

Minutes

LICENSING SUB COMMITTEE

2 April 2015

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman), Lynne Allen and Judy Kelly</p> <p>Also Present: Mr Lemming (Applicant) Karen Cochrane (Applicants Legal Advisor)</p> <p>LBH Officers Present: Ian Meens, Licensing Officer, Beejal Soni, Legal Advisor, John Abiona, Environmental Protection Unit Officer and Danielle Watson, Democratic Services Officer.</p>
22.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
23.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
24.	<p>MINUTES OF THE MEETINGS HELD ON 4 DECEMBER, 5 DECEMBER, 22 DECEMBER AND 3 MARCH 2015 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meetings held on 4 December 2014, 5 December 2014, 22 December 2014 and 3 March 2015 were agreed as a correct record.</p>
25.	<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 items marked Part 1 would be heard in public.</p>
26.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>)</p> <p>Two supplementary agendas had been issued which contained information that was relevant to the application for a variation of Premises Licence for the Horse and Barge, Moorhall Road.</p>
27.	<p>APPLICATION FOR A VARIATION OF PREMISES LICENCE - HORSE AND BARGE, MOORHALL ROAD, HAREFIELD (<i>Agenda Item 6</i>)</p> <p>The Licensing Officer, Ian Meens, introduced the report informing the Sub-Committee that the application was for a Variation of Premises licence in respect of the 'Horse & Barge', Moorhall Road, Harefield and the representations against the application</p>

received from a responsible authority and interested parties.

An application to vary the premises licence for the 'Horse & Barge, Moorhall Road, Harefield' was submitted to the Licensing Authority on 6 February 2015 by 'Star Pubs and Bars Ltd' as the current premises licence holder. The variation application requested to remove the condition requiring the garden to be cleared of all patrons by 22.00 hours to enable those customers choosing to smoke to be permitted to do so within an area controlled by management of the premises rather than on the public highway.

Mr Meens clarified that the application was in 3 parts. The first sought to licence the outdoor garden/patio area for licensable activity. If agreed, the plan for the premises would need to be amended to reflect that licensable activity could take place in the outdoor garden/patio area. The licence holder also sought to remove a condition that the garden/patio area must be cleared of patrons by 2200h. Mr Meens produced an enlarged map of the premises so that the Sub-Committee and parties to the hearing could clearly identify the areas affected by the application.

The legal advisor explained that anyone attending the premises could buy from the main building before 2200 hours. If the conditions were to remain on sales, patrons would have to drink inside after 2200. The only area licensed was the pub and outbuilding, not the garden.

Representation made by the Applicant

The applicant's legal representative, Mrs Cochrane, informed the Committee of the applicant's intentions behind the application to vary the premises licence. The applicant understood that there had been serious issues associated with the premises in the past. The Committee was informed the new applicant planned to run a family orientated food led pub. The venue could be a thriving business and asset to the local area.

Objections received were made prior to the 2013 hearing in which representations were made by local residents concerning activity from the previous licence holder. The new licence holder should be given a chance. Mrs Cochrane highlighted that the Council did have the power to review the premises if there was any issue. The activity of the premises in the past sounded like a nightclub which was not proposed by the new licence holder. The only music proposed for the premises was background music.

The applicant had consulted local residents and had joined the local resident association/committee. There was no evidence that there would be any noise related issues. Mrs Cochrane was clear that her client was capable of running premises and had been in the trade since 1989. Additionally the applicant had received references from Warwickshire Police giving a good character reference, which was unusual. The Police had highlighted that a clean drug swab test was conducted in a Banbury pub which was also run by the applicant. A clean swipe was quite rare which showed that the premises were well managed. Mrs Cochrane highlighted that the applicant was only asking for one condition to be removed. The proposed outside bar would be an integral part of the business.

There were various measures which the applicant was going to implement to address residents concerns which included the following:

- A noise limited system indoors.

- An acoustic fence to limit noise.
- Outside areas would be closely monitored by CCTV.
- Lighting on the path and ornate lanterns.
- There would be 2 staff in the bar area and 2 in the bar.
- There was a distance of 25 metres between the internal and outside bar.

The applicant's legal representative stated that the garden area was a more suitable area for smokers than the public highway. It was requested that the Licensing Sub-Committee support a responsible retailer.

Representations from the Responsible Authorities

The Environment Protection Officer, John Abiona, informed the Sub-Committee that his concerns were around the prevention of public nuisance. Mr Abiona had been shown around the premises by the applicant's brother. Mr Abiona informed the Sub-Committee that Hillingdon Council had concerns. The only memory residents had of the premises had been a negative one. It was suggested that removing condition to prohibit drinking outside after 2200 would cause further problems. Mr Abiona suggested that the applicant give it a couple months to see how residents feel about the operation of the premises. The summary of previous investigations carried out indicated that 6 offences had taken place after 2200 hours. The pub had not been trading since July 2013.

Interested Parties

Interested parties objecting to the proposals made the following points:

- The previous management was terrible.
- Concerns related to music and the sounds that travelled.
- Residents lived in close proximity of the premises.
- The acoustical fence seemed like a normal fence.
- Use of the garden was a concern.
- Use of the whole garden to smoke was excessive.
- All the previous issues were associated with Star Bars.
- There were concerns about external lighting being intrusive.
- 2200 hours was more than enough time.
- Introduction of another bar would create more noise and activity outside when there should not be any.
- The premises were located within a Conservation Area within the Green Belt.
- Removing the condition would detract away from what the Committee had implemented before as a result of residents concerns previously.
- One resident was volunteer warden for the Wildlife Trust.
- There would be environmental issues.
- Owls and other birdlife would be disturbed.
- There should be no lighting.
- Questioned the applicant being on the resident committee.
- Questioned how the applicant would manage the premises when he has others to run.
- Noise travelled along the canal.
- Residents were not confident.
- Had spoken with previous bouncers who were abrupt.
- The pub was very family orientated years ago.

- Boaters use to love the pub and would often stop.
- There had been drugs and rubbish associated with the previous licensee.
- Residents were very wary of the project and suggested it needed to be in tune with the residents.

Discussion

The Chairman was aware that historically live music had been allowed at the Horse and Barge, although this application was not requesting live music. Members of the Sub-Committee were informed that lighting was not a licensing matter and that any application for external lighting would be a planning matter. The Chairman highlighted that the name of the pub was not for the Sub-Committee to decide.

The applicant informed the Sub-Committee that he planned to live on site for at least the first year along with two other managers. The applicant had total confidence in the ability of his staff. The applicant wanted the business to develop and would commit his time to do so.

The Chairman queried why the application was made in the name of 'Star Bars'. The applicant's legal representative highlighted that whilst 'Star Bars' were the licence holder they would be leasing the pub to Mr Lemming.

The Chairman queried the number of SIA's (door staff) that would be on the premises during peak times. The applicant informed the Sub-Committee that there would be a minimum of 4 door staff during busy periods, 2 in the front of the premise and 2 in the back, with one wandering.

Mr Abiona questioned the full capacity number after 2200 hours. Mr Lemming informed the Committee that there would be no more than a few 100 people. Mr Lemming suggested that he would be able to gauge numbers once the business was in full operation. Mr Lemming highlighted that he would be able to limit the capacity in-house if needed. Mr Lemming informed the Sub-Committee that resident's complaints related to the activity of the previous licence holder and the complaints related to noise pollution from the live music. Mr Lemming sympathised with the historical

Mr Abiona stated that he objected to 100 people at the premises after 2200 hours. Members questioned the effect of no more than 100 people being at the premises after 2200 hours. Mr Abiona believed that 30 people was more suitable amount of people.

Interested Parties found it hard to visualise 200 people in a tranquil, rural area and suggested that the hours were crucial. Residents informed the Sub-Committee that the objections they had raised at the review in 2013 were to eliminate any future problems.

Members questioned the effectiveness of the acoustic fence. Mr Abiona informed the Sub-Committee that an acoustic fence should be effective and should reduce noise decibels, although it would not eliminate noise. Mr Abiona suggested that it had not been proven or tested that the fence is in fact acoustic. Mr Abiona suggested that the applicant reapply for the variation in 2 months, and then they would be able to look into it and would request that the condition is removed.

The Chairman advised that 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 were not adhered to and/or if the premises were managed in a manner which did not uphold the licensing objectives. The power of the review process meant that any single letter

of objection relating to the licensing objectives.

THE DECISION

The Sub-Committee had considered all the relevant evidence made available to it and in doing so had taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act, the Council's Statement of Licensing Policy and Licensing objectives. The Sub-Committee had carefully considered its decision, taking into account residents concerns and the demands of the legislation.

This Sub Committee removed the following conditions imposed by the Licensing Committee on 17 July 2013:

- 1. The garden (by which is meant licensed and/or patio area) shall be cleared of patrons by 22h00;**
- 2. Sale of alcohol by retail shall be indoors only**

The following conditions are hereby added to the licence:

- 1. The sale of alcohol by retail shall be indoors and in the garden/patio area as outlined in green in the map submitted by the applicant to this application;**
- 2. The licensable activity in the garden/patio area shall cease at 23h00 from Monday-Sunday;**
- 3. The number of patrons present in the garden shall not exceed 150. From Monday-Sunday, between the hours of 22h00 and close of premises, this number shall not exceed 50 patrons.**
- 4. On Fridays and Saturdays between the hours of 20h00 and close of premises, there shall be 2 SIA officers in the garden/patio area to manage entry and patrol the area to ensure no noise nuisance is created.**
- 5. A perimeter acoustic fence shall be installed to the satisfaction of the Environmental Protection Unit.**

The meeting, which commenced at 2.00 pm, closed at 4.31 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Danielle Watson on 01895 277488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.