related queries please contact:

**Hillingdon Licensing Service**

**Tel:** (01895) 277433

**Email:** [licensing@hillington.gov.uk](mailto:licensing@hillington.gov.uk)

**Fax:** (01895) 250011

**Write to:** 4W/01 Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW

## What happens if nobody makes any representations?

It is important to note that under the terms of the Licensing Act 2003 the Licensing Service must grant all new premises licence applications and variation applications if no relevant representations are received either from interested parties or responsible authorities.

## When do I make a representation?

Any interested party or responsible authority may make written representations about an application. Generally these must be made at any time up to and including 28 consecutive days after the day on which the application was received.

You should make your representations **within the time limit specified** in the notice put up at the premises or contained in the newspaper advertisement relating to the particular application. **Representations received after the time limit cannot be accepted.** Time limits are given in the attached Appendix (part 1)

## What information should I provide in the representation?

When making your representation you must give details for the reasons for objection. Representations will only be relevant if they relate to the four licensing objectives:

- (1) The Prevention of Crime and Disorder;**
- (2) Public Safety;**
- (3) The Prevention of Public Nuisance; and**
- (4) The Protection of Children from Harm.**

For more information about the Licensing Objectives please read Hillingdon's Licensing Policy carefully as this document outlines the issues the Licensing Service will consider in respect of applications that have received relevant representations. You can get a copy of the Licensing policy by [clicking here](#) or contacting the Licensing Service by telephoning (01895) 277433.

Representations should fully explain the nature of the points made, reflect the Licensing Objectives outlined above provide in detail any evidence relied upon to back up those points. Concerns or fears about what might happen if the licence is granted cannot be taken into account unless they relate to the Licensing Objectives.

## What format should the representation take?

All representations must be given in writing. However, the Hillingdon Licensing Service agrees to accept relevant representations, with accompanying evidence, by email to allow compliance with the time limits, but where this is done, the full name and postal address should given in the email and **representations must be immediately confirmed in writing afterwards**.

## Can we send in a petition?

Yes, petitions can be submitted in accordance with the same rules that apply for representations. Petitions should outline their purpose and potential signatories should note that a copy will be supplied by the Hillingdon Licensing Service to the applicant. Each person signing the petition should print their full name and address. Petitioners should all live within the 'vicinity' of the premises in question.

**The Licensing Act 2003 regulations do not allow for petitions to be presented, without notice, to the sub-committee hearing.**

## Can the Licensing Service reject a representation?

Representations can be rejected if they are received after the time limits set, anonymous or in the opinion of the Licensing Service they are found to be vexatious, frivolous or repetitive and the writer will be notified of this decision. The Hillingdon Licensing Service may also seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.

## Where do I send the representation?

Please send your representation to the Hillingdon Licensing Service at the address given at the top of Section 1 of this protocol. If sent elsewhere, it may not be received in time to be allowed. Members of the sub-committees should not be approached with any representations as this may prejudice the application.

## **What if there are a number of similar representations?**

It is possible that there may be a number of similar representations, which if all heard would make the hearing unmanageable. At the procedural briefing, held just before the hearing starts, the Hillingdon Licensing Service will ask that you agree a spokesman to speak on behalf of related representations.

## **What happens next?**

A copy of all relevant representations will be provided, in full, to the applicant. Relevant representations will then be considered as part of the business at a Licensing sub-committee hearing along with the application. The papers for the sub-committee hearing, including relevant representations, will be available to the press and public as part of the Notice of Hearing.

Where an application is to be decided at a sub-committee hearing, applicants and those who have made relevant written representations in connection with the application, will be invited to attend and will have speaking rights.

## 2. On receiving the Notice of Hearing

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### What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

### Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: [nwilliams@hillingsdon.gov.uk](mailto:nwilliams@hillingsdon.gov.uk)

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

### What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing\*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

\*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

**If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.**

**IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE**

## **If I want to withdraw my representations - how do I do this?**

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

## **What happens if I cannot attend the sub-committee hearing?**

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about their statements.

## **Can you accommodate any special needs I may have?**

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

## **Can the date of the hearing be changed?**

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be held.

## 3. Before the Hearing

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You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

### How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

### Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

### I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant representations by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

### Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

### What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

## Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual cases and to provide help and assistance to members of the public attending such meetings.

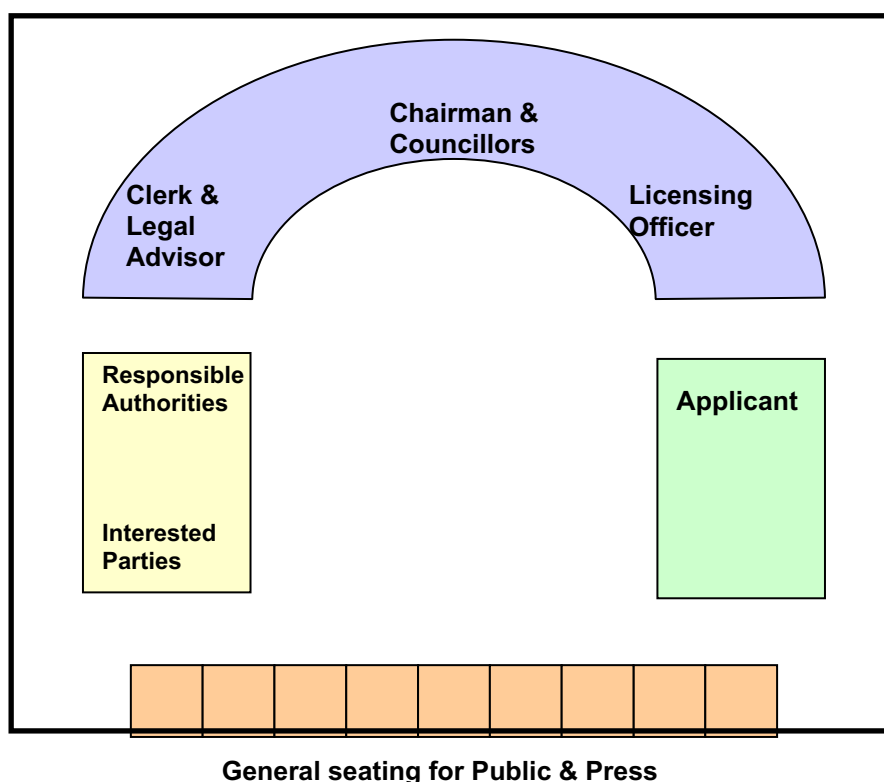
## 4. During the Hearing

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The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

### Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



### In general, how will the hearing be conducted?

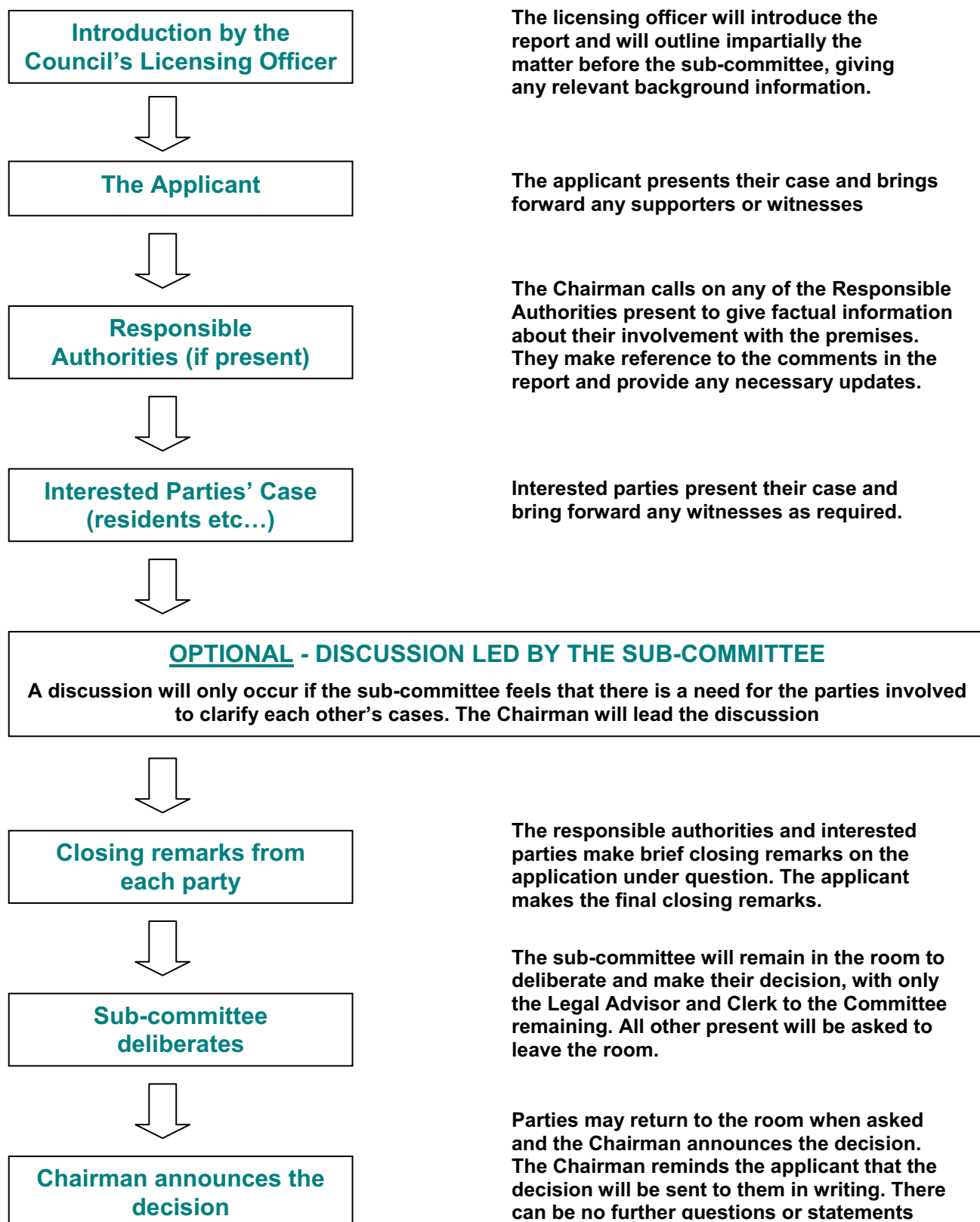
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

## What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



## **Can a Councillor sit on a sub-committee if the application is in their ward?**

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

## **Can a ward Councillor make a representation and or speak at a hearing?**

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

## **What power does the Chairman have to control the meeting?**

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

## **How will the sub-committee make its final decision?**

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by

a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

## **5. After the Hearing**

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### **When will we get formal notice of the decision?**

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

### **Can we appeal against the decision?**

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

### **How can I find out about other applications in my area?**

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

## Appendix

### 1. Time limits for an interested party or a responsible authority to make representations

	Provision	Period of time within which representations must be made.
1.	(a) in the case of a review of a premises licence following a closure order	At any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it
2.	(b) In any other case for a premises licence / club certificate applications.	At any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.
3.	Chief officer of Police giving an objection notice in regard to a personal licence application.	Within 14 days beginning with the day he received notice under subsection (2)
4.	Chief officer of Police giving an objection notice in regard to an application to vary licence to specify individual as premises supervisor	Within 14 days beginning with the day he is notified of the application under subsection (4)
5.	Chief officer of Police giving a counter notice in regard to a temporary event or an interim authority notice	No later than 48 hours after the chief officer of police is given a copy of the notice.

### 2. Period within which hearings should be held

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).

## Appendix

	<b>Provision under which hearing is held.</b>	<b>Period of time within which hearing must be commenced.</b>
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

### 3. Hearing Notice Periods

	Provision under which hearing is held.	Notice of hearing shall be given
1.	Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than two working days before the day or the first day on which the hearing is to be held.
2.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	No later than two working days before the day or the first day on which the hearing is to be held
3.	Section 167(5)(a) (review of premises licence following closure order)	No later than five working days before the day or the first day on which the hearing is to be held
4.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than five working days before the day or the first day on which the hearing is to be held
5.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than five working days before the day or the first day on which the hearing is to be held
6.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than five working days before the day or the first day on which the hearing is to be held

### 4. Action period following receipt of notice of hearing

Provision under which hearing is held.	Notice by a party shall be given
Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than one working day before the day or the first day on which the hearing is to be held.
Section 105(2)(a) (counter notice following police objection to temporary event notice)).	No later than one working day before the day or the first day on which the hearing is to be held.
Section 167(5)(a) (review of premises licence following closure order)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than two working days before the day or the first day on which the hearing is to be held.

## Appendix

Provision under which hearing is held.	Notice by a party shall be given
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than two working days before the day or the first day on which the hearing is to be held.
In any other case	No later than five working days before the day or the first day on which the hearing is to be held.
A party who wishes to withdraw any representations they have made may do so	(a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or (b) orally at the hearing

## APPLICATION FOR A NEW PREMISES LICENCE

<b>Committee</b>	Licensing Sub-Committee	
<b>Officer Contact</b>	Linda Etherington	01895 556799
<b>Papers with report</b>	<ul style="list-style-type: none"> <li>• Appendix 1 – Copy of application form</li> <li>• Appendix 2 – copies of letters from interested parties</li> <li>• Appendix 3 – List of Responsible Authorities</li> <li>• Appendix 4 – Map of the area</li> <li>• Appendix 5 – Photographs of the premises &amp; Advertising poster</li> </ul>	
<b>Ward(s) affected</b>	EASTCOTE AND EAST RUISLIP	

### SUMMARY

To consider representations from two local residents as interested parties in respect of an application for a new premises licence for **Lunetta, 91 Field End Road, Eastcote** by Mr K Paiman.

### RECOMMENDATION

**That the Licensing Sub-Committee determine the application**

### INFORMATION

- 1.1 An application for a new premises licence to permit the sale of alcohol and regulated entertainment was received on 29 June 2010 from Mr K Paiman.

Details of the application are set out as follows:-

**Live music from 19.30 to 22.00 Mondays to Saturday and  
12.00 to 23.00 on Sundays**

**Recorded music from 11.30 to 23.00 every day**

**The sale of alcohol for consumption on the premises:-**

**From 11.30 to 23.00 every day.**

**In addition to the hours detailed above for live music and the sale of alcohol:  
Christmas Eve, New Year's Eve, Valentines Day, Mothers Day, and Boxing Day;**

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PART 1 – MEMBERS, PUBLIC AND PRESS

**From 11.30 to 00.30 hours the following day.**

A copy of the application form is annexed to this report as **Appendix 1**.

- 1.2 The application was advertised in accordance with the standard procedures required by the Licensing Act 2003, by way of an advertisement in the local paper and the display of a notice in at the premises for the required 28 day consultation period. The application was also posted on the council's website.
- Following the advertisement of the application two letters were received from local residents making representation against the application addressing the licensing objective of Prevention of Public Nuisance.

Copies of the letters of representation are annexed as **Appendix 2**.

- 1.3 In accordance with the legislation, the applicant is required to send copies of the application to the responsible authorities listed below (**See Appendix 3 for full details**):
- The Metropolitan Police Service
  - London Fire & Emergency Planning Authority
  - Child Protection Service, LBH
  - Commercial Premises Service, LBH
  - Environmental Protection Unit, LBH
  - Trading Standards Service, LBH
  - Planning Service, LBH

No representations were received from Responsible Authorities.

- 1.4 The period for consultation and the making of representations in respect of this application expired on 28<sup>th</sup> July 2010.
- 1.5 The following measures were offered as licence conditions in the applicant's Operating Schedule:-

**General**

1. A children's menu will be available to attract families.

**Prevention of crime and disorder**

2. Alcohol will only be sold with restaurant meals.

**Public Safety**

3. Fire extinguishes, smoke alarms and emergency lighting will be provided.

**Prevention of public nuisance**

4. Notices will be provided to ask customers will be asked to leave quietly and not to drop litter outside the restaurant.

**Protection of children from harm**

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PART 1 – MEMBERS, PUBLIC AND PRESS

5. A proof of age scheme will be in operation.

6. Staff will be trained in Licensing Law.

### **General Information**

- 1.6
- The premises is a restaurant in a high street retail unit.
  - The premises was previously an unlicensed Chinese restaurant.

A map of the area is annexed to this report as **Appendix 4**.

Photographs of the premises and surrounding area are annexed to this report as **Appendix 5**.

## **FINANCIAL IMPLICATIONS**

- 2.1 Members should be aware that the Planning, Environment and Community Service does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

## **LEGAL IMPLICATIONS**

### **Principles for making the determination**

- 3.1 The general principle is that applications for Premises Licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
- 3.2 Relevant representations are those which:-
- Are about the effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are :

- a. The prevention of crime and disorder;**
- b. Public safety;**
- c. The prevention of nuisance; and**
- d. The protection of children from harm.**

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.

- 3.3 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Licensing policy when deciding whether or not to grant the application. The terms of the Statement of Licensing Policy are highly persuasive, but not

binding on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

- 3.4 Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case
- 3.5 When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or moral grounds are not in themselves relevant representations. For example, a representation from a bar owner that the grant of a premises licence to another bar to allow the sale of alcohol and the provision of regulated entertainment will take customers away from his/her premises is not a relevant representation.
- 3.6 The Licensing Sub-Committee can attach a "weight" to any relevant representations, such factors that could influence the "weight" to be placed on a representation could include:-
- Whether the representation can be clearly related to any one of the four licensing objectives;
  - Whether the representation concerns matters over which the applicant is able to exercise control;
  - Whether the representation is based on "hearsay" evidence;
  - Whether the representation is supported by firm evidence;
  - Whether the person making the representation has attended the hearing in person.
- 3.7 Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:-
- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
  - To impose additional relevant conditions to such an extent as is considered

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## PART 1 – MEMBERS, PUBLIC AND PRESS

- necessary for the promotion of the licensing objectives;
- To exclude any of the licensable activities to which the application relates
- To amend the times for all or some of the licensable activities;
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

### 3.8 **Conditions**

Conditions will not be necessary if they duplicate a current statutory requirement. Members are also referred to the DCMS guidance on conditions, specifically section 10, and Annex D.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the licence if it is granted (paragraph 10.11).

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 10.12).

Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

### **Reasons**

- 3.9 If the Licensing Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a new Premises Licence application, it must give reasons for its decision.

### **The Role of the Licensing Sub-Committee**

- 4.1 Sub-Committee Members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, child protection, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

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## PART 1 – MEMBERS, PUBLIC AND PRESS

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.

The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the 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.

	<b>Prevention of Crime &amp; Disorder</b>	<b>Public Safety</b>	<b>Prevention of Public Nuisance</b>	<b>Protection of Children from Harm</b>
Mr P Faith			X	
Mr G Smith			X	

---

## PART 1 – MEMBERS, PUBLIC AND PRESS

## **BACKGROUND PAPERS**

- Appendix 1 – Copy of application form
- Appendix 2 – Copies of letters from interested parties
- Appendix 3 – List of Responsible Authorities
- Appendix 4 – Map of the area
- Appendix 5 – Photographs of the premises

## **BACKGROUND DOCUMENTS:**

The Licensing Act 2003

Guidance under Section 182 of the Licensing Act 2003

The Council's Statement of Licensing Policy

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# Application for a premises licence to be granted under the Licensing Act 2003

Reference number:

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records

(2) ~~I/we~~ KAMRAN PAIMAN

apply for a premises licence under section 17  
the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we  
are making this application to you as the relevant licensing authority in accordance with  
section 12 of the Licensing Act 2003

## Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

91 Field End Road (Lunetta)  
Eastcote

Post town Pinner

Postcode HA5 1QG

Telephone number at premises(if any)

Non-domestic rateable value of premises

£ 6000

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ☒ yes

a) an individual or individuals\*

☒ please complete section (A)

b) a person other than an individual\*

i. as a limited company

☐ please complete section (B)

ii. as a partnership

☐ please complete section (B)

iii. as an unincorporated association; or

☐ please complete section (B)

iv. other (for example a statutory corporation)

☐ please complete section (B)

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

Page 41

- c) a recognised club
- d) a charity
- e) the proprietor of an educational establishment
- f) a health service body
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- h) the chief officer of police of a police force in England and Wales

- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to
  - a statutory function; or
  - a function discharged by virtue of Her Majesty's prerogative

Please tick ✓ yes

☐
☐
☐

#### (A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☒

Date of birth

Day	Month	Year
21	03	1963

Current postal address if different from premises address

F C E (c)	

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ☒ yes

☐

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address  
(optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name

Address

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc.)

Telephone number (if any)

E-mail address (optional)

### Part 3 - Operating Schedule

When do you want the premises licences to start?

Day	Month	Year
01	08	2010

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

This is a small restaurant to serve alcohol to customers with their meal. We are open 7 days a week from 11:30 to 11.00<sup>pm</sup>. The alcohol will be used on the premises.

I have attended and have passed the ~~personal~~ relevant exam to become Alcohol personal licence holder.

The restaurant will have cover for 45 people and I am encouraging a family oriented place so it is a safer environment for everyone to work in.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick ✓ yes

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of entertainment facilities for:**

- |  |                          |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I)  | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box L)

☐

**Supply of alcohol** (if ticking yes, fill in box M)

☒

**In all cases complete boxes N, O and P**

# A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			State any seasonal variations for performing plays (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

# B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)
Thur			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**C**

Indoor sporting events			Please give further details here (please read guidance note 3)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Wed			
Thur			
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon	19:30	22.00	Please give further details here (please read guidance note 3)  This would be a one or 2 musician band to play jazz music in background on quiet nights, but as a background light music
Tue	19:30	22.00	
Wed	19:30	22.00	
Thur	19:30	22.00	State any seasonal variations for the performance of live music (please read guidance note 4)  I would extend hours for new years eve or boxing day and christmas eve.
Fri	19:30	22.00	
Sat	19:30	22.00	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)  Extend hours for x-mas eve, new years eve and valentines day, <del>19:00 to 23:00</del> Mother's day, boxing day 11.30 - 00.30
Sun	12.00	3.00 PM	

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Mon	11:30 AM	23.00 PM	Please give further details here (please read guidance note 3)  Background music only.
Tue	11.30 AM	23.00 PM	
Wed	11.30 AM	23.00 PM	
Thur	11.30 AM	23.00 PM	State any seasonal variations for the playing of recorded music (please read guidance note 4)  NONE
Fri	11.30 AM	23.00 PM	
Sat	11.30 AM	23.00 PM	Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	11.30 AM	23.00 PM	

**G****Performances of dance**Standard days and timings  
(please read guidance note 6)

Day Start Finish

Mon

Tue

Wed

Thur

Fri

Sat

Sun

Will the performance of dance take place indoors or outdoors or both  
- please tick ☒ (please read guidance note 2)Indoors ☐Outdoors ☐Both ☐

Please give further details here (please read guidance note 3)

State any seasonal variations for the performance of dance  
(please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)

**H****Anything of a similar description to that falling within (e), (f) or (g)**Standard days and timings  
(please read guidance note 6)

Day Start Finish

Mon

Tue

Wed

Thur

Fri

Sat

Sun

Please give a description of the type of entertainment you will be providing

Will this entertainment take place indoors or outdoors or both  
- please tick ☒ (please read guidance note 2)Indoors ☐Outdoors ☐Both ☐

Please give further details here (please read guidance note 3)

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)

<b>Provision of facilities for making music</b>			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for provision of facilities for making music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

<b>Provision of facilities for dancing</b>			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)
Sat			
Sun			

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b>  Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing																																												
			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) <div style="display: flex; justify-content: space-around;"> <span>Indoors <input type="checkbox"/></span> <span>Outdoors <input type="checkbox"/></span> <span>Both <input type="checkbox"/></span> </div>																																												
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			Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5)																																												

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Day	Start	Finish	On the premises <input checked="" type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Mon	11.30	23.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	11:30	23:00	
Wed	11:30	23.00	
Thur	11.30	23.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	11.30	23.00	
Sat	11:30	23.00	Extended hours to <del>midnight</del> on New years eve and Valentine day, mother's day, Boxing day & X-maseve.  11.30 - 00.30
Sun	11.30	23.00	

State  Name  Address  Postcode  Personal Licence number (if known) <b>To Follow</b> Issuing licensing authority (if known)	wish to specify on the licence as premises supervisor
---	---

## N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

## O

<b>Hours premises are open to the public</b>  Standard days and timings (please read guidance note 6)	State any seasonal variations (please read guidance note 4)																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Day</th> <th style="width: 20%;">Start</th> <th style="width: 20%;">Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Tue</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Wed</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Thur</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Fri</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Sat</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Sun</td> <td>11.30</td> <td>23.30</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Day	Start	Finish	Mon	11.30	23.30				Tue	11.30	23.30				Wed	11.30	23.30				Thur	11.30	23.30				Fri	11.30	23.30				Sat	11.30	23.30				Sun	11.30	23.30				Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)  <div style="text-align: center; padding: 20px;"> <p style="font-size: 1.1em;">New Year's Eve, Valentines day,              Mother's Day, Boxing day, X-mas eve.</p> <p style="font-size: 1.1em;">11.00 — 00.30</p> </div>
Day	Start	Finish																																												
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Sun	11.30	23.30																																												

**P** Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

I would create an atmosphere that most families will want to eat in my dinner, by producing "children menu" to attract children, attractive decor, etc.

b) The prevention of crime and disorder

As a restaurant operator, will only sell alcohol with food so very little chance of people becoming drunk. I have no happy hour policy.

c) Public safety

All exit doors will be sign posted and sufficient lighting will be all around the restaurant. 0% tolerance applied to any customer showing sign of drunkenness. Use of fire alarm smoke detector and emergency lighting. Fire extinguisher will be placed around the premises to meet health and safety.

d) The prevention of public nuisance

To ensure by means of verbal reminder or public notices that all customers leave with proper behaviour and no littering outside the restaurant.

0% tolerance against any customer found the cause of problem to neighbours or staff.

e) The protection of children from harm

I will be training all my staff and ensure they are all well aware of <sup>not</sup> serving alcohol to under age customers and ensure to ask for their ID, if any doubt or to check with authorised person ~~to~~ at all times. No alcohol will be supplied to any accompanying adult if found he/she is considered not suitable to have alcohol.

CHECKLIST:

Please tick ✓ yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 - Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11)  
If signing on behalf of the applicant please state in what capacity.

Signature K. Naiman

Date 28.6.10

Capacity Director

For joint applications signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent.  
(Please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature \_\_\_\_\_

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

--	--

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## APPENDIX 2

Dear Sir

**91 Field End Road, Eastcote, HA5 1QG**

I write with reference to the application by Mr Kamran Paiman made in respect of an alcohol licence and regulated entertainment licence. I hereby wish to register my objection to the live entertainment application. The premises are small and close to residential property, indeed they are located beneath some flats and live entertainment is not consistent with dwellings in such close proximity.

Whilst no doubt, regulations exist re. acceptable noise levels this is reliant on the management and performers complying or action being taken following local complaint. This is of course all too late as the residents would have suffered the noise by then. The regular din emanating from Changers Wine Bar and the RE bar a little further along Field End Road who presumably have a similar licence is evidence enough to suggest that further live music in effectively retail shops is totally inappropriate. I appreciate that the Council agreed a change of use to this unit some while ago which was foolish enough but to further exasperate the situation by allowing live bands would be quite ridiculous.

I can appreciate that the operator wishes to create an ambience through background music however would suggest recorded music would be quite adequate for such a small unit. Please consider the local residents who will suffer the nuisance of noise and refuse the application accordingly.

Yours sincerely

Geoff Smith

LON BORO OF HILLINGDON  
RECEIVED

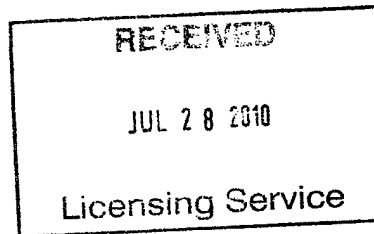
- 9 JUL 2010

PLANNING & TRANSPORTATION  
GROUP

RECEIVED

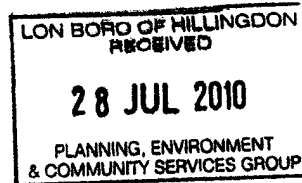
JUL 09 2010

Licensing Service



Licensing Service  
Civic Centre  
High Street  
Uxbridge  
UB8 1UW

25<sup>th</sup> July 2010



Dear Sirs,

**Re; Application by Mr Paiman, regarding 91 Field End Road (Lunetta). For 'Live Music' & 'Recorded Music'.**

I live directly above the premises, that has applied for the live & recorded music license.

I am concerned that the noise will come through to my flat seven days of the week. Can the applicant please confirm that all necessary steps have been taken to ensure that sound proofing has been done to an acceptable standard & to building regulations. Perhaps a sound engineer can do tests and give a written statement confirming that the noise levels will not cause a nuisance to both myself and my neighbours.

Both my neighbours at 89A & 93A Field End Road have young children under the age of five years old. The recent building works have caused considerable amounts of disturbance to us all over recent weeks, which to a certain extent cannot be avoided. However, the thought of continual noise for seven nights a week, for 52 weeks of the year is of great concern to both myself and my neighbours.

Thank you for your assistance in this representation.

Yours faithfully,

P A Faith

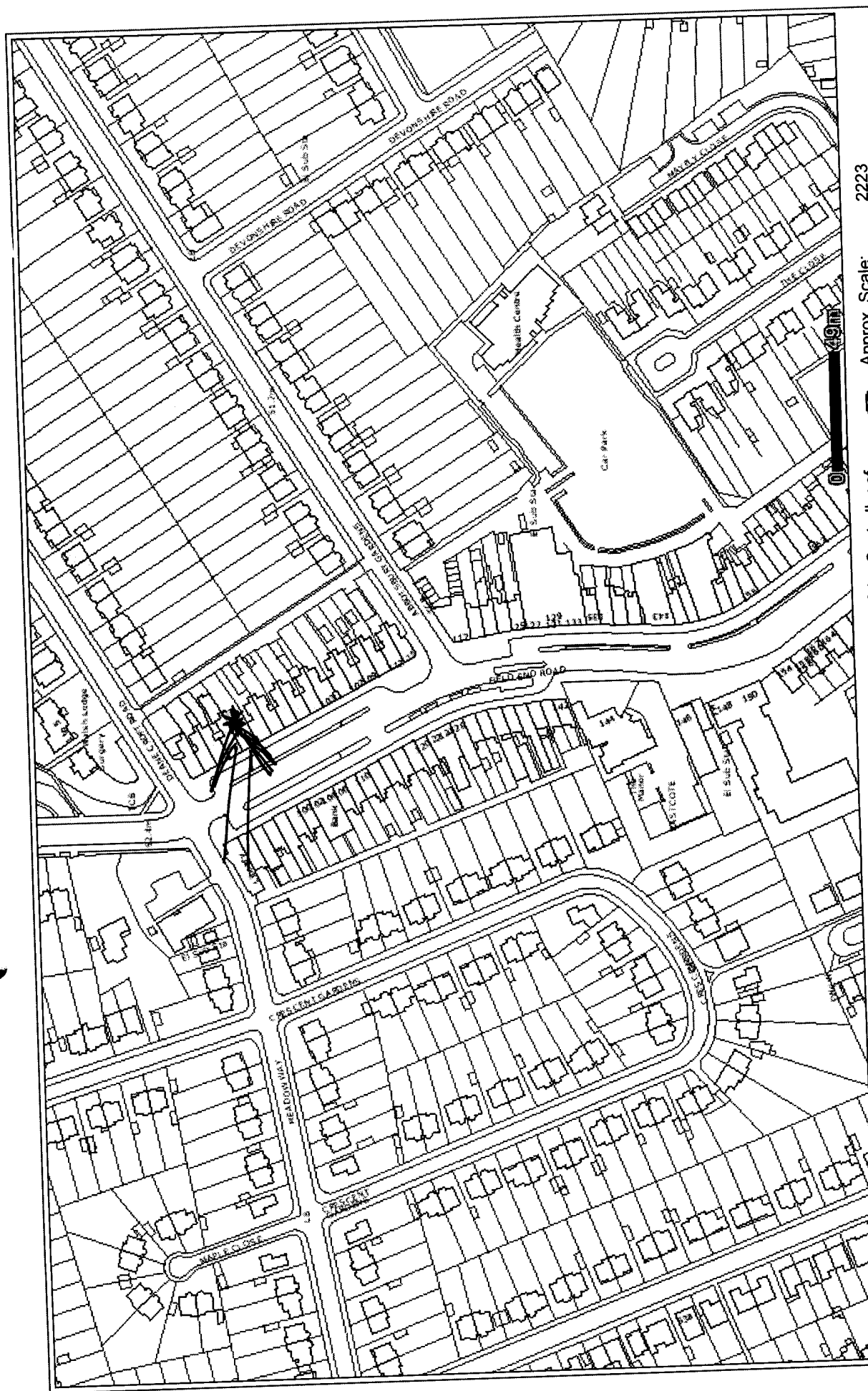
## APPENDIX 3

### RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the original application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW</p> <p><i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens</p> <p><i>Hillingdon Police Enforcement</i> <b>*for all areas except Heathrow</b></p>
<p>Chief Officer of Police c/o Inspector Robert Harrison ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ</p> <p><i>Heathrow Police Enforcement</i> <b>*for Heathrow area <u>only</u></b></p>	<p>Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team</p> <p><i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>A body involved in the Protection of Children from Harm</i></p>	<p>Food, Health and Safety Team London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer</p> <p>Enforcing Authority under the Weights and Measures Act 1985</p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</p>
<p>Head of Planning London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>The Planning Authority</i></p>	

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Licensing Sub-Committee A Meeting -19 August 2010

PART 1 – MEMBERS, PUBLIC AND PRESS



Licensing Sub-Committee A Meeting -19 August 2010

PART 1 – MEMBERS, PUBLIC AND PRESS