



# Notice of Hearing

## Licensing Sub Committee (South)

**Date:** FRIDAY, 7 FEBRUARY 2014

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 3A -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

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

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further information.**

### Councillors on the Sub-Committee:

David Yarrow (Chairman)  
Peter Kemp  
Josephine Barrett  
Mike Bull  
Janet Gardner (Labour Lead)

### Important Information

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**Wednesday 5 February 2014**

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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:** Thursday, 23 January 2014

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# Agenda

## CHAIRMAN'S ANNOUNCEMENTS

### **Hearing Protocol - Reviews - Premises Licences & Certificates**

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 Minutes of the meetings held 1 August 2013, 4 October 2013, 9 October 2013, 11 November 2013 and 3 January 2014
- 4 To confirm that the items of business marked Part 1 will be considered in Public and items marked Part 2 will be considered in Private
- 5 Matters that have been notified in advance or urgent

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Page</b>
<b>6</b>	Suspension of Premises Licences for Non-Payment of Annual Licensing Fees	All	19 - 22

### **Part 2 - Members Only**

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Minutes

## LICENSING SUB COMMITTEE (SOUTH)

1 August 2013



HILLINGDON  
LONDON

Meeting held at Committee Room 3 - Civic Centre,  
High Street, Uxbridge UB8 1UW

	<p><b>Committee Members Present:</b></p> <p>Councillors David Yarrow (Chairman), Peter Kemp, Josephine Barrett, Mike Bull and Lynne Allen</p> <p><b>Also Present:</b></p> <p>Parmjit Dhillon- Applicant's Solicitor, Jasbinder Sarai – Applicant, Rajbinder Sarai - Applicant</p> <p><b>LBH Officers Present:</b></p> <p>Stephanie Waterford – Licensing Services Manager, Rory Stracey – Legal Advisor, Gill Oswell – Democratic Services Officer.</p>
30.	<p><b>APOLOGIES FOR ABSENCE (Agenda Item 1)</b></p> <p>Apologies had been received from Councillor Janet Gardner with Councillor Lynne Allen substituting.</p>
31.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (Agenda Item 3)</b></p> <p>It was confirmed that the meeting would be held in public.</p>
32.	<p><b>APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE (Agenda Item 5)</b></p> <p><b>THE VICTORIA PUBLIC HOUSE, NORTH HYDE ROAD, HAYES</b></p> <p>The Sub-Committee considered an application for the grant of a Sex Establishment Licence at The Victoria Public House, North Hyde Road, Hayes.</p> <p>The hearing was held to consider 2 letters of objections received from local residents opposing the grant of the Licence. There were no other objections to the application.</p> <p>Stephanie Waterford, Licensing Manager introduced the report providing the Sub-Committee with details of the application.</p> <p>The applicant's legal adviser addressed the meeting on behalf of the applicants and advised the Sub-Committee that the applicants adhered to a detailed Premises Management Plan. There was also a comprehensive CCTV system, which monitored the premises.</p>

In regards to the objections raised there was no evidence that linked the issues alleged by the objectors to The Victoria Public House. The premises operated a zero tolerance approach to drugs and prostitution. There were a number of pubs nearby that open later than the application site. The objections are speculative and given that the objectors have not attended the hearing, the committee should give limited weight to the representations.

The applicants provided clarification of a number of points raised by the Sub-Committee in relation to the Premises Management Plan.

The objectors to the Licence were not present at the meeting.

#### **DECISION**

**The Sub-Committee considered this application and took into account the evidence and submissions from the applicants and also the written representations received, it being noted that no one attended the hearing to speak against the application. In reaching its decision the Sub-Committee took into account the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, the Policing and Crime Act 2009 and the Council's Sex Establishment Licensing Policy. In doing so, the Sub-Committee decided to approve the application as applied for.**

The meeting, which commenced at 10.00 am, closed at 10.50 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**Minutes****LICENSING SUB COMMITTEE (SOUTH)****4 October 2013**
**HILLINGDON**  
 LONDON

**Meeting held at Committee Room 3a - Civic Centre, High Street, Uxbridge UB8 1UW**

	<p><b>Committee Members Present:</b></p> <p>Councillors Peter Kemp, Janet Gardner (Labour Lead), Dominic Gilham (Chairman) and Carol Melvin</p> <p><b>Also Present:</b></p> <p>Rory Clark - Legal Representative for the Metropolitan Police    Inspector David George - Metropolitan Police    PC Ian Wares – Metropolitan Police    Philip Somarakis – Legal Representative for the Licence Holder    Richard Bell – Licence Holder    Dean Smith – Business Partner of the Licence Holder    Pastor Alton Bell – Witness for Licence Holder    John Anderson – Security Consultant</p> <p><b>LBH Officers Present:</b></p> <p>Ian Meens – Licensing Officer    Tim Brown – Legal Services    Gill Oswell – Democratic Services</p>
40.	<p><b>APPOINTMENT OF CHAIRMAN</b> <i>(Agenda Item 1)</i></p> <p>Councillor Dominic Gilham was nominated as chairman as there were no further nominations Cllr Gilham was appointed as Chairman for this meeting.</p>
41.	<p><b>APOLOGIES FOR ABSENCE</b> <i>(Agenda Item 2)</i></p> <p>Apologies had been received from Councillors David Yarrow and Josephine Barrett with Councillors Dominic Gilham and Carol Melvin substituting. Apologies had been received from Councillor Mike Bull with no substitute.</p>
42.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 3)</i></p> <p>There were no declarations of interest notified.</p>
43.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE</b> <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items would be discussed in Part 1. If any information being discussed was deemed to be confidential the meeting would move into Part 2 and the Public and Press would be excluded.</p>

44.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (Agenda Item 5)</p> <p>The usual notice period for Licensing Sub-Committee meetings had not been given in this instance as this was an expedited review. The review was as the result of a Closure Notice being served on the Licence holder, following an incident at the venue.</p>
45.	<p><b>REVIEW OF PREMISES LICENCE FOLLOWING CLOSURE ORDER</b> (Agenda Item 6)</p>
	<p>The Sub-Committee were considering a review of a premises licence as a result of a closure order being issued by the Police on 13 September 2013. The closure followed an incident at the venue and was followed by a Magistrates Court order for the closure to remain in force until a review of the licence had taken place.</p> <p>The Legal adviser informed the Sub-Committee that there had been inquiries regarding the status of the premises licence. This was due to the licence being granted on 24 May 2013 but not issued by the Licensing Authority. The reason for the licence not being issued was that 2 of the conditions in relation to CCTV and safety railings on the access stairwell had not been installed.</p> <p>The Licensing Officer advised the Sub-Committee that the Licensing Authority had not been informed that the 2 conditions referred to had been complied with so the licence, although granted had not been issued.</p> <p>In answer to a questions raised the Licensing Officer informed the meeting that the name of the Designated Premises Supervisor had not been notified to the Licensing Authority.</p> <p>The Sub-Committee heard representations on the issue of the status of the licence from both parties and agreed that there was a licence to review.</p> <p>At this point in the proceedings the meeting went into to Part 2 and the public and press were excluded from the meeting.</p> <p>The Sub-Committee heard from the Police's Legal representative who gave details of the objections raised to the licence and advised the Sub-Committee that the licence should be revoked.</p> <p>Inspector George and PC Wares gave a brief outline of the statements that had been made in relation to the events that led to the closure notice being served on the Licence Holder.</p> <p>The Licence Holder's Legal Representative provided details of the events that led to the closure notice being served and asked the Licence Holder a number of questions on the events that took place on the 13 September 2013. The Sub-Committee was informed that a Specialist Security Adviser had visited the premises and produced a report with 14 recommendations. It was suggested that these recommendations should be conditions added to the current licence.</p> <p>The Sub-Committee heard from a witness for the Licence Holder who gave an account of the event until the time he left the premises prior to the incident taking place.</p> <p>The Sub-Committee after hearing closing submissions from both parties adjourned to consider their decision.</p>

The Sub-Committee re-convened to deliver their decision.

**The Sub-Committee had considered all the relevant evidence and representations made available to it and in doing so had taken into account the provisions of the Licensing Act 2003, the Guidance issued by the Secretary of State pursuant to the Act, the Council's Statement of Licensing Policy and the Licensing objectives.**

#### **Decisions**

**The Sub-Committee revoked the licence for the following reasons:-**

- 1. The Sub-Committee was satisfied that on 13 September 2013 the premises license holder failed to take reasonable measures when holding an event at the premises to uphold the licensing objectives of public safety and the prevention of crime and disorder.**
- 2. The Sub-Committee accepted the strong Police evidence of a serious failure of by the premises license holder and staff to manage a violent situation on the premises, involving crime and disorder and impacting public safety. This presents an unacceptable risk that Premises will fail to uphold the licensing objectives of public safety and the prevention of crime and disorder in the future.**
- 3. The premises license holder failed to demonstrate knowledge and understanding of the legal, regulatory and safety requirements necessary for the safe management of premises.**
- 4. The premises carried out a licensable activity without compliance with existing license conditions which impacted the objective of the prevention of crime and disorder, for example operating without functioning CCTV system.**
- 5. The premises license holder failed to engage with or adequately assist the police on 13 September 2013 and this demonstrates a clear risk that the operation of the premises in the future will harm the objective of the prevention of crime and disorder.**
- 6. The premises license holder has failed to engage with the Licensing Authority or take steps required by the premises license.**

The meeting, which commenced at 9.30 am, closed at 12.45 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on (01895) 250693 . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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**Minutes****LICENSING SUB COMMITTEE (SOUTH)**

9 October 2013


**HILLINGDON**  
 LONDON

**Meeting held at Committee Room 3a - Civic  
 Centre, High Street, Uxbridge UB8 1UW**

	<p><b>Committee Members Present:</b>          Councillors David Yarrow (Chairman), Peter Kemp and Josephine Barrett</p> <p><b>Also Present:</b>          Inspector David George - Metropolitan Police Service          PC Ian Wares - Metropolitan Police Service          Mr Julian Pharoah - Applicant          Ms Joanna Terry - Applicant</p> <p><b>LBH Officers Present:</b>          Ian Meens - Licensing Officer          Tim Brown - Legal Services          Gill Oswell - Democratic Services</p>
1.	<p><b>APOLOGIES FOR ABSENCE</b> <i>(Agenda Item 1)</i></p> <p>Apologies had been received from Councillor Mike Bull and Janet Gardner, with no substitutes.</p>
2.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 2)</i></p> <p>There were no declarations of interest notified.</p>
3.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE          CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED          IN PRIVATE</b> <i>(Agenda Item 3)</i></p> <p>It was confirmed that the report would be considered in public unless any information being discussed was deemed to be confidential. The meeting would then move into Part 2 with the public and press being excluded.</p>
4.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> <i>(Agenda Item 4)</i></p> <p>The usual notice period for Licensing Sub-Committee meetings had not been given in this instance because S105 of the Licensing Act 2003 requires the hearing of a Temporary Event Notice to take place as soon as possible. The agenda and report was agreed as urgent by the Chairman to ensure a decision was made by the Sub-Committee prior to the event taking place.</p>

5.	<p><b>TEMPORARY EVENT NOTICE (Agenda Item 5)</b></p> <p>The Council's Licensing Officer introduced the report outlining the application for a Temporary Event Notice (TEN) that had been made by Mr Julian Pharoah for a music event on the 12 October 2013 from 7 pm to 12 midnight, at the Sea Cadets Hut, Watersplash Lane, Hayes.</p> <p>An objection to the TEN had been made by the Metropolitan Police Service that was why the application had been brought to the Sub-Committee for consideration.</p> <p>Inspector David George of the Metropolitan Police Service presented the reasons for objecting to the TEN, which was detailed further in Appendices 2, 3 and 6, which were included in Part 2 of the agenda.</p> <p>The applicants Mr Pharoah and Ms Terry, addressed the meeting in support of the TEN that they had applied for.</p> <p>Following both parties giving their closing submissions, the Sub-Committee adjourned to make their decision.</p> <p>The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Council's Statement of Licensing Policy and the Licensing objectives. The Licensing Sub-Committee has come to the following decision:</p> <p><b>Resolved – That the Sub-Committee Refused the Temporary Events Notice (TEN) for the 12 October 2013, as they were satisfied that the evidence presented by the police that to allow the TEN would unacceptably harm the licensing objective of the prevention of crime and disorder.</b></p>
	<p>The meeting, which commenced at 9.30 am, closed at 10.30 am.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on (01895) 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

Minutes**LICENSING SUB COMMITTEE (SOUTH)**

11 November 2013



**HILLINGDON**  
LONDON

Meeting held at Committee Room 3a - Civic  
Centre, High Street, Uxbridge UB8 1UW

	<p><b>Committee Members Present:</b> Councillors David Yarrow (Chairman), Josephine Barrett, Mike Bull and Janet Gardner (Labour Lead)</p> <p><b>Also Present:</b> Sean Deakin Adams – Licence Holder Craig Deakin Adams – Licence Holder Steven Lynsley Frost – Fuller, Smith &amp; Turner – Applicant</p> <p><b>LBH Officers Present:</b> Ian Meens – Licensing Officer Roland Oliver – Environment Protection Officer Tim Brown – Legal Services Gill Oswell – Democratic Services</p>
6.	<p><b>APOLOGIES FOR ABSENCE</b> <i>(Agenda Item 1)</i></p> <p>Apologies had been received from Councillor Peter Kemp.</p>
7.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 2)</i></p> <p>There were no declarations notified.</p>
8.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE</b> <i>(Agenda Item 3)</i></p> <p>It was confirmed that all items would be heard in public.</p>
9.	<p><b>CANCEL LICENSED PREMISES/CLUB GAMING MACHINE PERMIT FOR NON-PAYMENT OF ANNUAL FEES</b> <i>(Agenda Item 5)</i></p> <p><b>ST CLARETS CATHOLIC SOCIAL CLUB, BOTWELL LANE, HAYES</b></p> <p>The Sub-Committee received a request to cancel the Licensed Premises/Club Gaming Machine Permit for non-payment of annual fees for the above premises.</p> <p>The recommendation to cancel the Gaming Permit was moved seconded and agreed.</p> <p><b>Resolved – That the Licensed Premises/Club Gaming Machine Permit was cancelled.</b></p>

10.	<b>APPLICATION TO VARY PREMISES LICENCE - ANGEL PUBLIC HOUSE (Agenda Item 6)</b>
	<p><b>THE ANGEL PUBLIC HOUSE, UXBRIDGE ROAD, HAYES – VARIATION OF THE PREMISES LICENCE</b></p> <p>The Sub-Committee considered an application by Fuller Smith and Turner plc to vary the premises licence for The Angel Public House. The variation proposed the extension of hours for the sale of alcohol, live music, performance of dance and late night refreshment until 03.00 hours and opening hours until 03.30 hours on Fridays and Saturdays. (all other licensable activities, permits hours and opening hours to remain as existing).</p> <p>The Licensing Officer introduced the report to the Sub-Committee.</p> <p>The Designated Premises Manager (DPM) stated that the extension to the premises licence would allow freedom to run more events, which were currently organised using Temporary Event Notices (TENs). He further stated that this year they had run a reggae night on a TEN once a month; it was not the intention to use the extended hours every Friday and Saturday night. If the variation was granted it would free up the TENs for use for community activities.</p> <p>The DPM informed the Sub-Committee that the only TEN that had been objected to by EPU was for an event until 03.00 am, the objection was withdrawn as it was agreed to hold the event until 02.00 am. The DPM stated that no other objections from the EPU or the Police had been received to any TENs at the premises and was not aware of any complaints from residents or businesses. The reggae nights had been held for the past 18 months with no complaints received from neighbours.</p> <p>The DPM advised that the events held on the TENs were not advertised as 03.00 am finish and reiterated that it was not the intention to use the extended hours every weekend.</p> <p>The EPU officer advised the Sub-Committee that their concerns in relation to the potential for increased noise nuisance and crime/disorder due to the later opening time of 03.30 am. This was due to additional time for patrons to consume alcohol, which increased the risk of noise and disturbance from people who were intoxicated, both when using and when leaving the premises. The officer further confirmed that no complaints had been received about noise from the premises but noted that the TENs were not every week. If the variation of hours was agreed there was the potential for the extended hours to be used every week thus increasing noise and disturbance.</p> <p>In response the DPM stated that there was a plan in place to mitigate any noise nuisance when customers leave the premises, which included the following:-</p> <ul style="list-style-type: none"> <li>○ closing the bar at 02.45,</li> <li>○ removing all patrons from premises by 03.10,</li> <li>○ using plastic glasses from 02.30 and</li> <li>○ having two staff outside the premises arranging taxis for patrons and supervising their exit.</li> </ul> <p>Then DPM then informed the members that the windows of the function room were sound proofed and noise levels on function nights were monitored by staff. It was also confirmed that DPM had, had contact with local residents and met with them to discuss concerns, if a noise limiter was made a condition of the licence this would be installed.</p>

One of the objectors addressed the meeting stating that residents of the neighbouring caravan park can hear noise from the premises at night, even with their televisions on. There are very old and very young people living on the site who are sensitive to noise. The caravan park was immediately adjacent to the premises and caravans by their nature have little sound insulation. The objector further stated that residents had not complained in the past because they attempt to be good neighbours and understand the premises is a business, but the current application for opening until 03.30 each Friday and Saturday night would cause too much disturbance.

The second objector then addressed the Sub-Committee stating that he had a petition of 80 names against this application, with 95% of those contacted willing to sign. He requested that the Sub-Committee look at social factors when determining the application, as in his view there must be a limit on the scope for premises to disturb local residents' sleep and welling being. He also stated that human rights should be considered as part of this application as residents have a right to a peaceful night sleep.

The Sub-Committee were then advised that the local area already had problems associated with this premises and other licensed premises in the local area. This was due to patrons causing vandalism and noise and disturbance in the local park, which would be heightened by an additional two hours of drinking time, potentially every Friday and Saturday if this application was granted.

Both objectors agreed that the premises was currently well managed, but expressed a fear that if the current DPS left the premises, the extended hours could have greater impact if less experienced management took over.

In response to the above comment the representative from Fuller Smith and Turner plc stated that they would work with any DPS and use its control as premises licence holder to ensure the premises was well run. He also informed the Sub-Committee that if the application was granted there was always the opportunity for responsible authorities to review the licence should any issues arise.

The representative from Fuller Smith and Turner plc also stated that they would not be happy with a condition for a noise limiter to be installed as at present there was a lack of evidence to warrant this, due to no complaints being received on any TENs.

The EPU Officer advised that noise limiters were quite common and were useful as a proactive step to prevent premises ever receiving complaints or noise abatement notices.

In conclusion, the objector stated that the potential for twice-weekly opening until 03.30 would cause too much disturbance and the caravans next door have no insulation and are occupied by families, so the impact would be severe.

The EPU officer raised serious concern about the potential for noise nuisance and disorder if the application was granted increased hours. It was suggested that there would be no objection to a one-hour increase in current premises opening times along with installation of a noise limiter.

In conclusion the DPM stated they understood residents concerns and were willing to work with the local community. The main reason for this application was to free up TENs for other purposes and not to increase the frequency of late night events.

A member of the Sub-Committee, who was also a ward councillor for the area, noted that she had never received any complaints about the premises. However, she had concerns about the location of the caravan park and that noise was audible from the premises at night.

The Sub-Committee adjourned to consider all the relevant representations made available to it. After the Sub-Committee had made its deliberations all representatives were invited back into the meeting.

**Resolved – That the decision of the Sub-Committee was to vary the premises licensable activities times for:**

- **Sale of alcohol: Friday and Saturday between 10.00 hours and 02.00 hours the following day**
- **Live music and provision of facilities for dancing: Friday and Saturday between 20.00 hours and 02.00 hours the following day**
- **Late night refreshment: Friday and Saturday between 23.00 hours and 02.00 hours the following day**

**And to vary premises opening hours: Friday and Saturday between 10.00 hours and 02.30 hours the following day.**

**All other opening hours and times for licensable activities are to remain as per the existing licence.**

**In addition, the Sub-Committee determined to add an additional condition to the premises licence:**

**“A noise limiting device shall be installed and used when any music is provided. This condition shall not apply in instances when background music is played. The Licence Holder shall ensure that an acoustic sound engineer carried out acoustic sound test on the premises. The sound engineer shall ensure that a noise-limiting device is installed and set to the satisfaction of the Environmental Protection Unit. If the noise limiting device malfunctions or fails to work, the premises must inform the Environmental Protection Unit within 24 hours and regulate noise levels in accordance with any instructions received from Environmental Protection Unit.”**

**For the avoidance of doubt, all other conditions are to remain as per the existing premises licence.**

**The Sub-Committee stated the following reasons for its decision:**

- **That evidence was received from residents; in particular evidence from Mr Stout on behalf of residents of the immediately adjacent caravan park, that noise from the premises is already audible at night, causing disturbance and nuisance. It was accepted that any increase in opening hours without mitigation would cause unacceptable disturbance and nuisance to caravan park residents.**
- **That the nearby residents of the caravan park are particularly noise sensitive due to the close proximity to the premises, the age of residents and the lack of sound insulation available to caravans.**
- **That the premises had effective management and there have been no reported complaints about the use of the premises on any TENs.**

	<ul style="list-style-type: none"> <li>• That due to evidence from residents on existing noise and evidence from EPU on the use of a noise limiting device (recommended by EPU), that the installation of such a device would protect residents from potential noise nuisance and allow the premise to properly monitor noise. An additional condition on this was deemed necessary, proportionate and was supported by the evidence provided at the hearing, if hours were to be increased.</li> <li>• That EPU objected to the application and provided evidence of potential noise nuisance and disturbance. EPU however stated that an extension of time of one hour for licensable activities and opening hours on Friday and Saturday night of coupled with the installation of a noise-limiting device would be acceptable to alleviate their concerns.</li> </ul>
	<p>The meeting, which commenced at 14.00 p.m., closed at 15.15 p.m.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Oswell on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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**Minutes****LICENSING SUB COMMITTEE (SOUTH)**

3 January 2014



**HILLINGDON**  
LONDON

**Meeting held at Committee Room 3 - Civic Centre,  
High Street, Uxbridge UB8 1UW**

	<p><b>Committee Members Present:</b>            Councillors Dominic Gilham            Josephine Barrett            Carol Melvin            Janet Gardner (Labour Lead)</p> <p><b>Also Present:</b>            Mr Huseyin Kanisirin            Ms Duygu</p> <p><b>LBH Officers Present:</b>            Tim Brown, Legal Advisor            Sharon Garner, Licensing Officer            Bill Hickson, Anti-Social Behaviour Investigations Team Manager            Danielle Watson, Democratic Services Officer</p>
18.	<p><b>APOLOGIES FOR ABSENCE</b> <i>(Agenda Item 1)</i></p> <p>Apologies had been received from Councillor David Yarrow, Peter Kemp and Michael Bull and with Councillors Dominic Gilham and Judy Kelly substituting.</p>
19.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 2)</i></p> <p>None.</p>
20.	<p><b>MINUTES OF THE MEETING HELD ON 20 NOVEMBER 2013</b> <i>(Agenda Item 3)</i></p> <p>The minutes of the meetings held on 20 November 2013 were agreed as a correct record.</p>
21.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE</b> <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items would be considered in Part 1.</p>
22.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> <i>(Agenda Item 5)</i></p> <p>There were no matters notified in advance or urgent.</p>
23.	<p><b>APPLICATION FOR RENEWAL OF A TEMPORARY STREET TRADING LICENCE - SHOP FRONT</b> <i>(Agenda Item 6)</i></p>

The Sub-Committee considered an application submitted by Nur Food Centre, 59 Station Road, Hayes, UB3 4BE, in respect of a renewal of a Temporary Street Trading Shop Front Licence.

Officers introduced the report and informed the Sub-Committee that the applicant had submitted a renewal application on 4 November 2013 for the usage of 1 metre of shop front space. Objections to the application had been received from the Council's Anti Social Behaviour Investigation Team as the applicant had been issued 3 Fixed Penalty Notices (FPN's) for breaching the terms of their previous licence by trading in excess of their authorised trading area.

The applicant, Mr Huseyin Kanisirin and Ms Duygu were also in attendance. Ms Duygu spoke on behalf of Mr Kanisirin in support of the Temporary Street Trading Licence that he had applied for. Ms Duygu apologised on behalf of Mr Kanisirin and informed the Sub-Committee that he was not always at the premises. Ms Duygu suggested that it was one of the employees who had argued with one of the Enforcement Officers.

The Council's Anti-Social Behaviour Investigations Team (ASBIT) Manager informed the Sub-Committee that officers had witnessed the applicant trading in excess of their authorised trading area on:

- 18 September 2013 – Street trading measured at 2.9 metres – excess of 1.9 metres.
- 3 October 2013 – Street trading measured at 2.5 metres – excess of 1.5 metres.
- 23 October 2013 – Street trading measured at 2.4 metres – excess of 1.4 metres.

Members questioned whether the Fixed Penalty Notices (FPN's) had been paid by the applicant. The ASBIT Manager informed the Sub-Committee that all of the FPN's issued had been paid. Members also questioned whether the applicant was trading as the meeting was taking place.

The applicant's translator, Ms Duygu, informed the Sub-Committee that the applicant was not trading on the street today (3 January 2014). Ms Duygu stated that 3 workers had been recently dismissed and that not being able to display fruit and vegetables on the highway had slowed income for the business as there was competition elsewhere.

The Council's Legal Advisor advised the Sub-Committee that the letters provided in the Agenda pack were addressed to the wrong person.

Following the discussion, the Sub-Committee adjourned to consider the evidence provided and make their decision.

**Resolved – That the Licensing Sub-Committee grant the licence for an increased size of 2 metres upon the payment of an additional fee for a 2 metre shop front street trading application, in accordance with the Council's street trading fee structure and policy.**

The meeting, which commenced at 11.00 am, closed at 11.39 am.

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resolutions please contact Danielle Watson on 01895 277488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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# Agenda Item 6

## SUSPENSION OF PREMISES LICENCES FOR NON-PAYMENT OF ANNUAL LICENSING FEES

Committee	Licensing Sub-Committee (South)
Officer Contact	Stephanie Waterford, Residents Services
Papers with report	Appendix 1 - Schedule of outstanding fees (Update to be presented on the day of the Committee meeting)
Ward(s) affected	All

### SUMMARY

To consider the suspension of premises licences for non-payment of annual licence fees.

### RECOMMENDATION

**That the Licensing Sub Committee suspend the licences on the attached schedule**

### INFORMATION

1. The Police Reform and Social Responsibility Act 2011, which inserted Section 55A into the Licensing Act 2003, gives powers to Licensing Authorities to suspend Premises Licences for non-payment of annual licence fees.
2. Invoices are raised each year and sent to the premises licence holder and follow up actions are carried out by Licensing Officers where payments have not been made. Follow up actions include letters to the premises, phone-calls and visits in person to the licensed premises.
3. The Licence holder is sent an invoice two months before the fee is due. They are then sent a reminder on the due date. A final reminder is then sent out 21 days after.
4. The schedules of fees set out in Appendix 1 remain unpaid despite attempts to recover the fees.
5. The Committee are therefore requested to consider the suspension of the licences of the premises set out in schedule in Appendix 1.
6. During the period of suspension, the relevant premises may not engage in the licensable activity for which a licence was issued. However the premises may remain subject to any pending enforcement action and/or transfer of the licence.
7. In the event that the relevant premises licence is transferred, licensable activity may only take place and a new licence will only be issued when all outstanding dues are settled in full.
8. Metropolitan Police Services and/or relevant enforcement authorities will be advised of the suspension of the licence.

9. Any licences subject to suspension will be re-instated immediately upon receipt of payment of the outstanding fees.

## **FINANCIAL IMPLICATIONS**

None.

## **LEGAL IMPLICATIONS**

It is mandatory for the Licensing Sub-Committee to suspend a premises licence or club premises licence if it is satisfied that a premises or club has failed to make payment of the annual fee when it became due. However, a decision to suspend the licence does not take effect if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date.

The decision of the Sub-Committee to suspend the licence takes effect at least two working days after the decision is made. Notice of the suspension must be given in writing to the licence holder and must specify the date upon which the suspension takes effect. Where payment of outstanding monies is made, the Licensing Service must issue a receipt on the first working day that the payment is received and in any event no later than the end of the second working day after receipt of payment.

## **BACKGROUND DOCUMENTS**

The Licensing Act 2003  
Guidance under Section 182 of the Licensing Act 2003  
The Council's Statement of Licensing Policy

Invoice No	Chk	Debtor Ref	Debtor Name	
9804492	3	PUNCHTAV	PUNCH TAVERNS PLC	General Elliott
9804422	2	MAGNUSPR	MAGNUS PROPERTIES (HAYES) LTD	Estates Office
9804764	7	MACNEIL	MACNEIL LTD	Finchley House Business
9804369	2	RAHMANIS	MR S R RAHMANI	Q & A Pizza & Fried Chick
9804617	9	RAFUXBBC	ROYAL AIR FORCE ASSOCIATION	Battle of Britain Club
9804591	1	SHARMARP	RAKESH & PUSHPINDER SHARMA	Apni Rasoi
9804460	5	NANJISAL	MR S NANJI & R A NANJEE	Central News
9804450	8	ROSEPSA	ROSEDALE PARK SPORTS ASSOCIATION	Mr R W Clarke
9804671	3	GHAFFARA	MR A GHAFFAR	Sovereign Food & Wine
9804730	2	GHAFFAA1	MR A GHAFFAR	Il Bascilico
9804477	X	JOHNSONJ	JOHANN JOHNSON	Railway Arms
9804638	1	BAINSGKA	G&K BAINS	Bains Superstore
9804748	5	STARPUBS	STAR PUBS & BARS LTD	The Grand Union
9804669	1	SOHALSTO	SOHAL STORES LTD	114 Cowley Road
9804695	0	PRUNTYJ	J PRUNTY	The Crown
9804720	5	NORTEXRA	NORTREX LTD	The Raj Tandoori Retstau
9025568	2	EDEG	GORDON EDE	The Abrook Arms

			Due Date	Balance
Jubilee House	Second Avenue	DE14 2WF	31/08/13	£180.00
1 Ramsden Dock Road	Barrow in Furness	LA14 2TL	31/07/13	£295.00
707 High Road	London	N12 0BT	30/09/13	£70.00
6 Halls Terrace	Uxbridge	UB10 0NS	30/06/13	£180.00
Hillingdon Road	Uxbridge	UB10 0RY	30/09/13	£180.00
Botwell Lane	Hayes	UB3 2AD	30/09/13	£180.00
63 Coldharbour Lane	Hayes	UB3 3EE	31/08/13	£180.00
35 Dorset Avenue	Hayes	UB4 8NS	31/07/13	£180.00
625-627 Sipson Road	Sipson	UB7 0JE	30/09/13	£295.00
627-629 Sipson Road	West Drayton	UB7 0JE	30/09/13	£295.00
1 Station Road	Hayes	UB7 7BT	31/08/13	£180.00
10-12 Sipson Road	West Drayton	UB7 9DP	30/09/13	£180.00
High Street	Cowley	UB8 2EW	30/09/13	£180.00
Uxbridge	Middlesex	UB8 2LX	30/09/13	£180.00
High Street	Cowley	UB8 2NL	30/09/13	£180.00
40 Windsor Street	Uxbridge	UB8 1AB	30/09/13	£180.00
191 Harefield Road	Uxbridge	UB8 1PW	17/09/13	£180.00