

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noted that the Licensing Authority had initially submitted a representation which was withdrawn following the applicant's agreement to additional conditions.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.

