

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.