



HILLINGDON
LONDON

A

Licensing Committee

Date: WEDNESDAY 31 JANUARY 2024

Time: 10.00 AM

Venue: COMMITTEE 5,
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

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

To Members of the Committee:

Roy Chamdal (Chair)

Darran Davies (Vice-Chair)

Reeta Chamdal

Becky Haggard

Scott Farley

Janet Gardner

Kuldeep Lakhmana

Barry Nelson-West

Peter Smallwood

Colleen Sullivan

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Agenda

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2	Declarations of Interest in matters coming before this meeting	
3	To agree the minutes of the Licensing Committee meeting on 4 April 2023	1 – 6
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5	To confirm that the items of business marked Part 1 will be considered in public and that the items of business marked Part 2 in private	

Part 1 - Members, Press and Public

6	Presentation from the UK Border Agency	-
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Part 2 - Members Only

12	Discussion on recent licensing cases	-
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That these reports and matters in Part 2 be declared as exempt from publication as they may involve the disclosure of information in accordance with Section 100(A) and paragraphs 1,2, 5 & 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to an individual, information likely to reveal the identity of an individual, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that the public interest in withholding the information outweighs the public interest in disclosing it.

13	Any other items the Chairman agrees as urgent or relevant	-
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Minutes

Licensing Committee
Tuesday, 4 April 2023
Meeting held at Committee Room 5 - Civic Centre



Members Present:

Roy Chamdal (Chairman)
Darran Davies (Vice-Chairman)
Shehryar Ahmad-Wallana
Reeta Chamdal
Scott Farley
Janet Gardner
Kuldeep Lakhmana
Barry Nelson-West
Peter Smallwood
Colleen Sullivan

Officers Present:

Mark Braddock (Democratic Services)
Daniel Ferrer (Licensing Services)
Lois King (Licensing Services)
Chantelle McCleod (Legal Services)

Also Present:

PC Dave Butler
PC Penelope Brown
PC James Bradshaw

25. APOLOGIES FOR ABSENCE

All Members were present.

26. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING

There were no interests declared by Members present.

27. TO APPROVE THE MINUTES OF THE MEETING HELD ON 4 OCTOBER 2022

The minutes of the meeting held on 4 October 2022 were agreed as a correct record.

**28. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE
CONSIDERED IN PUBLIC AND ANY ITEMS OF BUSINESS MARKED PART 2 IN
PRIVATE**

It was confirmed that items marked public and private would be heard as set out on the agenda.

**29. METROPOLITAN POLICE SERVICE PRESENTATION ON LICENSING
RESPONSIBILITIES AND MEMBER QUESTIONS (VERBAL UPDATE)**

Representatives from the Metropolitan Police provided an update on their role and responsibilities in relation to licensing matters in the Hillingdon area. They introduced themselves and explained that Hillingdon was part of the West area policing unit, covering Hillingdon, Ealing and Hounslow. They expressed their dedication to assisting with licensing matters in these boroughs and discussed their daily responsibilities.

The police officers explained that they closely collaborate with the local Council's licensing team, dealing with various aspects of licensing, such as processing new premises license applications, variations to licenses and changes in license holders. They highlighted their focus on preventing crime and disorder in licensed premises. This involved conducting daily checks to identify any licensed premises with crime and disorder issues and taking appropriate actions, including meetings, advice, or enforcement if necessary.

With approximately a thousand licensed premises in Hillingdon, effective communication and collaboration were essential to ensure responsible operations. The officers mentioned their involvement in multi-agency work and partnerships with local authorities. They briefed the Committee on the "Ask for Angela" initiative, aimed at providing a discreet way for individuals to seek help in potentially unsafe situations at licensed venues.

The police officers discussed their efforts to raise awareness about "Ask for Angela" and its testing. They pointed out that while most premises passed the safety test associated with the program, some failed due to misunderstandings. They stressed that their work was not solely about prosecution but also involved education, early intervention, evidence gathering, enforcement when necessary and post-evaluation.

The police officers also mentioned their engagement in addressing child exploitation within the licensed premises and collaborating with other agencies. They emphasised their significant workload across the West area, covering multiple boroughs and a large number of licensed premises. They mentioned the challenges of resource constraints and the need to prioritise their activities.

In response to questions from Councillors, the police officers discussed their engagement with the LGBTQ+ community, test purchasing of alcohol using police cadets, and outreach to community groups. They acknowledged resource limitations and explained how they work with partner agencies and Safer Neighbourhood Teams to address specific issues and prioritise their tasks.

A discussion led by Councillors also included concerns about the impact of police resource limitations on tackling specific issues, such as roads with numerous off-licenses, and the police officers emphasised their commitment to working collaboratively to ensure the responsible and safe operation of licensed premises in Hillingdon.

It was explained that when a specific problem related to crime and disorder arises, they link with the Anti-Social Behaviour Enforcement Team (ASBET) and organise a multi-agency approach to tackle the issue. They gave an example of a current specific problem they were working on and how they collected crime statistics, identified trends, and collaborated with relevant teams to address it. The approach involved a lot of behind-the-scenes work, including data analysis and evidence gathering.

In response to a question from a Councillor about recruitment, the police officers acknowledge that they were stretched due to resource constraints. They mentioned plans for recruiting additional licensing officers and discussed the long-term restructuring within the Metropolitan Police Service to address priorities such as licensing. They also expressed their willingness to work outside regular hours.

Councillors expressed further concerns about the stretched resources and the need for more recruitment. They suggested reaching out to the Mayor of London and the Police Commissioner for support and resources. Councillors also offer to help engage community organisations in assisting with licensing-related matters.

30. UPDATE ON RECENT LGA LICENSING CONFERENCE FROM THE CHAIRMAN (VERBAL UPDATE)

The Chairman deferred his specific update on the LGA licensing conference and indicated he would address some issues raised later in the meeting.

31. LEGISLATIVE & INDUSTRY UPDATE- APRIL 2023

The Chairman raised the matter of the licensing of alcohol delivery services during the COVID-19 pandemic and questioned the optional nature of contacting the license authority for advice. It was explained that some entrepreneurs had explored selling alcohol as a side business during the pandemic. It was clarified that the Council was open to providing guidance.

The Committee then discussed closure notices under the Criminal Justice and Police Act 2001 and it was explained that there were no major changes affecting the Police in this regard. The Chairman then moved on to proposed conditions. He mentioned that Hillingdon was proactive in setting comprehensive conditions for various applications, particularly related to CCTV.

The topic of waste management, specifically dumping bottles, was raised. It was noted that Hillingdon had regulations in place for waste collection from 8pm to 10am, a practice that some other councils didn't have.

Councillors then moved to the implementation of "Martin's Law," named after a counter-terrorism measure introduced following the terrorist attack at the Manchester Arena during an Ariana Grande concert. The Committee discussed how many licensed venues with over 100 people were in the Borough, including sports stadiums, and how they were working to implement the necessary safety measures to prevent terrorism. Officers indicated they would provide further information to the Committee and the Police informed the Committee about counter-terrorism training available.

The Chairman mentioned past discussions about planning and licensing coming together, which had taken place at the House of Lords, but the outcome was that the two functions would continue to remain separate.

The meeting touched on regulatory easements or "Agent of Change" principles, which were related to issues like noise complaints when new developments were built near existing licensed premises.

Concerns were raised by Councillors about the sharing of data between physical gambling establishments and online gambling platforms under the Gambling Act. The Committee touched on the challenges of addiction, self-exclusion, and data sharing, particularly in cases of significant losses. A recent example involving a fine imposed on William Hill was highlighted.

Councillors also sought to understand the connection between self-exclusion online and in physical bookmakers, as well as the broader impact of gambling on issues like crime and disorder. Reference to sex establishment licenses and a lack of nightlife policies in Hillingdon was also made.

Additionally, Councillors raised the licensing of taxi activity in London, though it was noted that taxi licensing in London was under TfL jurisdiction.

RESOLVED:

That the Committee notes the report.

32. COMMITTEE FORWARD PLANNER 2023/24

The Committee noted the Forward Planner as set out on the agenda. Councillors inquired about the possibility of arranging Martin's Law training, as many committee members lacked insight into it. Councillors further suggested more information on how pavement licenses were applied and granted, with an emphasis on achieving more consistency in the process. Additionally, the suggestion of having a representative from the gambling commission present at a future meeting was raised.

RESOLVED:

That the Committee note the Forward Planner.

33. RATIFICATION OF LICENSING SUB-COMMITTEE MINUTES

Members were updated on recent Licensing Sub-Committee decisions since the last meeting and ratified the minutes of the recent sub-committees hearing.

RESOLVED:

That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meeting:

- 1. 10am, 23 November 2022 - Application to vary a Premises Licence: Dhamaka, 37 Swakeleys Road, Ickenham, UB10 8DG (Part 1, Public minutes)**

34. ANY OTHER ITEMS THE CHAIRMAN AGREES AS URGENT OR RELEVANT

The Chairman raised several questions related to vaping, licensed premises, legal limits for opening new premises, and nitrous oxide canisters.

This included a question about the legality of nitrous oxide canisters and their impact on licensing. Officers advised that these canisters fell under the Psychoactive Substances Act 2016 rather than the Licensing Act. The Government's standpoint was that existing legislation was sufficient to handle issues related to nitrous oxide abuse.

The Chairman inquired about limitations on opening new licensed premises. It was discussed whether there was a legal limit on how many licensed premises could be opened within a specific area. Officers advised that currently, there was no specific limitation, and each case was assessed on its merits. If there were concerns about the concentration of licensed premises, a special policy would need to be adopted, which would be a matter for the Committee.

The issue of "spiking" at licensed premises was raised, and the Chairman asked about guidance for licensees. It was explained that a national consultation was ongoing regarding spiking, with recommendations expected after the consultation concluded in April.

Councillors on the Committee further discussed vaping, with questions about whether there were problem areas and age restrictions for the sale of vaping products. It was noted that Trading Standards was leading efforts to tackle illegal sales, and there were ongoing efforts to address the issue.

A request was made for updates on actions taken regarding specific premises, and it was clarified that nitrous oxide cylinders themselves are not illegal, but their resale and supply for illicit purposes was.

The topic of alcohol sales at airports, specifically airside areas, was raised. The Chairman questioned if there were any legislative measures that could restrict alcohol consumption at airports, especially before flights. It was advised that a

Government consultation in the past had considered extending licensing laws to airside areas, but that there was no appetite for such a change, leaving airside areas largely unregulated.

Finally, the Chairman requested an update on actions taken regarding specific premises discussed earlier in the meeting, and it was agreed to provide information about the follow-up actions taken.

The discussion concluded with a transition to a private part of the meeting for Councillors.

35. UPDATE AND FEEDBACK ON MEMBER LICENSING SITE VISITS TO PREMISES (VERBAL UPDATE)

Councillors discussed their recent sites visits to licensed premises with officers and their findings. They gave feedback for officers for future visits to be arranged.

The matter was declared as exempt from publication as it involved the disclosure of information in accordance with Section 100(A) and paragraphs 1,2 & 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contained information relating to any individual, information likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that the public interest in withholding the information outweighed the public interest in disclosing it.

The meeting closed at 11:30am

Minutes

Licensing Committee

Thursday, 11 May 2023

Meeting held at Council Chamber - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on: 12 May 2023

Come into effect on: Immediately (or call-in date)

Members Present:

Councillors Roy Chamdal (Chairman)

Darran Davies (Vice-Chairman)

Reeta Chamdal

Becky Hagger

Scott Farley

Janet Gardner

Kuldeep Lakhmana

Barry Nelson-West

Peter Smallwood

Colleen Sullivan

Officers Present:

Mark Braddock, Senior Democratic Services Manager

1. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Roy Chamdal be elected as Chairman of the Licensing Committee for the 2023/2024 municipal year.

2. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Davies be elected as Vice Chairman of the Licensing Committee for the 2023/2024 municipal year.

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LEGISLATIVE & INDUSTRY UPDATE - JANUARY 2024

Committee	Licensing Committee
Officer	Legal Services
Wards	All

HEADLINES

This report advises the Licensing Committee of the recent legislative, case law and industry news updates under the functions within its remit.

RECOMMENDATION

That the Committee notes the report.

Licensing Act 2003

Legislation Updates - Revised Section 182 Guidance

December 2022 Update:

On 20th December 2022 the Home Office issued a revised version of the Section 182 which has not been updated since April 2018. Under section 4 of the Licensing Act 2003 Licensing Authorities whilst carrying out their functions must "have regard to" guidance issued by the Secretary of State under Section 182 therefore, the guidance is binding on all Licensing Authorities and departing from it could give rise to an appeal or judicial review – there must be clear, reasoned decisions where there is any deviation from the guidance.

Changes in the right to work and entitlement:

Paragraph 4.22:

"Since 1 July 2021, EEA citizens and their family members require immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirms their nationality, to prove their right to work. They are required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals."

Persons operating an alcohol delivery service "may consider contacting their licensing authority" as opposed to "should" to obtain their view on whether an application to vary the licence is necessary:

Paragraph 3.10

*"Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, **may consider** contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required."*

New section on "Closure Notices"

Paragraph 4.83

"Section 19 of the Criminal Justice and Police Act 2001 (the Act) gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of authorisation. The notice informs the person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19."

Clarifying that Home Office Immigration Enforcement is not responsible for Clubs

Paragraph 6.11

"...Licensing authorities do not have to satisfy themselves that applicants for club premises certificates are entitled to work in the UK before issuing a club premises certificate. Consequently, Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates."

Updates to TENs statutory limits

Paragraph 7.15

"...the number of times a TEN may be given for any particular premises is 15 times in a calendar year (for the 2022 to 2023 calendar years this will increase from 15 to 20)"

"the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year (for the 2022 to 2023 calendar years this will increase from 21 to 26 days)"

Full Variation Process

Paragraph 8.76 has been amended to include the phrase *"vary substantially the premises to which the licence relates."* In short, if there is to be a substantial change to the premises, there should be a new licence application rather than a full variation.

Proposed Condition

Paragraph 10.5 more emphasis regarding operating schedules including conditions which must be "appropriate and proportionate for the promotion of the licensing objectives."

"It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives."

The "Agent of Change" principle

Paragraph 14.66

"...Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed"

The Agent of Change principle places the responsibility on a person/persons or business (the agent) responsible for the change (to the local/surrounding area) for mitigating impacts from existing noise-generating premises or uses on the proposed new noise-sensitive development. In short, the person or business responsible for the change must also be responsible for managing the impact of the change, the onus will be on the 'agent' to put in place noise mitigating measures.

An example would be if a housing development is going to be built near an existing busy pub or airport, it is the responsibility of the housebuilder or developer to ensure the new properties have measures in place (for example sound proofing) to mitigate against the noise pollution.

Removal of "Annex A – documents which demonstrate entitlement to work in the UK"

Annex A of the Home Office's Employer right to work checks supporting guidance is no longer contained within the revised guidance instead, a link to the Annex A can be found within paragraph 4.9.

August 2023 Update:

Following on from the recommendations made in relation to the Manchester Arena Inquiry, the Home Office have made amendments to the section 182 Guidance which accompanies the Licensing Act 2003.

The amendments are as follows:

New section on Counter terrorism and public safety

Paragraph 2.11

"Licensing committees may wish to give due consideration to appropriate counterterrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff."

Paragraph 2.12

"It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence."

Paragraph 2.13

"As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits."

Paragraph 2.14

"However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident."

December 2023 Update

On 18 December 2023 the guidance was updated to include " information about spiking".

Under paragraph 2.7, it now states:

"The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking.

This list is not exhaustive:

Putting alcohol into someone's drink without their knowledge or permission.

Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission.

Injecting another person with prescription or illegal drugs without their knowledge or permission.

Putting prescription or illegal drugs into another person's food without their knowledge or permission.

Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission".

Notable Case

In April 2023, a Magistrates' Court has ruled that neither the Licensing Act 2003 nor the Licensing Act (Hearings) Regulations 2005 require hearings to be held in a physical "place", in a case that challenged the London Borough of Lewisham's use of a remote hearing procedure to revoke a premises' license.

District Judge Abdel Sayed, sitting at Bromley Magistrates' Court, dismissed a nightclub owner's appeal of the council's decision to revoke the premises license in what is thought to be a first-of-its-kind ruling.

The district judge found that remote hearings are permitted under the relevant legislation and that, in principle, a "place" for the purposes of the Hearings Regulations 2005 can include a "virtual platform" and "attendance" at such a hearing can include "electronic attendance" concluding that "s.9(3) of the Licensing Act 2003 allows licensing committees – subject to the basic procedural framework in the Hearings Regulations – to regulate their own procedure. Whether a hearing is conducted in person, or remotely, is 'a matter of procedure' and therefore something the licensing committee may opt for in its discretion."

"The ruling in *R (Hertfordshire County Council) v Secretary of State for Housing, Communities and Local Government [2021] EWHC 1093 (Admin)* applied only to ordinary meetings of local authorities; it did not apply to hearings conducted under the Licensing Act 2003."

In *R (Hertfordshire County Council) v Secretary of State for Housing, Communities and Local Government*, Dame Victoria Sharp and Mr Justice Chamberlain concluded that the Secretary of State was correct to say that primary legislation would be required to allow local authority "meetings" under the Local Government Act 1972 Act to take place remotely.

District Judge Abdel Sayed's judgment is not technically binding on any other case, as it is a decision of the Magistrates' Court.

It is currently the only case that has considered the issue and is therefore persuasive authority, Lewin said. "It remains to be seen whether the High Court will be asked to give a definitive ruling on this important issue."

The barrister acting for Bromley Council recommended that a licensing authority opting for remote hearings should have in place a remote hearings protocol, which sets out (as a minimum):

- Who decides whether the meeting takes place in person or remotely and any criteria used to inform that decision?
- How is a “remote hearing” defined?
- What constitutes valid attendance by members of the committee, parties to the hearing, officers and members of the public?

Notable Case

On 12th September 2023, Hillingdon successfully prosecuted the former director of Kho Kho Restaurant and Bar in Ruislip. Mr Walia was convicted at Uxbridge Magistrates’ Court for two offences contrary to s.136 (1)(a) and s.136 (1)(b) of the Licensing Act 2003 for carrying on a licensable activity (namely playing loud amplified recorded music) in breach of the premises licence. The Court awarded full prosecution costs to the council.

Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021

The 2021 regulations came into effect on 16th September 2021 and increased the annual number of TENs that a licensed premise user can have in respect of a premises from 15 to 20 per year and increased the maximum number of days on which temporary events may be held at such premises from 21 to 26 per year. The Home Office confirmed on 14th August 2023 that this regulatory easement will not be extended, given that the additional TENs have been under-utilised. As such, on 31 December 2023, this easement will lapse.

The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2022

The 2022 Regulations came into effect on 29th September 2022 and extends the off-sales provision in section 11(13) of the Business and Planning Act 2020 (modification of premises licences to authorise off-sales for limited period) until September 2023. The Home Office confirmed on 14th August 2023 that this regulatory easement will be extended until 31 March 2025. The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2023 is expected to come into force on 28th September 2023.

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023

The Business and Planning Act 2020 made temporary provision for a quicker and cheaper process to allow businesses selling food or drink to obtain authorisation from the Local Authority to place furniture such as tables and chairs on the highway adjacent to their premises (Fast Track Pavement Licence). The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023 came into force on 10th August 2023 and extends Fast Track Pavement Licences until 30th September 2024.

Existing Fast Track Pavement Licences will expire on the 30th September 2023 therefore, operators will need to make an application in good time to continue to benefit from the provisions beyond that date.

Police Reform and Social Responsibility Act 2011

The late-night levy (‘the levy’) is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (‘the 2011 Act’). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.

The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate ('holders'), in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period (the 'late night supply period') beginning at or after midnight and ending at or before 6am.

Industry News & Updates

Nitrous Oxide Ban

Possession of nitrous oxide, also known as 'laughing gas', will be illegal by the end of the year, with users facing up to two years in prison, under a zero-tolerance approach to anti-social behaviour.

The ban was promised as part of the government's Anti-Social Behaviour Action Plan, with the Home Secretary urging police forces to get tougher on flagrant drug taking in the streets, which blights communities.

Secondary legislation was brought forward on Tuesday 5 September which will control nitrous oxide as a Class C substance under the Misuse of Drugs Act 1971. The new measures are expected to come into force by the end of the year.

Those found in unlawful possession of the drug could face up to two years in prison or an unlimited fine, and up to 14 years for supply or production. There will be exemptions for legitimate uses of nitrous oxide, for example in medical or catering industries.

Letter from The Minister of State for Crime, Policing and Fire

The Minister has written to licensing authorities on the provision of training for licensing practitioners, and the collaboration between local licensing and planning regimes:

"As you will undoubtedly appreciate, well considered licensing and planning decisions are vital to ensuring our public spaces can thrive and prosper. These decisions form a crucial part of local endeavours to create safe and welcoming night-time economies. Investing in local economies and public spaces is even more important as we continue the journey of recovery from the unprecedented global pandemic."

"We are all aware that there is more that can be done to make collaboration between the two regimes more effective in order to save problems – and costs – from impacting local resources further down the line. As such, in order to continue to facilitate ongoing discussions, we have further established two small virtual groups with expert stakeholders to enable these conversations to continue."

"We ask that you support this work by ensuring that all relevant local licensing officials have suitable training on matters of licensing and planning, including on the overall regimes and how the two regimes interact. We do not intend to mandate for a minimum standard or mandatory licensing training requirement - all local areas should be able to make their own decisions on what training is most valuable and necessary for their particular local needs, but we do encourage all areas to ensure that their local package is substantive. The Government will continue to support this by disseminating good practice and signposting new and updated training materials produced at a local level."

Training standard published by Local Government Association and Institute of Licensing:

The LGA and IoL have published a document designed to set out what the LGA and the IoL believe to be a basic level of licensing committee member training. It should be noted that whilst it does not constitute legal advice it is a helpful guidance document which signposts to additional opportunities for further development that members of licensing committees may wish to consider.

A link to the training document can be found here: <https://www.local.gov.uk/topics/licences-regulations-and-trading-standards/local-government-association-and-institute>

Number of licensed premises drop to "record low"

The Independent reported that "*Thousands of bars, restaurants and pubs across the UK are pulling down their shutters for the final time as out-of-control ground rents, produce costs and no-show bookings continue to plague the industry.*"

There were more than 10 closures every day, according to industry data which revealed the number of licensed premises in Britain fell by 3.6 per cent from 103,682 to 99,916 in the year to September.

This marks the first time the total has dropped below 100,000 in the research's history, according to the latest figures from consultancy group CGA.

Gambling Act 2005

On 27th April 2023 the government published its white paper: "High Stakes: gambling reform for the digital age". The reform will concentrate on:

- A statutory levy on the industry to combat and treat gambling harm and addiction (how this is calculated is not specified).
- Working with the industry and stakeholders to create an independent gambling ombudsman, which must be credible with consumers and will adjudicate on complaints relating to social responsibility and gambling harm. The Government states that it aims to have the ombudsman established and operational within 12 months.
- Maximum stakes of £15.00 per online slot spin and £2.00 or £4.00 for those aged 18–24.
- "Unintrusive checks" (e.g. bankruptcy/CCJ search) on gamblers who lose more than £125 in 24 hours or £500 within a year.
- "Frictionless" affordability checks for those losing £1,000 in 24 hours or £2,000 over a period of 3 months – with lower triggers for those aged 18–24.
- Mandatory data sharing by operators for high-risk online customers.
- A review of the use of free bets, bonuses and wagering requirements, to ensure they are used in a socially responsible manner and do not encourage harmful or excessive gambling.

For land-based operators:

- Allowing some larger 1968 Act casinos to increase their gaming machine entitlement from 20 to 80 (at machine to table ratio of 5:1).
- Permitting casinos to offer sports betting.
- Taking steps to "free up" dormant 2005 Act casino licences and reallocation of these licences to other local authority areas.
- High-end casinos will be permitted to offer credit facilities to attract "high rollers" non-UK residents. Credit will be subject to thorough financial risk and anti-money laundering checks.

- Consultation on the introduction of cashless payments in casinos.

Competitions and free draws:

- Considering regulating free draws and competitions which have grown massively in popularity in recent years (particularly those with a free entry/skill element) in order to protect players, improve transparency and protect returns to good causes.

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of Sex Establishment Licences

No further legislative changes/notable cases/industry updates.

Scrap Metal Dealers Act 2013

No further legislative changes/notable cases/industry updates.

Street Trading – London Local Authorities Act 1990

No further legislative changes/notable cases/industry updates.

Agenda Item 9

LICENSING COMMITTEE FORWARD PLANNER 2023/24

Committee name	Licensing Committee
Officer reporting	Democratic Services
Ward	All

HEADLINES

This standard report provides an opportunity for the Committee to schedule topical presentations, comment on key policy issues and receive general information and updates relevant to the discharge of their regulatory duties via the licensing sub-committee.

RECOMMENDATIONS:

That the Committee note the Forward Planner and suggest any alterations to, or additional items, as set out.

Wednesday 31 January 2024	Proposed Agenda / Reports	Lead Officer
10am Committee Room 5	Presentation: Immigration / UKBA Trading Standards	Daniel Ferrer
Report deadline: 19 January 2024	Reports TBC	
Agenda issued: 23 January 2024	Informatives: <ul style="list-style-type: none">Legislative and Industry Update	Chantelle McCleod
	Business Review: <ul style="list-style-type: none">Meeting Forward PlannerRecent Licensing sub-committee decisions and ratification of past sub-committee MinutesAgree date for rescheduled Mock HearingPart 2 – recent licensing cases discussion	Dem Services

Thursday 4 April 2024	Proposed Agenda / Reports	Lead Officer
10am Committee Room 5	Presentation: Gambling Commission	Daniel Ferrer
Report deadline: 21 March 2024	Reports TBC	
Agenda issued: 25 March 2024* <small>*earlier due to Bank Holidays</small>	Informatives: <ul style="list-style-type: none"> Legislative and Industry Update 	Chantelle McCleod
	Business Review: <ul style="list-style-type: none"> Meeting Forward Planner Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes 	Dem Services

Implications on related Council policies

This planner supports the application of and review of relevant licensing and regulatory policies to the decision-making Cabinet / Council, as well as informative matters to support sound decision-making at the Licensing Sub-Committee.

Financial Implications

None.

Legal Implications

None.

BACKGROUND PAPERS

NIL

RATIFICATION OF PAST SUB-COMMITTEE MINUTES

Committee name	Licensing Committee
Officer reporting	Democratic Services
Papers with report	Draft Minutes of Licensing Sub-Committees
Relevant Wards	Various

HEADLINE

This report updates Members on Licensing Sub-Committee decisions since the last meeting and seeks ratification of the draft minutes of the sub-committees.

RECOMMENDATION

That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings:

Meeting	Application/review	Decision
11 April 2023 and resumed on 14 April	Grant of premises licence: Prince of Wales, Harlington Road, Uxbridge	Grant subject to conditions
19 April 2023	Grant of premises licence: Curry Corner, Off Licence, 24-32 Fairfield Road, West Drayton	Grant subject to conditions
3 July 2023	Grant of premises licence: Grant View, Unit 1, 10 Stonefield Way, Ruislip	Grant subject to conditions and modifications
5 July 2023	Grant of premises licence: Friends Junction, 1262 Uxbridge Road, Hayes	Refused
10 July 2023	Grant of premises licence: MacDonald's Restaurants Ltd, Unit 4 Old Dairy Lane, South Ruislip	Refused
15 November 2023	Grant of premises licence: The Farm Restaurant & Bar, 55 Green Lane, Northwood	Grant subject to conditions

SUPPORTING INFORMATION

Attached are the draft minutes from previous sub-committee meetings for procedural approval (ratification). The decisions from these meetings have already been made and decision notices issued.

The above meetings were held in public.

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Minutes



HILLINGDON
LONDON

LICENSING SUB-COMMITTEE

11 April 2023

Meeting held at Committee Room 5 - Civic Centre

	<p>Committee Members Present: Councillors Darran Davies (Chairman) Janet Gardner Peter Smallwood</p> <p>LBH Officers Present: Daniel Ferrer, Licensing Team Manager Chantelle McLeod, Legal Officer Steve Clarke, Democratic Services Officer Steven Dormer, Licensing Officer Adam Stitson, Anti-Social Behaviour Team Leader</p> <p>Also Present: Sheraz Sheikh Ahmed, Applicant Mohamed Hassan, Proposed DPS Jeremy Phillips KC, Applicant's Representative PC David Butler, Responsible Authority PC Penny Brown, Responsible Authority Councillor Adam Bennett, Responsible Authority Thomas Craig, Interested Party Parampreet Sidhu, Interested Party Janice Hopper, Interested Party</p>
46.	<p>ELECTION OF CHAIRMAN <i>(Agenda Item 1)</i></p> <p>The Democratic Services Officer opened the meeting highlighting that, as the Chairman of the Licensing Committee was unable to Chair the Licensing Sub-Committee Hearing, the Sub-Committee would be required to elect a Chairman for the meeting.</p> <p>It was proposed that Councillor Darran Davies assume the position of Chairman for the hearing. This was seconded and agreed.</p>
47.	<p>APOLOGIES FOR ABSENCE <i>(Agenda Item 2)</i></p> <p>There were no apologies for absence.</p>
48.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 3)</i></p> <p>There were no declarations of interest.</p>

49.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (Agenda Item 4)</p> <p>It was confirmed that all items of business were marked Part I and would be considered in public.</p>
50.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (Agenda Item 5)</p> <p>None.</p>
51.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: PRINCE OF WALES, 1 HARLINGTON ROAD, HILLINGDON, UB8 3HX (Agenda Item 6)</p> <p>It was highlighted that the applicant had submitted additional information to support their application on the previous working day to the hearing. The Sub-Committee moved to adjourn the hearing for a brief time whilst Members read and digested the additional information received. The Sub-Committee adjourned at 2.04PM and reconvened at 2.29PM.</p> <p>INTRODUCTION</p> <p>Steven Dorner, Licensing Officer, introduced the application for a new premises licence at the Prince of Wales, 1 Harlington Road, Hillingdon, UB8 3HX. Officers gave an overview of the application received and briefly summarised the representations received from responsible authorities and interested parties during the consultation period. The Sub-Committee were invited to determine the application.</p> <p>THE APPLICANT</p> <p>Jeremy Phillips KC, the applicant's representative, gave an overview of the application for the Sub-Committee noting that there was understanding that previous management at the premises had failed to uphold the licensing objectives and it was appropriate that the licence was revoked. It was highlighted that the new management was completely removed from the previous management structure. The Sub-Committee heard the reasons why the applicant was taking over the business and it was noted that food would remain the primary driving factor of the business, however, as with most establishments, customers would expect to have the ability to consume alcohol with their meal.</p> <p>The Applicant, Sheraz Sheikh Ahmed, was also present and stated that he would be happy with a condition to have the previous DPS, Mr Mohamed Hussain Abouzied, removed from any aspect of the operational management of the premises. It was also confirmed that the Applicant had the intention of starting as leaseholder to the premises and would seek to eventually become the freeholder. The Sub-Committee noted that the previous DPS was still currently the licence holder for the HMO directly above the premises, which was used to house some of the restaurant staff.</p> <p>RESPONSIBLE AUTHORITIES</p> <p>Daniel Ferrer, Licensing Team Manager, addressed the Sub-Committee on behalf of the Licensing Authority highlighting that, although the Licensing Authority appreciated that this was a new application, there remained concerns over the historic</p>

mismanagement of the premises and the links between the old management, A M Property & Development Ltd, and the new management, Game Measure Ltd; for example that both companies shared the same business address.

It was also highlighted that officers attended the premises in January 2023 and there were still concerns that the nature of the premises would not change, alluding to previous issues regarding underage drinking and violence. The Sub-Committee also heard that, even though there were no licensable activities taking place at the premises since its recent reopening, the Licensing Authority had still received complaints from residents, primarily relating to noise emanating from the premises and the disposal of bottles at unsociable hours.

Adam Stitson, Anti-Social Behaviour Team Leader, addressed the Sub-Committee on behalf of the Council's Anti-Social Behaviour Team noting that officers were grateful that the Applicant had already agreed to accept the ASB Team's proposed conditions. Officers notified the Sub-Committee of a recent visit conducted by the ASB Team regarding noise where advice was given to the management of the premises and assurance were made as to the adherence of the licensing objectives, particularly the prevention of public nuisance. By way of clarification, officers confirmed that there had been a decrease in complaints made to the Anti-Social Behaviour Team since the license to the premises had been revoked.

PC Penny Brown and PC David Butler, of the Metropolitan Police Service, were present and addressed the Sub-Committee noting that their priority was the prevention of crime and disorder. The officers highlighted previous issues at the premises, primarily associated with the previous DPS; they noted that the DPS was removed but continued being associated with the business; officers stated they support for a condition to ensure that the previous DPS had no involvement with the new business. The officers also sought assurances that the previous DPS would not be living in the HMO above the premises; the Applicant confirmed that the previous DPS was no longer involved with the business and no longer lived at the property.

Further concerns raised by the police pertained to the frequency of use for the ID scanner, the monitoring of the venue capacity, and whether under 18s would be allowed at the premises during later hours.

The Applicant's representative sought to highlight that many of the police's concerns were based on the previous management at the premises. Officers confirmed that when they saw the application for a new premises licence, there were concerns that there were still close links between the new and old management.

INTERESTED PARTIES

Councillor Adam Bennett, Ward Councillor for Hillingdon West, was present and addressed the Sub-Committee highlighting particular concerns received from residents with regard to parking, noise and patrons leaving the premises. The Councillor notified the Sub-Committee that they had received correspondence from five residents along the Uxbridge Road with regards to the premises in recent months, concerns included loud music emanating from the premises and worries about the conduct of customers as they egressed from the premises at closing time.

Thomas Craig, a local resident, had submitted a representation with regard to the application, they were present to address the Sub-Committee and raised a number of concerns. Most notably around the noise created by patrons of the premises, especially

when waiting outside for taxis and from the outdoor area to the back of the premises; related to this concern was an issue around anti-social behaviour. It was felt that the staff at the premises did not have the ability to take control of situation and manage the behaviour of patrons. Further concerns were raised with regard to parking in that, it was felt that there was insufficient parking on site, and the additional parking area was too far from the premises. The Applicant's representative assured the Sub-Committee that the front of house staff would be changed completely from the previous management's team.

Parampreet Sidhu, a local resident, had submitted a representation with regard to the application, they were present and addressed the Sub-Committee notifying them that they were a regular patron and had never experienced any issues at the premises. It was particularly highlighted that, recently, under Mr Hassan's management, the staff at the premises had appeared very well trained and kind mannered. In response to queries around whether they had been ID'd when visiting the premises, the resident confirmed that they were ID'd on their initial visits but as they became familiar with staff they were no longer ID'd.

Janice Hopper, a local resident, was present and the Chairman allowed them to address the Sub-Committee in respect of their experiences with the premises. They noted that they were a regular patron of the premises and were familiar with the previous management, they noted the historic mismanagement that took place and also stated that they were looking forward to getting to know Mr Hassan and the new staff. It was highlighted that there was an element of noise coming from the premises but it was not excessive and was expected when living so close to such an establishment.

DISCUSSION

The Sub-Committee sought clarification on what conflict management training would be given to staff, particularly the door staff where refusals of entry were concerned. The proposed DPS confirmed that door staff would be appropriately trained to handle refusals at the door and the service staff would be implementing a 'Challenge 25' policy and would be trained to refuse the sale of alcohol to underage or intoxicated patrons.

The Sub-Committee sought to establish the capacity of the premises, which was confirmed at 154 patrons, comprised of 60 front of house, 60 in the sheltered shisha/smoking area, and 34 in the non-smoking area. Members noted that the proposed DPS, Mr Mohamed Hassan, had worked at the premises under the previous DPS; it was stated that this was a part-time wait staff position whilst studying at university. Mr Hassan assured Members that, although he had worked under the previous DPS and had experienced the poor quality of management, he was far removed from the previous management structure and would be bringing a level of experience and professionalism to the role in order to uphold the core licensing objectives.

Previous issues around parking at the premises were highlighted as an ongoing concern. It was confirmed by the proposed DPS that there were 8 parking spaces onsite, with a further 27 spaces allocated to patrons of the restaurant a short walk away from the premises: in addition to the good public transport links. It was also stated that two members of staff would be trained to manage the car park.

The Applicant's representative informed the Sub-Committee that they would be happy to adhere to all of the conditions suggested by the Council's Anti-Social Behaviour

Team in their representation. Additionally, it was highlighted that the premises would now be utilising SIA approved door staff where historically this was not done. It was highlighted that the premises licence had previously been revoked in part due to underage drinking having taken place at the venue, the Applicant's representative confirmed management's intention to lease an ID scanner and to strictly enforce a 'Challenge 25' policy.

The Committee were informed of the new management's intentions for the premises in that they would seek to have a staff of 22 to 23 including chefs, wait staff and door staff. They would also intend to host a belly dancing showing in two 20-minute shows on Thursdays, Fridays and Saturdays; one show in the front of house and one show in the sheltered smoking/shisha area. It was confirmed that the music for the belly dancing show in the outdoor sheltered smoking/shisha area would come from the TVs situated in the area and not loud speakers. The Applicant's representative gave an overview to the Sub-Committee of the outdoor sheltered smoking/shisha area and highlighted that the noise emanating would be minimal, particularly when taking into account the background noise that would be endemic from the main roads adjacent to the premises, the Uxbridge Road and Harlington Road.

CLOSING REMARKS

Councillor Adam Bennett highlighted that, in light of what had been discussed at the hearing and as a representative of the residents of Hillingdon West Ward, his representation still stood with particular concern given to noise from the premises having an impact on nearby residents.

PC David Butler sought clarification that the staff present from the previous management would not be customer facing, it was confirmed that there were just three chefs and two wait staff present from the previous management's staff and that these staff members lived in the HMO above the premises. It was also confirmed that the two wait staff would be moving away soon and would no longer be associated with the business.

The Applicant's representative addressed the Sub-Committee highlighting that it was a completely new business venture and had no association with the previous management at the premises. It was also stated that the Applicant would be investing a significant amount of their own money into the business and that they had every reason to ensure that the core licensing objectives were adhered to and to make sure the licence was kept in order to make the business viable.

The Sub-Committee then adjourned the hearing and moved into private deliberations.

THE DECISION

The Sub-Committee took account of all representations made by all interested parties, both verbal and written. In addition, the Sub-Committee welcomed the conditions offered by the Applicant and their willingness to commit to the licencing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- **Licensing Objectives, Licensing Act 2003**
- **Hillingdon's Licensing Policy**

- **Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003, in particular paragraphs 9.42 and 10.46.**

The decision of the Sub-Committee is to **GRANT** the application for a new premises licence subject to the following conditions:

The opening hours between Sunday and Thursday shall be between 1000 hours and 2330 hours with the sale of alcohol and the provision of late-night refreshment on the premises until 2300 hours. The opening hours on Friday's and Saturdays shall be between 1000 hours and 0030 hours with the provision of the sale of alcohol and the provision of late-night refreshment on the premises until 0000 hours.

The provision of regulated entertainment consisting of live music, recorded music and performance of dance is permitted to take place inside the premises between Sunday and Thursday until 2300 hours and on Friday's and Saturdays until 0000 hours.

There shall be no live music or performance of dance taking place in the external area of the premises. The provision of recorded music may only take place in the external area of the premises between Sunday and Thursday until 2200 hours and on Friday's and Saturdays until 2300 hours.

Save in the case of an emergency i.e. a sudden serious and dangerous event or situation which needs immediate action to deal with, Mr Mohamed Hussain ABOUZEID, shall not be permitted to enter the area of operation within the licensed premises whilst it is open to the public on any day. Nor shall he be employed by, or act on behalf of the Premises or the Premises Licence Holder in any capacity whatsoever whether directly or indirectly or provide any services for the Premises (directly or indirectly and whether for reward or otherwise).

The Prevention of Crime and Disorder

1. A record shall be kept detailing all refused sales of alcohol. The record must include date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available to for inspection at the premises by the Police and authorised officers of the Council at all times whilst the premises are open.
2. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
 - a) All crimes reported
 - b) Lost property
 - c) All ejections of customers
 - d) Any complaints received
 - e) Any incidents of disorder
 - f) Any seizure of drugs or offensive weapons
 - g) Any faults in the CCTV
 - h) Any refusal in the sale of alcohol
 - i) Any visit made by a relevant authority or emergency services
3. The premises license holder will ensure that all staff are trained commensurate with their roles at the premises in:

- a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
- b) Dealing with incidents and the prevention of crime and disorder
- c) Sale of alcohol (to underage persons, drunks etc.)
- d) Crime Scene Preservation
- e) Effects of drunkenness and how to prevent drunkenness on premises and support the Licensing objectives.
- f) Welfare and Vulnerability Engagement
- g) 'Ask for Angela' Scheme

4. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:

- a) That CCTV & challenge 25 are in operation;
- b) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
- c) Of the permitted hours for licensable activities & the opening times of the premises;
- d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.
- e) 'Ask for Angela' scheme

5. Staff shall be trained in dealing with disorder and staff training records to be kept at the premises available for inspection by the Police and authorised officers of the Council.

6. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- c) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises

7. All training shall be signed, dated and a copy of such records will be available for inspection by Police and local authority enforcement officers.

8. All drinking vessels in which drinks are served shall be of strengthened glass (tempered glassware) in a design whereby in the event of breakage, the glass will fragment and no sharp edges are left. Alternatively, plastic type drinking vessels to above breakage specifications may be used.

9. On Friday's and Saturdays there shall be a minimum of 2 door supervisors on duty from 1900 until 30 minutes after closing.

10. All Patrons entering the premises 6pm on Friday's, Saturday's and UK Bank Holiday's shall be required to have their identity verified via the ID scanner machine.

11. There shall be a register of all door staff on duty; signed by the door staff, recording their SIA numbers, start and end time of working shift. This register shall be kept at the premises available for inspection by the Police and authorised officers of the Council.

12. The Designated Premises Supervisor (DPS), a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times.

13. The premises shall install and maintain a comprehensive CCTV system covering both the interior and exterior of the premises will be installed to current Metropolitan Police/Home Office standards and shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

- a) It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
- b) At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.

14. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.

15. In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per the minimum requirements of the Metropolitan Police Service.

16. Customers shall only consume alcohol which has been purchased from the premises.

17. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:

- a) must be logged and kept on the premises for the duration of the employment; and
- b) must be retained for a minimum of 12 months after employment has ceased.

Protection of Children from Harm

18. All children under the age of 18 shall be accompanied by a responsible adult at all times whilst on the premises.

19. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol or age restricted items. Signs to this effect will be displayed at the premises. Challenge 25 posters will be displayed where alcohol is sold.
20. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
21. The premises licence holder will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.
22. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee.
23. A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
24. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

Public Safety

25. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.
26. The premises maximum capacity shall be limited to 154 patrons.

The Prevention of Public Nuisance

27. Notices shall be displayed requesting customers to leave the premises quietly from the premises. Staff/SIA licensed door supervisors shall also request patrons leave the premises quietly and without engaging in any anti-social behaviour.
28. Appropriate signage will be displayed, in a prominent position informing customers that they are being recorded on CCTV.
29. No Patrons shall be permitted to use the external area of the premises after 2300hours between Sunday to Thursday and 0000 hours on a Friday and Saturday.
30. There shall be no admittance or re-admittance to the premises after 2200 hours on any day save for patrons being permitted to temporarily leave the premises to smoke.

31. Patrons permitted to leave the premises temporarily to smoke shall be restricted to a designated smoking area defined as (the front of the premises) and limited to (5) persons at any one time.

32. No noise generated on the premises, or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

33. There shall be no amplified noise/music or speakers permitted in the external area of the premises.

34. Noise limiters shall be in use to ensure that any noise emanating from the TV/speakers does not cause a nuisance to nearby residents.

35. Dispersal policy to be provided to and approved by the Anti-Social Behaviour and Environmental Team.

36. No incoming deliveries or disposal of waste/emptying of glass bottles shall take place between 21:00hours and 08:00 hours.

37. An incident book shall be kept at the premises and made available to the police or responsible authority.

38. Hourly noise patrols during Regulated Entertainment with a record kept of noise patrols to be kept at the premises available for inspection by the Anti-Social Behaviour and Environmental Team.

39. A contact number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

Reasons:

The Sub-Committee are fully aware of the history of this venue and the problematic issues which gave rise to the licensing objectives being severely undermined however, having carefully listened to the representations made by all parties, it is clear that the issues which led to the previous licence being revoked were as a result of poor management of premises by the previous premises licence holder. As a result, Mr Abouzied, the previous licence holder will not be permitted on the premises whilst licensable activities are taking place and will not be involved either directly or indirectly in the management of the business.

The Sub-Committee recognise that this is a new application for a premises licence for a 'food-led' venture made by a new owner who has taken significant measures with regard to replacing the previous operating system to uphold the licensing objectives. The Sub-Committee welcome's the applicant's offer of conditions and new operating schedule in particular, the employment of SIA staff, additional car parking facilities, the instalment of an ID scanner machine and noise limiters shows commitment to upholding the licensing objectives.

The Sub-Committee were concerned to hear about there being reports of noise

nuisance believed to be emanating from the premises in March 2023. Having taken into consideration the various representations made by the responsible authorities and interested parties (both in support of the application and against), the sub-committee have determined that the robust conditions attached to the licence will serve to combat many of the issues that have previously plagued the venue, striking a fair balance in relation to the concerns raised by residents and the operating schedule of the business.

The Sub-Committee recognises the need for businesses to continue trading however, this must not be at the expense of local residents. Local businesses are reminded about their obligations to adhere to regulations to ensure the licensing objectives are being adhered to. Premises Licence Holders are expected to participate in Pub Watch and similar schemes in order to gain a fuller and up to date insight of the community they serve to help mitigate against risks.

Right of Appeal:

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives.

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm on Tuesday 11 April 2023, closed at 9.50 am on Friday 14 April 2023.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - email: democratic@hillingdon.gov.uk on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

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Minutes

LICENSING SUB-COMMITTEE

19 April 2023



HILLINGDON
LONDON

Meeting held at Committee Room 5 - Civic Centre

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Colleen Sullivan Barry Nelson-West</p> <p>Officers Present: Chantelle McLeod, Legal Officer Mark McDermott, Licensing Officer Ryan Dell, Democratic Services Officer</p> <p>Also Present: Mr Arumugam Uthayashankar, Applicant Mrs Uthayashankar, Applicant Ms Paula Stratford, Interested Party Mr Steve Stratford, Interested Party</p>
1.	<p>APOLOGIES FOR ABSENCE <i>(Agenda Item 1)</i></p> <p>There were no apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 2)</i></p> <p>There were no declarations of interest.</p>
3.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items of business were marked as Part I and would be considered in public.</p>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT <i>(Agenda Item 5)</i></p> <p>None.</p>
5.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CURRY CORNER, OFF LICENCE, 24-32 FAIRFIELD RD, WEST DRAYTON, UB7 8EX <i>(Agenda Item 6)</i></p> <p>INTRODUCTION</p> <p>Mark McDermott, Licensing Officer, introduced the application for a new Premises Licence in respect of the proposed Curry Corner, off-licence, 24-32 Fairfield Road, West Drayton, UB7 8EX. Officers summarised that the proposal was to authorise the sale of alcohol for consumption off the premises, Monday to Sunday from 07:00 hours</p>

to 23:00 hours, with opening times also of Monday to Sunday from 07:00 hours to 23:00 hours. It was noted that four representations had been received, three from local residents and one from Ward Councillor Punja. The applicant had agreed conditions with the Licensing Authority and Police that had been relayed to the objectors to see if these would allay their concerns but they had decided to maintain their objections. Officers further highlighted that there had been no Members Enquiries or Police Reports. The Sub-Committee were invited to determine the application.

THE APPLICANT

Mr and Mrs Uthayashankar, as applicants, noted that this was the first time they had made an application of this type, and that their application was to open part of the premises as an off-licence. It was highlighted that Curry Corner was the former name of the site, and that the applicants had purchased the premises prior to the COVID-19 pandemic. Opening during this time had made business difficult, and the business was struggling initially. Alcohol sales often acted as a lifeline for other similar businesses. The site currently held an A1 retail license, and so the applicants now needed an alcohol licence. The applicants also noted that they had been in discussions with the Police and Licencing Authority, receiving advice on the process. It was noted that there was a residence above the premises and further noted that the applicant's cousin would be the proposed Designated Premises Supervisor (DPS), who currently held a Personal Licence. There would be a total of five staff working at the site. The applicants further noted that training would be undertaken in relation to, for example, not selling alcohol to minors and not selling alcohol in open containers. It was noted that the off-licence would be only part of the business, along with selling groceries.

Members queried the early start time of the requested licence, and that there was a concern relating to underage/ school children. The applicants noted that the early opening time was in order to sell groceries, not specifically alcohol. The applicants were happy to agree to a new condition of amended licensable activities times of 10:00-23:00.

INTERESTED PARTIES

Ms Paula Stratford, a local resident who had submitted an objection to the proposal, addressed the Sub-Committee. It was noted that they had been a resident of the area for around 35 years and lived very close to the site. There were already five premises selling alcohol in the vicinity, and residents often had to clear up rubbish, bottles and cans from these other establishments. It was noted that people often sat in their vehicles drinking by the green, which often lead to anti-social behaviour, littering and damage to property. Ms Stratford was concerned that another premises selling alcohol would add to these concerns. Members asked whether these issues had been reported, and Ms Stratford clarified that they had spoken with the waste collectors/ road sweepers and had previously discussed with Ward Councillors, although not recently.

Mr Steve Stratford, who had also submitted an objection to the proposal, addressed the Sub-Committee. Mr Stratford noted that there were too many premises selling alcohol in the area, and this this site was too far from the High Street. It was suggested that customers of local pubs would move to this site when pubs closed, due to the late opening hours. Reference was made to scratches on cars and rubbish including bottles, food waste and gas cannisters. Parking in Colham Avenue represented an issue with potential customers. Members asked whether Mr Stratford had spoken with his Ward Councillors, to which Mr Stratford replied that he had, but not recently. It was noted that this was not a Police matter. It was also noted that this was an evidence-

based Sub-Committee. Members noted their concerns, in line with the objectors, of anti-social behaviour, littering, noise, fly-tipping and public safety.

DISCUSSION

It was further noted that the site was no longer called Curry Corner, this was however noted in the application, and aided identification of the site. The site would be partly a Sri Lankan grocery store, requesting an alcohol licence. It was noted in their absence that the Sub-Committee had received representations in objection from Councillor Punja and Mr Puri.

The Chairman asked the applicant to name the four licensing objectives. The applicant noted that they had worked in a retail shop previously that sold alcohol, and that they had experienced issues of attempted underage purchases, asking for ID, and refusing sales to minors.

In terms of stock, the applicant noted that they purchased stock from an existing list of suppliers only.

The applicants noted that they had not experienced issues of anti-social behaviour outside the shop but did highlight the lack of bins in the area.

The Chairman asked if the applicants had had any professional help with their application. The applicants noted that they had spoken to the Licensing Officer but had no solicitor due to costs. The Sub-Committee noted that the application was light on details.

In terms of the licensing objective of the prevention of crime and disorder, the application noted that that applicants would follow government guidelines. The Sub-Committee asked for elaboration on this. The applicants noted that they had CCTV in and out of the store, with 45-day recordings. The stock would be kept two meters away from the main entrance. A new condition was agreed for no sale of alcohol during any times where the CCTV was not working.

Regarding the licensing objective of the prevention of public nuisance, the application stated that the applicants will ensure no one is drinking outside and in front of the premises. The Sub-Committee asked how this would work. The applicants noted that they would tell customers directly not to drink in front of the store, and if this was not adhered to, the customer would be banned from the store. A record of this would be kept and shared with all employees.

Regarding the licensing objective of the protection of children from harm, guidance on Challenge 25 would be followed. Purchases of stock would be made from an existing list of suppliers.

On the schematic within the report of the store layout, the location of CCTV cameras; the length of the till counter; storage areas; and the specific location of where licensable activities will take place were clarified. An additional condition of no sale of miniature alcohol bottles below 20cl was agreed.

Ms Paula Stratford confirmed that the road was swept every Wednesday, and there were four waste bins and two animal waste bins. It was unclear that the applicants owned all five units, and not just the former Curry Corner unit. The other four units were the existing plumbing business. The licensable activity would take place in only one

unit. It was noted that the applicants did not live in the area, and so would not have experienced late-night issues. It was clarified that the updates to the schematic in terms of the CCTV/ length of the till counter would not require a new application.

Mr Steve Stratford highlighted potential issues around working hours if there were only five employees. The applicant noted that working hours would be split among the employees, with reference to peak times. Experience of the employees was questioned, and it was clarified that all licensable activities would take place in front of the counter, in full view of the staff behind the counter. A feature reminding staff to ask for ID was due to be implemented. The number of similar premises was again noted. With the location of the store, it was suggested that not many people would walk in that direction late at night, as it would not be through traffic, and potential customers were already causing issues. The close proximity to Silver Stores was noted.

Officers noted that, in relation to the cumulative effect, there was no 'special policy' to reduce the number of premises of the same type. It was further noted that the need for a new premises with licensable activity was not a licensing consideration, and that the Sub-Committee was evidence based and must refer to the licencing objectives. Officers further clarified that the conditions agreed with the Police and the Licencing Authority had been agreed with the applicants. It was also noted that the proposed DPS can designate authority.

CLOSING REMARKS

Ms Paula Stratford noted the responsibilities of the application, but that they were still in objection to the proposal.

Mr Steve Stratford noted acknowledged that they had focused on side effects, and that if granted, the new licence would add to existing concerns. The main issue was the sale of alcohol.

THE DECISION

The Sub-Committee took account of all representations made by all interested parties, both verbal and written. In addition, the Sub-Committee welcomed the conditions offered by the Applicant and their willingness to commit to the licencing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- Licensing Objectives, Licensing Act 2003
- Hillingdon's Licensing Policy
- Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003, in particular paragraphs 9.42 and 10.46.

The decision of the Sub-Committee is to GRANT the application for a new premises licence for the sale of alcohol off the premises between the hours of 10:00 hours and 23:00 hours subject to the following conditions:

General

1. All staff will receive training in relation to the sale of alcohol and in particular the prevention of underage sales. Records will be kept of training and refresher

training.

2. Alcohol shall not be sold in an open container.

The Prevention of Crime and Disorder

3. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. Cameras shall also cover the till area and areas where alcohol is displayed for sale. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide the Police or authorised Council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received concerning crime and disorder
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
6. In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per the minimum requirements of the Metropolitan Police Service.
7. Spirits and high value alcohol shall be kept behind the counter as per the revised plan.
8. No alcohol shall be stored within 2 metres of the door.
9. No alcohol is to be displayed (for sale or otherwise) or sold from the area on the deposited plan shown as the outside area.
10. Purchases of alcohol and tobacco shall be made from AWRS registered wholesalers and invoices shall be retained and made available for viewing by relevant officers.
11. A policy shall be in place which restricts the sale of alcohol to anyone deemed to be drunk.
12. There will be no display or sale of single cans or single bottles of beer, lager, cider, ale or spirit mixtures sold at the premises.
13. There will be no stock or sale of high strength beer, lager or cider (above 6%

ABV).

14. There will be no stock or sale of miniature sized alcohol bottles below 20CL.

The Prevention of Public Nuisance

15. Prominent, clear notices shall be displayed at the premises, including the entrance and exit, requesting customers to respect the needs of local residents and leave the premises and area quietly.

16. The immediate area outside the premises shall be kept clean and clear of litter.

17. No disposal of waste shall take place between 20:00 hours and 08:00 hours.

18. Deliveries and activities relating to deliveries shall only take place between 08:00 and 17:00 Monday to Saturday.

The Protection of Children from Harm

19. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a photo card driving licence, passport or proof of age card with the PASS Hologram.

20. Challenge 25 notices shall be displayed in the customer area.

21. Staff shall receive Challenge 25 training and training records shall be made available for inspection upon request by the Police or authorised officer of a responsible authority.

22. A refusal record shall be operated and maintained. The record shall be made available for inspection upon request by the Police or authorised Council officer.

Public Safety

23. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

Reasons

The Sub-Committee recognise that this is a new application for a premises licence for a grocery/convenience store with the sale of alcohol subsidiary to the business. Whilst the Sub-Committee were addressed about the occurrence of public nuisance and crime and disorder, it noted that there were no representations or evidence submitted from any of the responsible authorities or members enquiries logged by councillors in respect of this application.

Whilst the Sub-Committee are sympathetic to issues raised by interested parties particularly concerning the volume of licensed premises in close proximity, there is currently no cumulative policy/special policy in place. The Sub-Committee were not provided with any tangible evidence relating to the impact this particular premises would create in addition to the current licenced premises in the vicinity. As such, the Sub-Committee determined that the conditions agreed by the applicants and the

responsible authorities together with modified conditions would serve to sufficiently uphold the licensing objectives.

The Sub-Committee recognises the need for businesses to continue trading however, this must not be at the expense of local residents. Local businesses are reminded about their obligations to adhere to regulations to ensure the licensing objectives are being adhered to.

Right of Appeal:

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives,

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm, closed at 5.00 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - email: democratic@hillingdon.gov.uk on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

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Minutes



LICENSING SUB-COMMITTEE

3 July 2023

HILLINGDON
LONDON

Meeting held at Committee Room 5 - Civic Centre

	<p>Committee Members Present: Councillors Roy Chamdal Becky Hagger Barry Nelson-West</p> <p>LBH Officers Present: Jhini Mukherjee, Licensing Officer Chantelle McLeod, Legal Officer</p>
1.	<p>APOLOGIES FOR ABSENCE <i>(Agenda Item 1)</i></p> <p>There were no apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 2)</i></p> <p>There were no declarations of interest.</p>
3.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE <i>(Agenda Item 3)</i></p> <p>It was confirmed that all items of business were marked Part I and would be considered in public.</p>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT <i>(Agenda Item 4)</i></p> <p>None.</p>
5.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: GRANT VIEW, UNIT 1, 10 STONEFIELD WAY, RUISLIP, HA4 0JS <i>(Agenda Item 5)</i></p> <p>Introduction</p> <p>Jhini Mukherjee, Licensing Officer, introduced the application for a new premises licence at Grant View, Unit 1, 10 Stonefield Way, Ruislip, HA4 0JS. The Sub-Committee was given an overview of the application received and was informed that one representation had been received from an interested party during the consultation period. Members heard that, since submitting the application, the applicant had agreed to additional conditions at the request of the Metropolitan Police Service and the local authority. The Sub-Committee were invited to determine the application.</p> <p>In response to questions from the Panel, it was confirmed that the premises were sited at a considerable distance from residential housing. No representations had been received from the responsible authorities - the Anti-Social Behaviour Team, the</p>

Metropolitan Police or the local authority.

The Applicant

Mr Graham Hopkins, the applicant's representative, presented the application to the Sub-Committee noting that the premises, set over two storeys, would be used as a community venue for Tamil events such as weddings etc. The maximum capacity would be 150 people excluding staff. It was confirmed that the location had been specially selected as it was not in a residential area and would therefore not present a disturbance to those residing in the vicinity. Adequate parking provision was included in the lease agreement.

The proposal was for the premises to open between 09:00 and midnight seven days a week with the sale of alcohol until 23:00 hours – this would allow time for guests to say their goodbyes and leave gradually and quietly in an orderly fashion. A traffic marshal would be in attendance from 22:00 hours to ensure guests left quietly and adhered to the one-way system.

It was confirmed that CCTV cameras, appropriate signage, a dispersal policy and a noise limiter would be in use at the premises. Doors and windows would remain closed while events were taking place. The applicant was new to the business, but the proposed DPS was very experienced in the field.

It was noted that no representations had been received from the responsible authorities or from local residents. Only one objection had been received from a local Ward Councillor who had raised concerns regarding parking, possible misuse of the one-way system and the potential for public disturbance. Responses to allay these concerns were set out in the agenda pack.

The Sub-Committee was advised that the licensing objectives would be promoted at the premises at all times.

In response to questions from the Sub-Committee, it was confirmed that the applicant, Mr Rasalingam, had previously worked as a builder. In terms of capacity, the venue could seat a maximum of 136 people but could accommodate 150 as it was set out over two floors. Only one wedding would be held on any given day and the applicant was willing to accept a condition in relation to this. Numbers would be checked by means of a click counter operated by the applicant or by SIA staff – the applicant was willing to accept a condition regarding this if required. With regard to parking, Members heard that there were 38 spaces in total.

Members requested further clarification regarding the toughened glass mentioned on page 5 of the agenda pack – it was confirmed that this glass did not break into shards but would shatter rather like a car windscreen. The Sub-Committee heard that a noise limiter would be in use at the premises and double doors would be in place. Close neighbours had already been given the applicant's contact details and it was confirmed that the applicant would be happy to share his details with the local police.

In response to further questions from the Sub-Committee regarding event management, it was confirmed that, when numbers of attendees exceeded 100, two SIA door supervisors would be present. A minimum of two parking marshals would also be in attendance during the day. With regard to dispersal, the Sub-Committee Members were informed that a dispersal policy would be drafted - guests would be requested to leave quietly and it was estimated that only 10/12 people would be exiting

at any given time.

Responsible Authorities

No representations had been received from responsible authorities.

Interested Parties

A written representation had been received from Ward Councillor Richard Mills setting out his concerns regarding the lack of parking provision, possible failure to adhere to the one-way system and public disturbance due to late night activity. Councillor Mills was not in attendance, but the content of his representation was duly noted.

Discussion

The Sub-Committee sought clarification regarding parking provision and enquired whether 38 spaces would be sufficient for the 150 guests plus staff. It was confirmed that not all guests would drive – it was anticipated that approximately 50% of attendees would use taxis and public transport. With regard to the one-way system, a sign was already in place and an additional sign would be erected to ensure guests did not turn right when exiting the premises.

The Sub-Committee proposed that the one-hour 'drinking-up time' could potentially be reduced to half an hour. The applicant was willing to agree to this if necessary.

It was noted that the agenda pack included a plan for the ground floor only and did not show the proposed layout for the first floor of the premises. Members of the Sub-Committee were shown a printout of the first-floor layout which included three changing rooms, a small kitchen and food area and a bar. It was confirmed that guests would be able to access the first floor to purchase alcohol. No alcohol would be served at children's community events.

In response to further questions from Members regarding the aforementioned children's events, it was noted that adults would be expected to accompany the children – those who travelled by public transport would be escorted to and from the station.

Closing Remarks

There were no closing remarks from any of the parties present.

The Sub-Committee then adjourned the hearing and moved into private deliberations.

The Decision

The Sub-Committee listened to all representations made both oral and written. In addition, the Sub-Committee welcomed the conditions offered and agreed by the Applicant and their willingness to commit to the licensing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- Licensing Objectives, Licensing Act 2003
- Hillingdon's Licensing Policy

- Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003

The decision of the Sub-Committee is to **GRANT** the application for the supply of alcohol for consumption on the premises Monday to Sunday between 0900 hours and 2300 hours. The operating hours of the business shall be between 0900 hours and 2330 hours. The new premises licence will be subject to the modifications and conditions set out below.

Conditions

Prevention of Crime & Disorder

1. The premises licence holder shall undertake and record in writing a risk assessment of (1) the premises and (2) each individual event. All risk assessments shall be made available to the licensing authority or the police for inspection upon request. The risk assessment must include:
 - a) Staffing levels. At all times when the premises is operational there will be sufficient competent staff on duty for the purpose of fulfilling the conditions of the licence and promoting the licensing objectives.
 - b) SIA Door Supervisors. For any event with 100 attendees or more there will be at least 2 SIA but the risk assessment may require more.
2. Only one wedding or event may take place at the premises at any one time.
3. The maximum capacity at the venue, excluding staff, is 150.
4. There shall be effective management arrangements in place to monitor how many people there are in the premises at any operational time.
5. A log will be maintained at the venue where door supervisors are deployed which will include their names, start and finish times, their SIA badge number and expiry date. The log shall be made available to the licensing authority or the police for inspection upon request.
6. All SIA staff shall wear high-visibility clothing and body worn cameras.
7. For any event that finishes at 22:00 hours or beyond, there will be at least one person with high-visibility clothing to assist with dispersal and directing traffic in the car park from the event finish time until at least thirty minutes after.
8. Records will be maintained for any staff training, including but not limited to the operation of the CCTV system, Welfare and Vulnerability training. The log shall be made available to the licensing authority or the police for inspection upon request.
9. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The sales and till areas plus the exterior of the premises will also be covered. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be available during licensable hours. This staff member must be able to provide the Police or authorised Council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following:

- a) all crimes reported to the venue
- b) any complaints received concerning crime and disorder
- c) any incidents of disorder
- d) any refusal of the sale of alcohol
- e) any faults in the CCTV system
- f) any visit by a relevant authority or emergency service.

12. There shall be a register of all SIA door supervisors on duty; signed by the door staff, recording their SIA numbers, start and end time of working shift. This register shall be kept at the premises available for inspection by the Police and authorised officers of the Council.

13. There shall be a personal licence holder always on duty on the premises when the premises are authorised to sell alcohol.

14. Staff shall be trained in relation to the Licensing Act 2003 including but not limited to the licensing objectives, the prevention of underage sales, Challenge 25 age verification procedures, sales to persons who are already intoxicated, welfare and vulnerability training. Staff training records shall be made available for inspection upon request by Police and authorised officers.

15. Customers shall not be permitted to take open containers of alcohol from the premises.

16. Patrons will not take any glass or open bottles/cans outside of the building.

17. Toughened glass shall be used.

18. In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per Home Office Guidance standards.

19. Door Supervisors will be issued with multi-channel radios capable of communicating with other door supervisors, the designated premises supervisor and Town Centre radio link.

20. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

Public Safety

21. A suitable fire risk assessment to be available at the premises and to be implemented the necessary control measures.

22. All exit doors are easily operable without the use of a key card, code or similar

means.

23. Exit doors are regularly checked to ensure they function satisfactorily.
24. Records of all these checks are kept and can be produced on request.
25. All fire doors are maintained unobstructed and effectively self-closing and will not be held open other than with approved devices.
26. Step and stair edges are appropriately highlighted so as to be conspicuous.
27. Hangings, curtains and temporary decorations are maintained in a flame-retardant condition.
28. Upholstered seating is fire retardant and complies with current fire safety regulations.
29. Curtains, hangings and temporary decorations are located so as not to obstruct exits, fire safety signs or fire-fighting equipment.
30. Notices detailing the actions to be taken in the event of fire or other emergency are prominently displayed and maintained in good condition.
31. Access is provided for emergency vehicles and kept clear and free from obstruction at all times
32. Fire drill and emergency lighting tests are conducted weekly/monthly. Records of these tests are available upon request.
33. All fire exits and means of escape are signed in accordance with BS5499: Part 4 Specification for Fire Safety Signs: 1990
34. An evacuation policy is in place that is to the satisfaction of the Fire Authority. All staff members have been trained in fire and emergency evacuation procedures.
35. Wall and ceiling finishes are fire resistant to the appropriate standard.
36. Exit doors open outwards or are secured in the open position if this is not the case.

Prevention of Public Nuisance

37. There shall be no incoming deliveries or disposal of waste between 2000 hours and 0800 hours.
38. Signage shall be displayed in a prominent position at the exit requesting that patrons respect the needs of local residents and businesses and leave quietly.
39. The immediate area outside the premises shall be kept clean and clear of litter.
40. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
41. A sound limiter shall be fitted to the musical amplification system to ensure that no noise nuisance is caused to local residents or businesses. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
42. The DPS or his/her representative shall conduct hourly noise patrols on each occasion that there is regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents or businesses. A written record shall be kept in a logbook and shall include the time and date of the checks, the person making them and the findings, including any remedial action.
43. Windows and doors must be kept closed during regulated entertainment, except for the immediate access or egress of persons.
44. Smoking shall take place in a designated area at the rear of the premises. There shall be no more than 5 persons smoking at any one time outside the business premises. Staff and supervisors shall monitor the number of customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance. Drinks or glass containers are not to be taken outside into the smoking area. Notices shall be prominently displayed in the smoking area requesting patrons to respect the needs of local residents and businesses and use the area quietly.
45. A contact number for the premises shall be made available to the Police, any other authorised officer of the Council or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.
46. A written dispersal policy shall be kept at the premises and the licence holder shall ensure all staff members are trained and briefed in implementing this policy.

The Protection of Children from Harm

47. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol or age restricted items. Signs to this effect will be displayed at the premises. Challenge 25 posters will be displayed where alcohol is sold.

48. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram. A refusal book shall be kept at the premises and updated as and when required and made available for inspection on request to a Licensing Officer, Police or other responsible authority.

49. The licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.

50. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee.

51. A sign stating "No proof of age - No sale" shall be displayed at the point of sale.

Reasons

The Sub-Committee recognise that this is a new application for a premises licence for a banqueting suite venue located in an industrial estate hosting weddings and private community events.

Apart from the one objection, the Sub-Committee note that there have been no further objections particularly from residents, Responsible Authorities nor members' enquiries logged by councillors in respect of this application.

Having considered all the information put before it, the Sub-Committee were satisfied that the Applicant would comply with the licensing objectives. The Sub-Committee determined that the conditions proposed by Applicant were to be added to the licence along with the agreed conditions with the Licensing Authority and Police acting as Responsible Authorities. The Applicant had proposed a later terminal hour of midnight however, the Sub-Committee were not persuaded that the proposed time would promote the licensing objectives.

It was noted that some of the conditions agreed with Responsible Authorities duplicated or mirrored conditions proposed by the Applicant and therefore, the Sub-Committee decided that the conditions proposed by the Responsible Authorities were preferred and to be added in full (save for some minor amendments) along with the conditions proposed by the Applicant.

Right of Appeal

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not

	<p>uphold the licensing objectives.</p> <p>You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.</p>
	<p>The meeting, which commenced at 2.00 pm, closed at 3.30 pm.</p>

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

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

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Minutes



LICENSING SUB-COMMITTEE

5 July 2023

HILLINGDON
LONDON

Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge UB8 1UW

	<p>Committee Members Present: Councillor Roy Chamdal (Chairman) Councillor Reeta Chamdal Councillor Kuldeep Lakhmana</p> <p>LBH Officers Present: Jhini Mukherjee, Licensing Officer Chantelle McLeod, Legal Officer Steve Clarke, Democratic Services Officer</p> <p>Also Present: Surendra Panchal, Applicant's Representative Manmohan Singh Kapoor, Applicant</p>
6.	<p>APOLOGIES FOR ABSENCE <i>(Agenda Item 1)</i></p> <p>There were no apologies for absence.</p>
7.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 2)</i></p> <p>There were no declarations of interest made.</p>
8.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE <i>(Agenda Item 3)</i></p> <p>It was confirmed that all items were marked as Part 1 and would therefore be considered in public.</p>
9.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT <i>(Agenda Item 4)</i></p> <p>None.</p>
10.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: FRIENDS JUNCTION, 1262 UXBRIDGE ROAD, HAYES, UB4 8JF <i>(Agenda Item 5)</i></p> <p>Introduction</p> <p>Jhini Mukherjee, Licensing Officer, introduced the application for the grant of a premises licence for Friends Junction, 1262 Uxbridge Road, Hayes, UB4 8JF. It was highlighted that one representation has been received from an interested party, Councillor Darran Davies, Ward Councillor for Charville. No representations had been received from responsible authorities with regard to the application, although it was</p>

noted that the Licensing Authority had initially submitted a representation which was withdrawn following the applicant's agreement to additional conditions. The Sub-Committee were invited to determine the application.

The Applicant

Mr Surendra Panchal, the applicant's representative, and Mr Manmohan Singh Kapoor, the applicant, were present and addressed the Sub-Committee. It was noted that the applicant had held a personal licence since 2012 and had not breached their licence, they had worked in an off-licence shop during that time. The applicant, after a number of years working in an off-licence shop, felt that a family run Punjabi restaurant business would be more financially viable due to the off-licence business struggling throughout the Covid-19 pandemic. The applicant made the Sub-Committee aware that they would prefer if they could speak in Punjabi or Hindi during the hearing, to which the Sub-Committee noted that the applicant's agent, who was fluent in the applicant's native language, could translate for the applicant and clarify any questions that the applicant was unable to fully understand or articulate.

By way of clarification regarding the provision of performances of dance as an applied for licensable activity, it was confirmed that there would not be a dance floor within the premises, despite what was shown on the floor plan provided within the agenda pack. It was noted that this was only applied for in the event that any patrons chose to stand up and dance at their table to the live music that would occasionally be provided. With regard to the provision of live music, it was highlighted that this licensable activity was not originally applied for in the application, however, it was clarified that live music would occur only occasionally and would consist of a live singer and recorded music. It was explicitly confirmed that no live musical instruments would be played as part of these performances.

With regard to the supply of alcohol, it was confirmed by the applicant's representative that no alcohol would be served directly at the bar and that there would be no vertical drinking, instead alcohol would only be served via table service using wait staff and that the premises would adopt a 'Challenge 25' policy.

The applicant sought to explain the premises' proposed opening times noting that from 09:00am, the premises would be open but only selling snacks and breakfast items from a small counter just inside the premises. Licensable activities had been applied for from 11:00am when the restaurant would start to cater to lunch demands.

The Sub-Committee sought clarification around the capacity of the venue to which the applicant informed Members that capacity would be around 55 to 60 patrons. The Sub-Committee queried this number based on the floor plan provided in the agenda pack, following further discussion the applicant revised the premises' capacity to 48 patrons.

Interested Parties

It was noted that a representation had been received from Councillor Darran Davies, Ward Councillor for Charville. It was noted that Councillor Davies was unable to attend the hearing to deliver their representation in person but it was understood that their representation still stood and the Sub-Committee gave it due consideration.

Discussion

The Sub-Committee sought to gain a better understanding of the applicant's

experience within the restaurant industry to which the applicant confirmed that they had not directly worked in the restaurant industry; however, a close friend operated a restaurant in the Hounslow area that they had frequently attended and assisted with in an effort to gain a better understanding of operating a restaurant business.

When asked about what provision for parking may be available for customers and takeaway drivers picking up deliveries, the applicant noted that the premises was situated within a shopping parade where patrons could park and that they could also use adjacent roads such as Newport Road. The Sub-Committee queried what measures may be taken to mitigate any noise from takeaway drivers, to which the applicant confirmed that they did not intend to use takeaway drivers riding scooters, instead that they would utilise one or two small car drivers.

Members sought to understand when the applicant would plan on disposing of empty bottles, refuse and waste created by the restaurant. The applicant initially stated that they would be disposing of bottles and waste shortly before the restaurant's closing time. When the Sub-Committee queried this comment, the applicant's agent stated that staff would dispose of empty bottles and waste only between the hours of 07:00 and 20:00. The Sub-Committee asked the applicant if they were aware of the four licencing objectives; in response, the applicant listed a number of ways in which they would be upholding some of the licensing objectives, including the use of CCTV, holding an incident log and refusing the sale of alcohol to intoxicated patrons. Members asked if any instances of the refusal of the sale of alcohol would be recorded by any means, to which the applicant stated that these would be captured by the CCTV system. After Members queried this point further, the applicant's agent sought to confirm that a refusal of sale log would be kept by the premises.

The Sub-Committee sought clarification as to why the applicant had applied for the sale of alcohol both on and off the premises. It was confirmed that it would be possible for customers purchasing takeaway meals to purchase alcohol along with their meal. When asked whether they had spoken to adjacent residents regarding the new restaurant, it was confirmed that the applicant had been in contact with adjacent residents and that there had been no objections to the restaurant opening.

The Sub-Committee asked about the expected level of staffing at the restaurant; it was confirmed that there would be two chefs, six front of house staff and a manager, intended to be the applicant/Designated Premises Supervisor. The Sub-Committee sought to ensure that appropriate right to work checks would be carried out for all staff working at the premises.

Closing Remarks

The applicant's representative briefly addressed the Sub-Committee to reiterate that the applicant was aware of the four key licensing objectives and had an understanding of how to promote them.

The Decision

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

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- Licensing Objectives, Licensing Act 2003

- Hillingdon's Licensing Policy
- Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003

The decision of the Sub-Committee was to **REJECT** the application for a new premises licence.

The Sub-Committee were not persuaded that the applicant was able to promote and uphold the licencing objectives. The applicant was given ample opportunity to explain how they were going to operate the business however, failed to adequately demonstrate their knowledge and understanding of the licensing objectives despite holding a personal licence since 2012.

The Sub-Committee had material concerns about many aspects of the application which appeared to be both inconsistent and vague.

The Sub-Committee were mindful that the applicant expressed language difficulties however, members were satisfied that the applicant had the benefit of an agent to assist with both questions and answers in their native language having agreed to communicate via their agent.

The Sub-Committee must ensure that all licensing decisions promote one or more of the licensing objectives. Members were not confident that the applicant could promote the licensing objectives. Members also considered whether appropriate conditions could be placed on the licence to mitigate their concerns, however, were not persuaded that the applicant could sufficiently abide by any conditions given their lack of understanding of Licensing Regulations.

Right of Appeal

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The recipient will be deemed to have received the decision letter, two days after the date on the accompanying letter, which would be posted by 1st class mail.

The meeting, which commenced at 12.00 pm, closed at 2.32 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - email: democratic@hillingdon.gov.uk Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

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Minutes



HILLINGDON
LONDON

10 July 2023

Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge UB8 1UW

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Colleen Sullivan Janet Gardner</p> <p>Officers Present: Lois King, Licensing Officer Daniel Ferrer, Licensing Team Manager Chantelle McLeod, Legal Officer (present for deliberation and decision) Matt Lewin, Legal Advisor Ryan Dell, Democratic Services Officer</p> <p>Also Present: Mr Abel Campos – applicant's proposed franchisee Mr Leo Charalambides – applicant's representative Mr Mark Gallant – applicant's licensing officer Councillor Steve Tuckwell – Interested Party Councillor Heena Makwana – Interested Party Mr Allan Kauffman – Interested Party Mrs Lynne Kauffman – Interested Party Mr Bhumit Chandi – Interested Party Councillor Reeta Chamdal</p>
11.	<p>APOLOGIES FOR ABSENCE (Agenda Item 1)</p> <p>There were no apologies for absence.</p>
12.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2)</p> <p>There were no declarations of interest.</p>
13.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (Agenda Item 3)</p> <p>It was confirmed that all items of business were marked Part I and would be considered in public.</p>
14.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (Agenda Item 4)</p> <p>None.</p>
15.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: MCDONALD'S</p>

RESTAURANTS LIMITED, UNIT 4 OLD DAIRY LANE, SOUTH RUISLIP, HA4 0FY (Agenda Item 5)

Introduction

Lois King, Licensing Officer, introduced the application for the grant of a premises licence: McDonald's Restaurants Limited, Unit 4 Old Dairy Lane, South Ruislip, HA4 0FY. The application was submitted by Shoosmiths on behalf of McDonald's Restaurants Limited. The application was for the provision of late-night refreshment both indoors and outdoors Monday to Sunday from 23:00 hours to 05:00 hours. Opening times would be Monday to Sunday from 05:00 hours until 05:00 hours the following day, so in effect 24-hour operation. The Sub-Committee was given an overview of the application received and was informed that 55 representations had been received from interested parties during the consultation period, 53 in objection (including one from the local Ward Councillors) and one in support. A representation had also been received from the Responsible Authorities – the Licensing Authority. A petition had been received in objection to the application with 864 signatories, 364 of whom could be identified as residing within the Borough. The Sub-Committee were invited to determine the application.

The Applicant

Mr Leo Charalambides, the applicant's representative, presented the application to the Sub-Committee, noting that McDonald's stores were either operated by the company itself, or franchised out. This store was to be franchised out. The prospective franchisee, Mr Abel Campos, had worked with McDonald's for 27 years; a franchisee for two years, and already ran nine stores, including stores in the Borough.

Officers had outlined that the character of the area was a mixed-use development comprising retail and leisure premises. 2014 planning permission was very specific about what the Council wanted in this area, which was to provide a food store with café and petrol station, a cinema and five restaurants along with the residential development, with no restrictions in terms of the hours of operations. This was reflected by licenses already granted for Asda and Cineworld. All-day/all-night operation in this area was very important for vibrancy, for regeneration and for the character of this development.

There was a sense that the representations seemed to think that by opening a late-night restaurant in this area McDonald's were somehow not part of the community and that was quite wrong. As a local restaurant, McDonald's depended on good relationships with the local community, local Council, local police in order to be successful. Mr Campos held a number of stores in and around Ruislip as a franchisee, and worked with the local community, such as providing the police with a gazebo to hold their surgeries and drop-in sessions post-COVID. Mr Campos also worked with a local school, providing food for under-privileged families, and worked with a nearby youth football team. Mr Campos also worked with police to provide CCTV for anti-social behaviour profiling and had been asked for his 24-hour stores to provide a defibrillator.

The other advantage of late-night opening was that there would be disabled access facilities so the night-time economy would be more accessible to those people that might need wider facilities.

If the license were to be granted, there would be approximately 60 jobs created. McDonald's were part of the 'Love Where You Live' campaign which involved litter-

picks. It was clarified that there was a local litter pitting picking group, who McDonald's encouraged to get in touch as part of the campaign. McDonald's would also sponsor bins with the Local Authority. McDonald's considered themselves a community player.

What was key was actual evidence and not just fears and perceptions. McDonald's had a fairly comprehensive operating schedule, and the Licensing Authority's point about specificity was noted, however, one of the reasons that McDonald's maintained that style was because, as technical standards and experience develop, this allowed the ability to upgrade CCTV for example. At this store there would be full internal CCTV and external CCTV both at the front and also the rear entrance which would be used by delivery drivers. There was a 'staff safe' system which was being upgraded to a digital system which meant that as well as internal monitoring, 'staff safe' was a resource whereby each store would be able to feed into an external independent viewer that can do things such as make announcements to curb noise levels and change the music and so on. Staff would also be trained in conflict resolution.

Much of the ordering in-store now took place via an app or touch-screen. This had had a significant impact on conflict and safety as customers were in charge of their order so this reduced conflict around incorrect orders.

Paragraph 2.21 of the guidance under section 182 of the Licensing Act 2003 made it clear that beyond the immediate area of a given premises, drunkenness and littering was about personal responsibility and McDonald's could not be held accountable for customer's personal actions when they were away from the store.

All staff would have safeguarding training and would know how to deal with unaccompanied children although it was not expected for there to be unaccompanied children in the store during the times of licensable activity. The schematics within the agenda pack were referenced and a covered parking area at the back of the site was highlighted as the location where delivery drivers would access the store. This was with a view to complying with Licensing Policy chapter 24 which required operators to think about the impact of deliveries and internet sales and to undertake appropriate measures. Delivery drivers would take a route which entirely avoided the residential premises, and in an underground sheltered area that would be lit up. The front entrance would be covered by CCTV and drivers and delivery persons would be contained within the premises itself so they can be supervised at all times. The increase in deliveries, especially post-COVID, helped to reduce footfall in the store, which would also reduce litter. McDonald's were also able to know which delivery drivers would be coming; who may have had complaints against them; and there would be a possibility to ban them if appropriate.

In relation to McDonalds' own litter policy, when a store opened, there would be at least four litter picks per day, which would take place in the immediate vicinity and obvious areas, which would be around the front of McDonald's; the area between Cineworld, McDonald's and Nando's; and probably along the main residential roads. A map would be maintained and kept updated as it was in McDonalds' interest to ensure that the surrounding area was kept clear. Participation from other groups and working with the Local Authority was welcomed on this. The first litter pick would start at sunrise and the last just before sunset. The reason that there are no overnight litter picks was to do with insurance and risk assessments and ensuring the safety of staff, although this was kept under review. McDonald's did work with local Councils to sponsor litter bins depending on the local Council's own policies and also the Highways team in terms of waste and collections.

The original planning permission had a noise management plan that meant that nothing would take place before 06:00 or after 20:00. McDonalds' view was that this premises would have a positive impact on the local area with a well-lit store which would be well-run, well-managed and with no history or issues or problems or challenges. The representative noted that they were McDonalds' go-to barrister for licensing and had never had to have a review. ASBET and the police had not submitted representations.

As for the risks associated, particularly with deliveries, these risks were contained with the well-lit premises, CCTV, and covered parking area that is behind the store.

In summary, licensing was about identifying where there were real concerns and how to address these.

It was clarified that delivery drivers would go down the side of Cineworld, into the ground floor covered car park. Delivery drivers would enter the rear of the store via a door from the ground floor covered car park. There was also a dedicated loading bay for stock deliveries so these would not go into the covered paring area.

Members asked if there were timing restrictions on the specified outdoor dining area. There would be no outdoor dining from 23:00 to 05:00.

Members asked whether McDonald's had had any communication with the interested parties. It was confirmed that there had been none.

Members referenced the litter patrol and asked whether litter had been an issue for McDonald's generally. McDonald's worked with the Department for Environment, Food and Rural Affairs and had done since the 1980s on national and local schemes.

Members referenced the application where it noted "*Access to the CCTV system will be provided to Police Officers at their request where reasonable*" and asked the applicant to explain what 'reasonable' meant in this context. It was noted that 'immediately' did not work due to technology and/or authorisation. The time frame could vary from on the moment to 24 hours. Members asked and the representative clarified that having the 'right manager' available referred to training and security. Staff would ensure that sensitive data and data protection were taken into account. Generally, in any given McDonald's store there was someone available who knows about CCTV who can access CCTV and is alive to data protection implications. CCTV images were retained for a full calendar month/31 days. It was accepted to update this to reflect the Licensing Authority's suggested condition of a minimum of 31 days.

Members referenced the application where it noted "*Where it is practical to do so we are content to put measures in place to limit noise*" and asked what 'practical' meant in this context and what specific measures would be put in place. Each store would be fitted with extractors and noise facilities that meet common standards as well as adhere to the planning permission. The entrance lobby counted as an acoustic lobby. There was a dedicated area for delivery drivers.

Members also asked about managing noise of customers. The front of the store would be well-lit, there would be CCTV and CCTV warnings. McDonalds worked with local police in Ruislip to build offender profiles. All staff would be trained in conflict training and anti-social behaviour reduction. Managers would be trained to work with customers if necessary to move people along.

Members noted that the application made no reference to incident logs. The

representative noted that their incident logs covered litter picks, deliveries, cleaning, and these were available to the police and the Local Authority.

Members asked how noise complaints would be dealt with during the licensable hours. The representative referred to a study that was noted to demonstrate that people leaving a McDonald's left quieter than when they arrived. Also, the outdoor dining area would be closed after 23:00. People leaving the store would be supervised by staff and CCTV. Members noted that they had to consider the application on what was presented, and the representative responded that McDonald's cannot be held responsible for people when they leave the premises. Members reiterated the question relating to what procedures would be in place to respond to complaints. The representative noted that the store would be in a leisure precinct with Cineworld, Nando's and others and suggested that there were no residences in the immediate vicinity. The store would be covered by CCTV and the area was well-lit. The representative noted that what took place away from the premises went beyond the legal responsibility of McDonald's. The proposed franchisee gave an example of how they would deal with a complaint by noting that engagement with local residents was very important. Details of the complainant would be taken and a time would be arranged where appropriate to discuss to incident, and they would engage them with local stakeholders understand how best to take it forward.

Members asked about shift patterns. The representative noted that one reason that McDonald's applied to have a 24-hour store was because 24-hour operating helped staff. A night shift typically started at 22:00 and finished just before the breakfast run. Members asked if there would be any staff changeover between 23:00 and 05:00. Typically, staff would come in at 22:00 for a handover and there would be a change of shift just after 05:00. Late night staff would be going home when early commuters were starting. Staff typically found this safer to operate in this way as there would be more public transport available which would also have an environmental impact. This philosophy was applied to two other 24-hour stores that were already operated by the proposed franchisee. The proposed franchisee further noted that the store would create jobs.

Members asked about delivery drivers, and where they would park their bicycles, mopeds and so on. Currently there was a partnership with UberEATS, Just Eat and Deliveroo. All delivery persons would pick up their orders from the delivery room behind the kitchen.

Members asked where customers would park. The representative noted that they could park in local parking facilities. When pressed by Members for more detail, the representative noted the Asda car park and anywhere that people could lawfully park.

Members asked which route customers could take. If not by car, customers could arrive via public transport or by foot. When asked which routes were available to customers, the representative noted that the local area was public highway.

Members referred the application where it stated: "*This store operates a 'No Open Alcohol Containers' policy to prevent persons carrying open alcohol into the in-store area*", and asked how this would be policed. Staff would have conflict management training to deal with any difficult customers. Staff were also supported by the 'staff safe' system which meant that if staff pressed a button, a control room in Scotland would make an announcement that addressed any anti-social behaviour. The distance between the two parties here would lower the likelihood of conflict. The type of music played was also controlled whereby if classical music was playing, people were more

likely to leave than if pop music was playing. Whether free internet was switched on would also have an impact. These micro-measures all contributed to reducing the likelihood of anti-social behaviour. Ultimately, issues could be referred to the police.

Members asked if bins were provided for customers to dispose of litter. McDonald's was always happy to sponsor bins and this was about tying in with the Local Authority's waste collection. There would be litter bins on the curtilage. McDonald's also sponsored recycling. When asked if the bins were fit for purpose, the proposed franchisee noted that they were and they would separate the rubbish.

Responsible Authorities

A representation was received from the Licensing Authority. Daniel Ferrer, Licensing Team Manager, addressed the Sub-Committee on behalf of the Licensing Authority. On the Prevention of Crime and Disorder, the application was very general in relation to CCTV measures. It was important that CCTV was available to police but also the Local Authority. It was also important that there was a person who is familiar with the running of the CCTV. It was also important to formalise which types of incidents would be kept on the incident log. CCTV and incident logs were essential.

In terms of Public Safety, there were lots of routes for staff and customers to take and it was important that escape routes were unobstructed as safety was paramount.

On the Prevention of Public Nuisance, the application was quite general whereas the Licensing Authority had to be specific. There was potential for public nuisance from customers leaving the store, and while not directly opposite, a site visit had confirmed that residences, specifically Dolomite Court, were roughly 50 meters away from the site and so there was a concern about the late-night hours and potential vehicle noise and what happened in practise. Furthermore, there was little in terms of specifics on the litter patrols, and on how customers were informed of this. This licensing objective was the main concern.

On the Protection of Children from Harm, the proposed franchisee had stated that they did not foresee that being an issue but this could not be guaranteed. McDonald's would be attractive to young adults/ families living in the area.

Members asked about the distance to residences, and whether this was measured or an estimate. Officers confirmed it was an estimated 50 meters, although not directly opposite.

Interested Parties

A representation had been received from the South Ruislip Ward Councillors. Councillor Steve Tuckwell addressed the Sub-Committee.

Real concerns came from the 400-500 residents of Arla Place who had been in contact with the Ward Councillors and who vehemently oppose this application. The Ward Councillors agreed with residents in opposing the application for a 24-hour McDonald's.

On the provision of late-night refreshment, outdoor provision was noted in the application.

Furthermore, the proposed franchisee and their representative had indicated that they

wanted to be good neighbours, yet there had been no engagement with residents on their fears and anxieties regarding the application. The Ward Councillors were often dealing with cases of anti-social behaviour and just the previous evening there had been an extensive police presence in the Asda car park with over 100 vehicles appearing on site. Having a 24-hour McDonald's would only increase the risk of further anti-social behaviour.

Councillor Tuckwell made a point about how resourcing would be managed/how attrition would be managed to avoid situations around lack of staff on the night shift.

The application had been quite creative around delivery drivers, but this was a concern for residents in terms of avoiding slippage between delivery drivers and pedestrians. What guarantees were there to stop delivery drivers from not using their dedicated area. There was already a high HS2 vehicle presence in the area. There were also safety concerns around these mopeds/ bicycles around shoppers with trolleys/ pushchairs.

Ward Councillors would have liked more information on noise mitigation around the outdoor dining area. 24-hour opening would cause immense disruption to nearby residents. There would also be a risk of cutting corners, and illegal parking. There was a nearby children's playground which could be used to dump litter, which could exacerbate an existing issue. A 24-hour McDonald's would be a beacon for anti-social behaviour and car meets.

The Ward Councillors objected to the suggestion that there were no residences in the immediate vicinity, as Dolomite Court was very close. A recent street surgery led to residents compelling the Ward Councillors to oppose this application. The Safer Neighbourhood Team from the Metropolitan Police also had a street briefing the following week and the same residents compelled the police to oppose the application. There was close collaboration with the Safer Neighbourhood Team on a variety of matters, and they had had to increase their patrols of the area. Hillingdon Council had also had to install cameras at the entrance to Victoria Road and the local area.

Members asked if there had been any Members Enquiries and Councillor Tuckwell noted that there had been several on a range of issues from littering to anti-social behaviour which is the number one area of concern from residents.

It was confirmed that the outdoor dining area would be closed between 23:00 and 05:00.

It was confirmed that the Ward Councillors were representing concerns from 400-500 residents, which included children, of Arla Place and particularly Dolomite Court. The Ward Councillors had also received representations from Angus Drive and other parts of South Ruislip. The petition of over 300 residents was noted.

A representation had been received from Mr Allan Kauffman on behalf of South Ruislip Residents Association.

On the Prevention of Public Nuisance, in the opinion of South Ruislip Residents Association, while there would be an impact on Arla Place, there would also be disruption to Victoria Road. There would also be noise nuisance from vehicles entering/leaving the site. The main concern among the roughly 1,900 members of South Ruislip Residents Association was the 24-hour opening times. There had been incidents of high-speed vehicles in the car parks including Asda car park with loud

radio noise.

It was noted the Ruislip McDonald's store had security guards, which emphasised the anti-social behaviour problem, but that this would not be the case for the proposed South Ruislip store. Young people would be encouraged to congregate around a well-lit site, and this store would be an invitation for congregation. Further to this, recently, numerous nitrous oxide cannisters had been littered in the Asda car park, and there had been many reports of anti-social behaviour in the car park.

There was no evidence to suggest the need for a 24-hours store. It was clarified that 'need' was not a licensing consideration, and it was re-emphasised that each application had to be considered on its own merit.

A representation had been received from Mrs Lynne Kauffman on behalf of St Mary's Church PCC.

Recent personal experiences of McDonald's had not been positive. Reference was made to the ability for staff to use a tannoy to deter anti-social behaviour. Personal experience of this in another McDonald's store demonstrated that this method did not work.

It was suggested that sometimes franchisees may not stick to rules.

It was mentioned that litter picking would not happen overnight due to safety concerns for staff, which implied it may not be safe for residents.

A representation was received from Ms Priya Bhojani, presented by Mr Bhumit Chandi.

Anti-social behaviour was already happening in the area and there were also concerns about delivery drivers illegally parking on pedestrianised zones and loading bays. While a planned route for delivery drivers was noted, the reality was most important.

At this point, a short break was taken. On the resumption of the meeting, it was highlighted by the Legal Officer that it was suggested by the applicant's representative that during the recess, a Sub-Committee Member had had a brief discussion with a Councillor who had submitted a representation. It was confirmed that the Sub-Committee Member had had a brief conversation, not related to the application, with another Councillor who was sat in the audience, not a Councillor who had submitted a representation.

Discussion

Members asked the Licensing Officer about opening times of nearby premises. Asda's current opening hours, confirmed by a site visit, were Monday to Saturday 07:00-23:00 and Sunday 11:00-17:00. Nando's current opening hours, again confirmed by a site visit, were Monday to Sunday 11:30-22:00. Cineworld's opening hours were more unusual in that they depended on the films shown and their running times. It was indicated that for the week of 07-13 July the opening time was 09:30. It was noted that Cineworld did hold a licence for the provision of late-night refreshment between 23:00-05:00 every day.

It was noted that the applicant had received a copy of each representation via their solicitor. The applicant also received a copy of the petition. Members asked the proposed franchisee how they dealt with these. The applicant's representative noted

that the representations were read and considered and if there was any merit in engaging with the residents then that would be done. As there had been no engagement with residents, Members asked if the applicant felt there was no merit in the representations. The applicant's representative noted that it was easier for them to address the Sub-Committee rather than meet with residents directly. The representative noted that while large in number, the representations were focused in nature and so the most appropriate response would be to the Sub-Committee directly.

The representative noted that fears and anxieties of residents were not relevant considerations. Well-being and quality of life were not the correct legal test. Planning permission had determined that these types of stores without restrictions were suitable for this area in terms of the regular operation of McDonald's. Stock deliveries and waste collections would happen during normal hours. Collections for delivery would take place from their own dedicated area and so the potential for disturbances was limited by the operating schedule. Traffic on the public realm is not a licensable activity. The Local Authority had decided that this area should have the benefit of an open 24/7 free parking facility. The representative noted that McDonald's could include the nearby playground in their litter picks. The 2014 planning permission wanted five restaurants operating without restriction and 24-hour parking.

On the Prevention of Public Nuisance, part of Hillingdon's Licensing Policy was referenced: *"When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objectives".* The representative noted that this policy goes on to state *"They should then include in the operating schedule how they will deal with those matters."* Members noted that it was for the applicant to identify potential issues. There were genuine concerns from neighbours close-by. There were points of access for people walking across the residential area and by driving on Victoria Road, so there was a question of how this would be managed. The applicant's representative referred to the section 182 guidance chapter 14 and noted that, in terms of noise nuisance, licensable activity would take place between 23:00-05:00 so deliveries of stock was not a relevant consideration; waste collection was not a relevant consideration; the role of delivery drivers was a relevant consideration.

Members further asked how customers arriving at and leaving the store would be managed, with reference to the proposed franchisee's other stores. The applicant's representative implied that this question was 'irrelevant, wrong and misinformed' and that how people go and leave a licensed premises was out of McDonald's control.

Members asked, if there was a noise complaint from neighbours during 23:00-05:00, how this would be dealt with. The representative noted that the McDonald's site comprised the premises and area in the direct vicinity. The outdoor retail area would be closed from 23:00. It could not be controlled whether people ate at home or further down the street. The McDonald's site did not include any of the publicly available car parking. At this point it was reiterated that the question was about neighbour complaints and how these would be dealt with. The representative noted that many McDonald's stores had a dedicated email or telephone number that residents could use, and these complaints would be investigated, however the section 182 guidance made a distinction between relevant representations that were associated with the premises and those that are associated with the conduct of people away from the premises and McDonald's could not be expected to deal with the conduct of people away from the premises. McDonald's could not be expected to manage the Asda car park. It was suggested that concerns about music playing from cars in Asda car park late at night were not a genuine concern because it was outside of McDonald's control.

The proposed franchisee noted that it would be in their interest to meet local residents and understand their concerns and to work with them as the local area was a place to live for potential customers.

With reference to the four litter picks per day, Members asked how much litter would be generated. It was noted that four per day was the minimum and this would be kept under review. It was noted that McDonald's would not just pick up their own litter, but any litter found in the vicinity, and this would include the nearby playground. Any other hotspots that may become apparent could be added to the litter picks, although there would have to be safety considerations, such as not crossing a central reservation. Litter plans were undertaken in consultation with the local community.

Any incidents would be logged in the incident log so they could be reviewed. Incident logs would be reviewed by the franchisee normally weekly or monthly with the area manager and signed off. Members noted that this was quite broad and when asked further, it was noted that whether it was weekly or monthly would depend on whether or not there were any specific issues. The number of incidents could lead to increased frequency of reviews.

Members asked the Licensing Officer if there had been any Members Enquiries around the immediate area. The applicant's representative suggested that this was not related to the relevant representations. The Licensing Officer noted that they had made inquiries with the residents' services members enquiries team who had done various searches and reported that there were no Members Enquiries for the location.

Members asked about the nearby petrol station and its hours of operation.

In relation to the outside dining area, Members asked how any tables/chairs would be cleared away and where they would be stored.

The Licensing Authority's representation suggested relevant conditions in relation to the Prevention of Crime and Disorder and Public Safety:

Number 1: "*The premises shall install and maintain a comprehensive CCTV system. The CCTV shall continually record whilst the premises is open for licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon request of Police or authorised officer throughout the entire 31-day period.*" This was accepted by the applicant.

Number 2: "*A staff member from the premises who is conversant with the operation of the CCTV system shall be available during licensable hours. This staff member must be able to provide the Police or authorised Council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*" This was accepted by the applicant.

Number 3: "*An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following: (a) all crimes reported to the venue (b) any complaints received concerning crime and disorder (c) any incidents of disorder (d) any faults in the CCTV system, (e) any visit by a relevant authority or emergency service.*" This would be a new condition. This was accepted by the applicant.

Number 4: "*The means of escape provided for the premises shall be maintained*

unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided". It appeared that this was covered by the regulatory reform fire safety order. The applicant's view on whether that would be a necessary condition to add were sought. The applicant's representative noted that it was not as this was complied with anyway, however Members could add this condition if they deemed it necessary.

Councillor Tuckwell acknowledged that a question on types of litter being collected had been answered previously. Councillor Tuckwell also asked about the Members Enquiries. There had been a discrepancy between the responses to a question on the number of Members Enquiries on the site, and it was acknowledged that this may have been due to differences in search terms on the database of Members Enquiries, for example "Arla Place" and "4 Old Dairy Lane".

The Licensing Officer clarified that pages 205-216 were an incident log which formed part of one of the Interested Party's representations. It was a log of anti-social behaviour, relating to the area of the Old Dairy, and the car park, partially relating to noise from car engines. On this point, Councillor Tuckwell added that they had attended a Ward Panel meeting with the Metropolitan Police Safer Neighbourhood team a couple of weeks previously where they presented crime statistics for South Ruislip Ward. A hot spot for anti-social behaviour, car crime, and theft was centred around the car parks that surrounded Arla place and the walkway in Arla place itself.

Closing Remarks

Councillor Tuckwell made a brief closing remark.

Approval of this application would be in conflict with the Council's primary objective which was to put residents first.

The applicant's representative made a brief closing remark.

Consideration had to be given to responsibility when individuals/ potential customers were away from the site. There was a difference between relevant and irrelevant representations. The playground was relevant; public parking was irrelevant. This application formed part of a holistic approach, and the Council wanted a car park open 24/7. The operating schedule had not been criticised and while some conditions had already been agreed, the application should be granted. The proposed franchisee added that they were committed to the restaurant and committed to long-term success of working collaboratively with local residents.

The Sub-Committee then adjourned the hearing and moved into private deliberations.

The Decision

In making our decision, we have taken into account:

- the agenda and reports pack
- evidence presented and submissions made by the parties at the hearing
- the Council's statement of licensing policy and statutory guidance issued by the Home Office

Our decision is to **refuse** the application. The reasons for our decision are set out below.

The Premises is a fast-food restaurant selling hot food and non-alcoholic drink for consumption on and off the premises. It is located in a mixed-use development – the Old Dairy – which includes a cinema and supermarket (both of which hold premises licences), various restaurants and other leisure businesses (one of which, Nando's, is licensed) and around 150 flats. The Old Dairy also adjoins a retail park, which includes two licensed premises (Aldi and B&M Home Stores).

The application seeks authorisation for the following licensable activities:

Licensable activity	Hours
Late night refreshment	2300-0500 (Mon-Sun)
Opening hours	0500-0500 (Mon-Sun)

The Licensing Authority submitted a relevant representation objecting to the application based on all four licensing objectives. 55 other persons submitted relevant representations, all but one of which objected to the application. This included the three ward councillors who objected on all four licensing objectives.

The Applicant explained that the Premises had not yet begun trading. The planning permission for the Old Dairy redevelopment had been intended to ensure a mixed residential and leisure offering in this area and had not restricted the hours of the commercial units. They wanted to be a part of the community because their business depends on good relations with their neighbours, including the Council and police. They gave examples of various initiatives of community engagement which other of their restaurants engage in. This included a 'Love Where You Live' campaign, which focuses on litter picking. They described the operating schedule set out in the application form as "comprehensive" and the following points were explained by the Applicant:

- Crime and disorder. CCTV would be comprehensive, covering internal and external areas. A Staff system would be available to provide an additional level of control over the behaviour of customers in the Premises. The Premises was only responsible for the behaviour of customers within its immediate vicinity; anything beyond that area was a matter of personal responsibility.
- Public nuisance. The outdoor dining area of the Premises would not be used during licensable hours and this area can be physically closed off when not in use. A condition to this effect would be accepted. There were no residential properties opposite the Premises and it was unlikely that residents of Arla Place would be affected by the Premises. The Premises had been designed with deliveries in mind. Delivery drivers would park in a dedicated loading bay towards the rear of the Premises and would then pick up orders in a dedicated delivery room away from the main customer area. Deliveries are a significant part of the business and help to reduce public nuisance by reducing footfall and litter. The Premises was well lit and covered by CCTV which would help to deter anti-social behaviour. There would be a minimum of four litter picks per day, usually starting at sunrise and finishing at sunset. Having heard some of the representations made, this could include the children's playground. There would not be overnight litter picks to protect the safety of members of staff and because of restrictions in their insurance policy. Waste and delivery collections were regulated by the planning permission and restricted to between 6am and 8pm each day.
- Public safety. Staff had been trained on conflict management and there was a specific policy to prevent open alcohol containers from being brought into the Premises.

- Protection of children from harm. All staff will be trained on safeguarding and lone children, although it was not expected that children would be present during licensable hours.

The Applicant submitted that this would be a well-run business which would contribute positively to the licensing objectives. They noted that neither the Police nor Environmental Health had submitted representations. They also confirmed that they would be willing to agree to proposed conditions 1-3 as set out in the Licensing Authority's representation. They emphasised that the planning permission for a mixed-use development without restriction on hours of operation was the Council's planning vision for the area. They also argued that behaviour of customers (such as how they park their cars in the Asda car park, or the mode of transport used to get to the Premises) was not within their control and was not relevant to this application.

The Licensing Authority welcomed the Applicant's agreement to their proposed conditions 1-3 but maintained that condition 4 (public safety) was also sought. Public nuisance was their main concern. Arla Close was not directly opposite but the nearest residential properties were less than 50m away (although it was confirmed this was an estimate rather than an objective measurement), with Dolomite Close being the nearest block. They acknowledged the importance of personal responsibility, and the plan for managing deliveries, but maintained that there was a real potential for public nuisance nonetheless, particularly with people and vehicles coming and going to and from the Premises. They commented that the application form was very general and it was necessary to assess this proposal in this location on its own merits. More information was needed on how dispersal of customers would be managed. Although it was unlikely that children would be on the Premises during licensable hours, this could not be guaranteed because there were children and young families living nearby. Again, more information was needed on how children would be protected.

We also heard from four Other Persons who had submitted representations. Cllr Tuckwell stated that he was speaking as a ward councillor on behalf of approximately 400-500 residents of Arla Place and other residents from nearby areas who vehemently opposed the application. There had been no engagement with residents prior to the application. He described a major police incident at the Asda car park only the night before the hearing, which was an indication of the real difficulties with anti-social behaviour experienced in this location. Deliveries were a major area of concern and, notwithstanding the arrangements proposed, there could in practice be slippage into Arla Place which would cause major disturbance to residents. There was a children's playground which already experienced litter bins being abused and, given that no overnight litter picking was proposed, this could impact on children using the playground first thing in the morning. Similar points were made by Mr and Mrs Kauffman and Mr Chandni.

Having taken into account all of the evidence and submissions made, the decision of the Sub-Committee is to refuse the application.

We consider that the Old Dairy area already suffers with existing problems of anti-social behaviour. We saw evidence that the Asda car park (which neighbours the Premises and is part of the Old Dairy development) is a particular focus for anti-social behaviour and Cllr Tuckwell gave evidence that only last night there was a significant incident in the car park requiring a large police presence. There are no other comparable licensed premises either in the Old Dairy development or nearby which are open for licensable activities throughout the night. There is a 24-hour petrol station in the development, but this is not licensed and is a very different kind of business. We were

also told that, as things stand today, Asda closes at 2300 Mon-Sat and 1700 on Sundays. Nando's also closes at 2300. Cineworld's closing times vary but it seems unlikely that they would remain open much later than 2300. Therefore we are concerned that, as the only venue open until 5am, there is a high risk that the Premises would act as a magnet for people who would not otherwise be drawn to the area. This could make worse existing problems of anti-social behaviour.

We do not accept that there are no residential properties opposite the Premises, as the Applicant contended. We are familiar with the layout of the development and agree with the Licensing Authority that the nearest homes are around 50m away from the Premises. Anyone driving to the Premises and parking in the Asda car park would pass very close to those homes. Although we are aware that planning permission was granted for a mixed-use development, including commercial and leisure uses, we consider that the area around Arla Place remains relatively quiet at night. Therefore we agree with the Licensing Authority that there is real potential for noise disturbance to residents of Arla Place from customers coming and going to and from the Premises late at night. In particular, we did not consider that the Applicant had a clear plan for dispersing customers leaving the Premises. We were told that members of staff were not instructed to go beyond the Premises' boundary to deal with incidents or to carry out litter picking due to safety concerns. There was no suggestion that door supervision would be deployed. Although we note that the outdoor dining area will be closed off, we consider there remains a risk that customers would linger outside the Premises, causing noise disturbance which would carry to the nearest properties. If dispersal is not being actively managed, they may then leave through the residential areas, causing disturbance as they go.

We agree with the Applicant's point that, beyond the immediate vicinity of the Premises, customers' behaviour is a matter of personal responsibility. However, this does not answer our concern that the Premises would draw people into the area at a sensitive time of night who would not otherwise be there. In any case, the "immediate vicinity", of course, is a matter of judgment for us. We also note that, for litter picking purposes, they were prepared to accept a fairly wide zone of responsibility – potentially extending as far as the playground. The Applicant had not carried out any consultation with local residents which, along with the way in which this issue was addressed by the Applicant during the hearing, struck us as dismissive of this important area of concern. We note the proposals to manage deliveries and that delivery drivers (including mopeds) would be routed to the rear of the Premises to a dedicated collection area. However, we also note the Licensing Authority's concern that these measures may not be watertight and that, in practice, drivers could congregate in and around the residential area, causing disturbance. It was not clear to us what the Applicant could or would do about that.

We bear in mind that planning permission has been granted for the Premises and the wider development. However, as the Chair pointed out, planning is a separate regime – and this sub-committee is under a clear duty to consider this application in light of the licensing objectives.

We also note that neither the Police nor Environmental Health objected to the application. However, the Licensing Authority did object and maintained their objection based on the public nuisance licensing objective, despite the Applicant's agreement to their proposed conditions 1-3.

We also considered whether granting the application subject to conditions would address our concerns. However, our objection to this application is fundamentally

about hours of trading which is not something that could be addressed by conditions. The Applicant did not propose, as an alternative, reducing licensable hours and explained the commercial reasons for seeking the hours in the application.

Licensing is prospective, in that we are concerned about the risks to the licensing objectives if the licence is granted. We are aware of the right of review, in case problems do materialise. However, we have decided that there is an unacceptable risk that the licensing objective of preventing public nuisance would be undermined if we were to grant this application. For the reasons set out above, we consider it is appropriate to refuse the application.

Right of Appeal

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 10.00 am, closed at 2.15 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell at democratic@hillingdon.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.

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Minutes

LICENSING SUB-COMMITTEE

15 November 2023



HILLINGDON
LONDON

Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge UB8 1UW

	<p>Committee Members Present: Councillors Roy Chamdal Darran Davies Barry Nelson-West</p> <p>LBH Officers Present: Jhini Mukherjee, Licensing Officer Chantelle McLeod, Legal Officer Liz Penny, Democratic Services Officer</p> <p>Also Present: Ms Rachel Huynh, Applicant Mr Graham Hopkins, Applicant's Representative Ms Linda Potter, Applicant's Representative Mr Jon Harris, Interested Party</p>
16.	<p>APOLOGIES FOR ABSENCE <i>(Agenda Item 1)</i></p> <p>There were no apologies for absence.</p>
17.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 2)</i></p> <p>There were no declarations of interest.</p>
18.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE <i>(Agenda Item 3)</i></p> <p>It was confirmed that all items of business were in Part I and would be considered in public.</p>
19.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT <i>(Agenda Item 4)</i></p> <p>None.</p>
20.	<p>APPLICATION FOR A NEW PREMISES LICENCE - THE FARM RESTAURANT & BAR, 55 GREEN LANE, NORTHWOOD, HA6 3AE <i>(Agenda Item 5)</i></p> <p>Introduction</p> <p>Jhini Mukherjee, Licensing Officer, introduced the application for the grant of a new premises licence: The Farm Restaurant & Bar, 55 Green Lane, Northwood, HA6 3AE. The information in the addendum was also highlighted. The application was for the</p>

authorisation of the sale of alcohol for consumption on the premises Monday to Sunday from 11:30 to 23:00 hours. The proposed opening hours were Monday to Sunday from 08:00 to 23:30 hours. The Sub-Committee was provided with an overview of the application and was informed that one objection had been received from a local resident. A mediation meeting had been held on 1 November 2023, but no agreement had been reached. The Sub-Committee was invited to determine the application.

In response to questions from the Sub-Committee, it was confirmed that no Members' Enquiries or representations from responsible authorities had been received in relation to the application. The image on page 72 of the agenda pack showed the blue notice which had been displayed at the premises on the day the application had been received. The application had also been published in the newspaper within 10 working days of the submission of the application.

The Applicant

Mr Graham Hopkins of GT Licensing Consultants, the applicant's representative, presented the application to the Sub-Committee, noting that the applicant, Ms Rachel Huynh, had relevant experience having previously worked in the restaurant industry as an Assistant Manager. Ms Huynh had also undertaken other management roles in the education sector.

The proposal was for a food-led high-end restaurant and bar on the former Barclays Bank site in Northwood. The ground floor would have capacity for 50 seated covers plus five or six at the bar. The first floor would be brought into use at busy periods and would have capacity for a further 54 covers. It would also be used for events such as birthday parties. There would be no vertical drinking and alcohol would only be consumed on the premises; however, the option to serve alcohol without a meal was requested. There would be no off-sales.

The application proposed that last orders would be at 22:30 with alcohol being served until 23:00. The premises would close at 23:30 hours. There would be a staggered leaving policy to minimise noise and disturbance to neighbours and a dedicated area in the restaurant for those awaiting a taxi. A maximum of ten smokers would be allowed at the front of the restaurant - ashtrays would be provided and emptied regularly. A member of staff stationed at the door from 23:00 hours would ensure customers left quietly.

CCTV would be in place as would a Challenge 25 Policy (rather than the Challenge 21 Policy offered in the original application). External lighting would be in place for safety reasons but would not interfere with neighbours. Background music would be played but there would be no live or recorded entertainment at the premises. No children under the age of 16 would be admitted unless accompanied by an adult. A condition restricting the consumption of alcohol to over 18s was offered.

With regards to noise, the applicant's representative confirmed that the system would comply with the expectations of the Council. Research had indicated that the majority of the noise in the area emanated from the railway station.

It was noted that no representations had been forthcoming from responsible authorities or from the Council's Environmental Health/Noise Teams.

In response to questions from the Sub-Committee, it was confirmed that Challenge 25 would be in place, music played in the restaurant would be background music only, the

total capacity of the restaurant would be 110, no glass bottles would be allowed to leave the restaurant, no one under the age of 18 would be allowed to consume alcohol on the premises, patrons awaiting taxis could wait inside within permitted opening hours and the proposed delivery times/hours of disposal of glass bottles were from 08:00–19:00 hours.

Members sought further clarification regarding the proposed external lighting. The applicant confirmed that she was working with the Council to ensure the lighting was acceptable and did not inconvenience neighbours. In response to further questions from Members, the applicant agreed to provide a contact number to local residents. Whilst acknowledging that she had no direct experience of running an establishment like this, Ms Huynh advised the Sub-Committee that she had worked in restaurant management, in a restaurant kitchen and as a teacher and Deputy Head Teacher hence could offer a vast amount of hospitality and management experience. She had held her personal licence for approximately three or four months.

It was confirmed that no SIA staff would be employed at the premises, but a member of the team would be stationed at the door from 23:00 hours. At other times, the bartender situated close to the exit would ensure no customers were allowed to take glasses outside. No home deliveries were currently proposed but this could be an option in the future.

Interested Parties

A representation had been received from Mr Jon Harris, a local resident who had lived in Green Lane for over 20 years. Mr Harris was in attendance and addressed the Sub-Committee. He confirmed that he was a strong supporter of local business in Northwood and welcomed the fact that the Barclays Bank site was being brought back into use. His only concerns were in relation to noise.

Mr Harris noted that the centre of Northwood was a very residential area with hundreds of people living there and two or three storeys of residential accommodation above most of the shops. Mr Harris' direct neighbours included elderly people, families with young children and people of working age. Noise had become more of an issue over the years and was now problematic in Green Lane, both during the day and at night-time, with alarms going off, heavy traffic, emergency vehicles, joy riders and occasional arguments in the street or road rage. Some of the noise also emanated from the restaurants, particularly when groups of customers gathered outside on departure – this was the case despite the use of staggered exits. Noise on departure from restaurants was even more problematic in the summer and on warm nights when residents needed to keep their windows open. Early and late deliveries also contributed to noise levels, as did food cages and bottle collections which were often carried out during the night.

Mr Harris stated that he was grateful for the mediation offered and for the information in the addendum. He welcomed the fact that the applicant had offered deliveries between 08:00 and 19:00 hours only. However, he expressed his concern regarding the late opening hours – a 23:30 hour closing time was not family-friendly to those living nearby. Mr Harris noted that the nearby Lomito restaurant, which had been operating well for over ten years, closed at 22:00 hours on Mondays to Thursdays, at 22:30 hours on Fridays and Saturdays and at 21:00 hours on Sundays. It was suggested that, if the Farm Restaurant & Bar were to close an hour earlier than proposed, this would still make for a workable business model. Mr Harris drew attention to the cumulative impact of the increased restaurant opening hours given that the premises had previously only

been open during banking hours. If the application were approved, Mr Harris requested the following:

1. that the restaurant close at 22:30 hours with alcohol being served until 22:00 hours;
2. that deliveries be restricted to the hours of 08:00 to 19:00/20:00 only;
3. that bottle collections be restricted to the hours of 09:00 – 18:00 only;
4. that alcohol be served exclusively with food;
5. that patrons only consume alcohol within the premises;
6. that there be no seating for dining on the street; and
7. that no home delivery service be permitted.

Discussion

Members noted that Hillingdon did not have a cumulative impact policy in place. It was also noted that no representations had been received in respect of the application from the Police or other responsible authorities.

In response to Members' requests for clarification, the applicant and her representative confirmed that a trained member of staff would be stationed at the restaurant door between the hours of 23:00 and 23:45 to ensure that patrons dispersed quietly and did not remove bottles, glasses or drinks from the premises. It was agreed that no under 18s would be allowed to buy or consume alcohol on the premises. Bottle collections and deliveries would only take place between 08:00 and 19:00.

Given that the applicant had indicated that she may consider food takeaways and home deliveries in the future, Members enquired how this would be managed. The applicant confirmed that she would liaise with the Licensing Authority to ensure this process was managed correctly.

In response to further questions from the Sub-Committee, the applicant confirmed that double doors would be in place to the front of the premises with a single fire exit door to the rear. A refusal and incident log would be kept, and external lighting would be directional in accordance with the Hillingdon Plan. There were no plans in place for a lighting timer at present. Equipment would be turned off once the last food orders had been taken to minimise noise disturbance to neighbours.

Councillors enquired whether there would be sufficient time for food to be cooked and consumed by closing time given that food orders would be taken until 22:30. It was confirmed that food would be prepared and served within 15 – 20 minutes of ordering therefore this would not be an issue.

When asked by Members whether he had contacted the Council or local Councillors to raise his concerns regarding noise issues in Green Lane. Mr Harris stated that he had tried to contact the Council 3 or 4 weeks previously to report a building alarm which was continuously going off. He had not been able to make contact with the Council hence he had been unable to report the matter. Mr Harris informed that Sub-Committee that, whilst residing in Green Lane, he had called the noise team to report issues approximately 5 times. This was a last resort as he preferred to attempt to resolve the matter directly with the local business owners.

In response to Members' questions regarding CCTV, the applicant affirmed that cameras would be checked at least once a month. They ran on a 31-day period and would be checked on day 29 or 30. The cameras would have a direct feed to the

Manager's and Assistant Manager's phones and a service agreement would be in place. Members heard that the Assistant Manager had more than 20 years' experience in the industry. If the CCTV cameras were not working, the service provider or maintenance provider would be contacted to resolve the issue.

The Sub-Committee enquired how staggered leaving times would be managed. The applicant observed that customers would be ordering at different times. A two-hour dining window could also be offered during busy periods.

In response to further questions, it was confirmed that the ground floor of the premises would be operational most of the time whilst the first floor would be used predominantly for pre-booked birthday parties and private events. It was anticipated that the first-floor seating area would not be at full capacity during the week.

Closing Remarks

The interested party, Mr Jon Harris, thanked Members for the opportunity to address the Sub-Committee. Mr Harris expressed concern regarding the proposed number of covers, observing that, if the business were successful, the applicant would want to utilise the first floor especially on Fridays and Saturdays. Mr Harris also raised concerns regarding home deliveries and taxis, noting that parking was problematic in the area and there were no parking spaces directly outside the restaurant. Taxis and delivery bikes would add to noise in the area. Members' attention was drawn to the cumulative impact of noise over the last few years which was extremely disruptive to residents. Furthermore, whilst acknowledging that it was not a legal requirement for the local authority to do so, Mr Harris felt neighbours and the local Residents' Association should have been informed of the application. Residents felt disenfranchised as they would not have been aware of the proposal had they not seen the notice in the window of the premises.

Jhini Mukherjee, Licensing Officer, advised Mr Harris that, on this occasion, the local Residents' Association was fully aware of the application.

In his closing remarks, the applicant's representative, Mr Hopkins, observed that steps had been taken to address noise concerns - music at the premises would be background music only and double doors would be in place. Noise in the area could be largely attributed to the nearby train station. It was noted that the Council's Noise Team had raised no concerns in respect of the application. Moreover, Members were reminded that Hillingdon had no cumulative impact policy in place. With regards to notification of the application, it was confirmed that the appropriate steps had been taken - only the blue notice and newspaper article were required in legislation. Mr Hopkins noted that opening and closing times and the removal of food from a premises before 23:00 were not licensable.

The Sub-Committee adjourned the hearing and moved into private deliberations.

The Decision

The Sub-Committee listened to all representations made both oral and written. In addition, the Sub-Committee welcomed the conditions offered and agreed by the Applicant and their willingness to commit to the licensing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- Licensing Objectives, Licensing Act 2003
- Hillingdon's Licensing Policy
- Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003

The decision of the Sub-Committee is to **GRANT** the application for the supply of alcohol for consumption on the premises from Monday to Sunday between 1130 hours and 2300 hours. The operating hours of the business shall be between 0800 hours and 2330 hours. The new premises licence will be subject to conditions as set out within their operating schedule and the additional conditions which is set out below.

Conditions

Prevention of Crime & Disorder

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The sales and till areas plus the exterior of the premises will also be covered. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

2. The CCTV system shall be serviced on a yearly basis.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be available during licensable hours. This staff member must be able to provide the Police or authorised Council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.

4. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following:

- a) all crimes reported to the venue
- b) any complaints received concerning crime and disorder
- c) any incidents of disorder
- d) any refusal of the sale of alcohol
- e) any faults in the CCTV system
- f) any visit by a relevant authority or emergency service.

OFFICIAL-SENSITIVE

5. Staff shall be trained in relation to the Licensing Act 2003 including but not limited to the licensing objectives, the prevention of underage sales, Challenge 25 age verification procedures, sales to persons who are already intoxicated, welfare and vulnerability training. Staff training records shall be made available for inspection upon request by Police and authorised officers.

6. Customers shall not be permitted to take open containers of alcohol from the premises.

7. In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per Home Office Guidance standards.

8. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

9. A member staff stationed at the exit between the hours 2300-2345 to ensure quiet dispersal patrons.

Public Safety

10. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.

11. The means of escape provided for the premises shall be maintained, unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

Prevention of Public Nuisance

8. There shall be no incoming deliveries or disposal of waste between 1800 hours and 0900 hours.

9. Signage shall be displayed in a prominent position at the exit requesting that patrons respect the needs of local residents and businesses and leave quietly.

10. Smoking shall take place in a designated area at the front of the premises. There shall be no more than 10 persons smoking at any one time outside the business premises. Staff shall monitor the number of customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance. Drinks or glass containers are not to be taken outside into the smoking area.

11. A contact number for the premises shall be made available to Responsible Authorities, any other authorised officer of the Council or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

The Protection of Children from Harm

12. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol or age restricted items. Signs to this effect will be displayed at the premises. Challenge 25 posters will be displayed where alcohol is sold.

Reasons

Having considered all the information put before it, the Sub-Committee were satisfied that the Applicant would comply with the licensing objectives. The Sub-Committee determined that the conditions proposed by Applicant within their application were to be added to the licence along with conditions agreed during the Sub-Committee hearing.

Apart from the one objection, the Sub-Committee note that there have been no further objections particularly from other residents, Responsible Authorities nor members' enquiries logged by councillors in respect of this application.

Whilst the committee are sympathetic to the issues raised by the interested party particularly in relation to the terminal hours of the premises and the issues of noise nuisance, the committee have considered this application on its own merit and have determined that the operating hours were not unreasonable. In addition, restricting terminal hours is not within the remit of the decision given that there is no cumulative impact policy in operation within the Borough.

Right of Appeal

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives.

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm, closed at 3.15 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - democratic@hillingdon.gov.uk on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.