



HILLINGDON
LONDON



Notice of Hearing Licensing Sub Committee

Date: THURSDAY, 2 APRIL 2015

Time: 2.00 PM

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

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

This agenda and associated reports can be made available in other languages, in Braille, large print or on audio tape on request. Please contact us for further information.

Councillors on the Sub-Committee:

Dominic Gilham (Chairman)

Lynne Allen

Judy Kelly

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Tuesday 31 March 2015

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Wednesday, 18 March 2015

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This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CIId=352&Year=0>

Putting our residents first

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

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Please enter from the Council's main reception where you will be directed to the Committee Room.

Accessibility

An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

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In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.



Agenda

CHAIRMAN'S ANNOUNCEMENTS

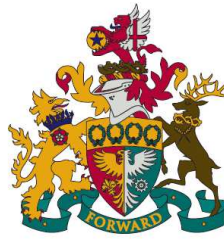
Hearing Protocol - Reviews - Premises Licences & Certificates 1 - 8

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 Minutes of the meetings held on 4 December, 3 December, 22 December and 3 March 2015 - Pages 9 - 18
- 4 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
- 5 Matters that have been notified in advance or urgent

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
6	Application for a variation of Premises Licence - Horse and Barge, Moorhall Road, Harefield - Report Appendix A - Page 25 - 35 Appendix B - Page 36 - 38 Appendix C - Page 39 - 50 Appendix D - Page 51 - 56 Appendix E - Page 57 - 66	Harefield	2pm	19 - 24

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HILLINGDON
LONDON

Licensing Act 2003

Licensing Sub-Committee Hearing Protocol for determining new & variation premises/club licences

This protocol outlines the procedures that will apply:

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures before you make representations to an application or wish to attend and be heard at a Licensing sub-committee hearing

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Licensing sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: democratic@hillingdon.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my representations - how do I do this?

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection that the objector was not available to be questioned about their statements.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

Can the date of the hearing be changed?

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

2. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant representations by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

Who are the people on the Licensing sub-committee?

Three elected Councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

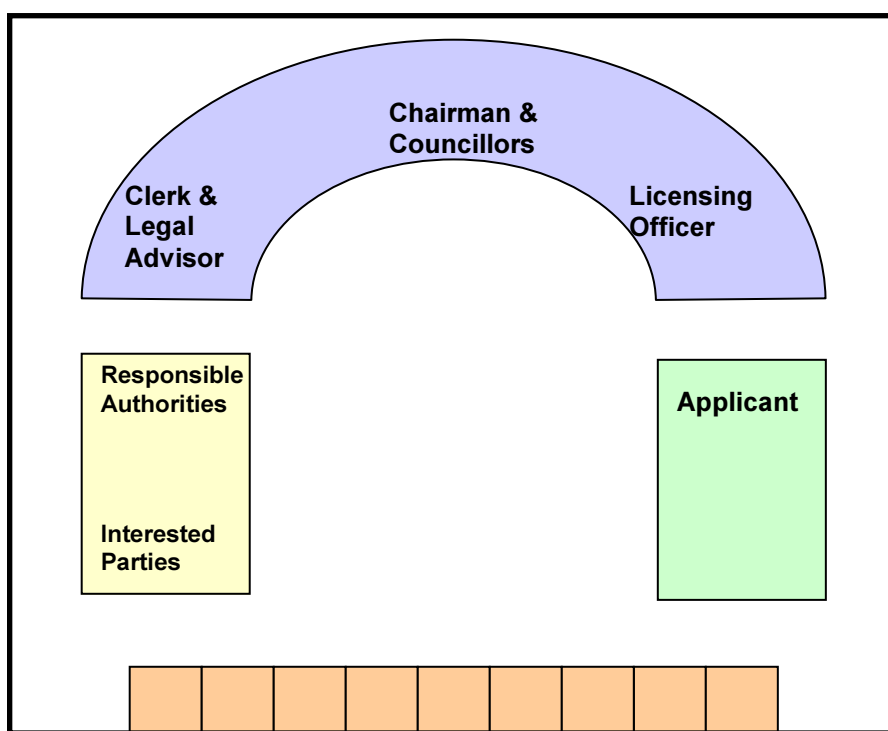
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual matters and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee Councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



General seating for Public & Press

In general, how will the hearing be conducted?

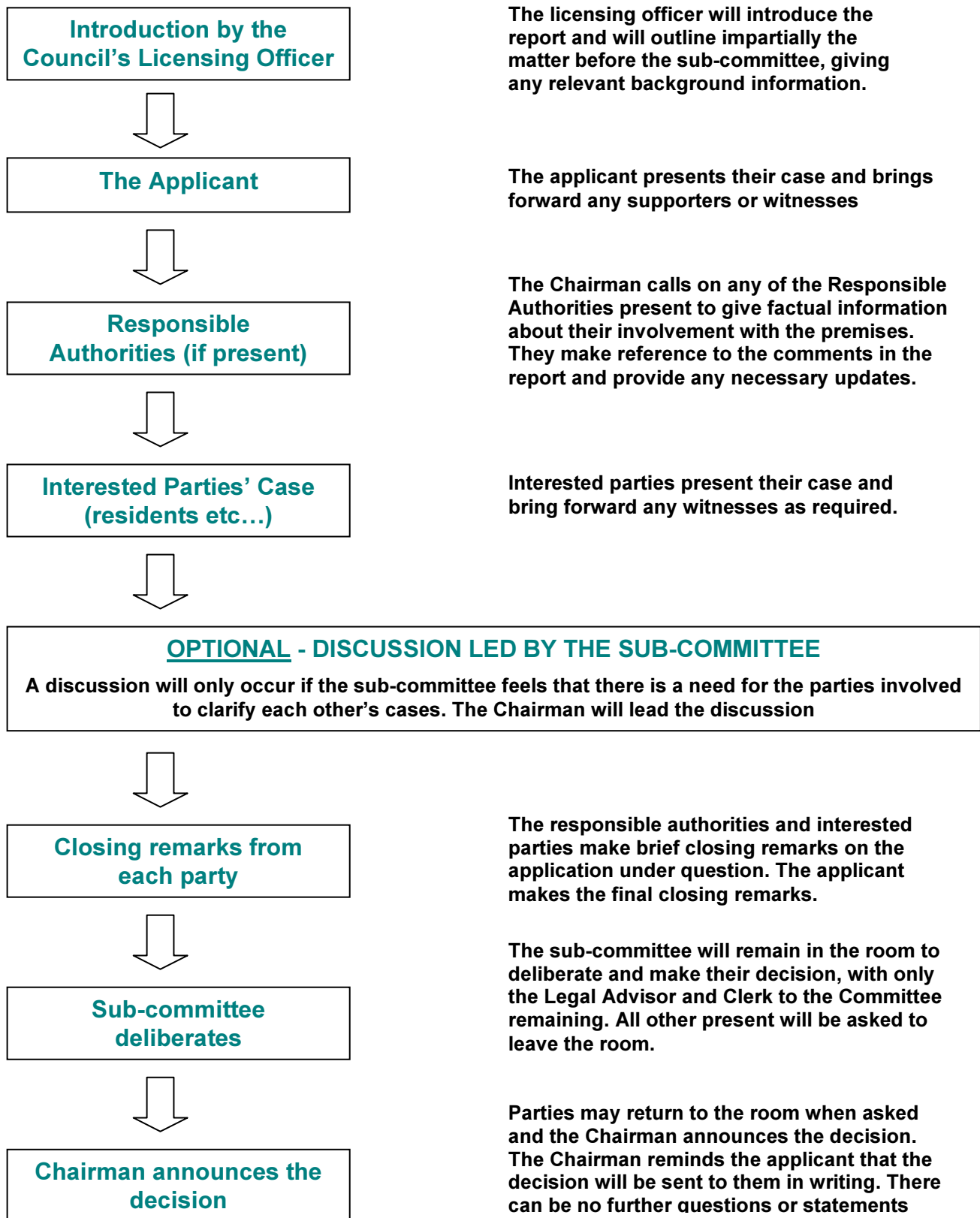
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



Can a Councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can an Elected Member make a representation and or speak at a hearing?

If an Elected Member, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so, if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the Elected Member believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Elected Members, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the Elected Member should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Elected Members making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return, or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:

www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

How can I find out about other applications in my area?

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.



Minutes

LICENSING SUB COMMITTEE

4 December 2014

Meeting held at Committee Room 4a - Civic Centre, High Street, Uxbridge UB8 1UW

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman), Lynne Allen and Brian Stead</p> <p>Also Present: Acting Police Sergeant - Ian Wares</p> <p>Representatives of the Licence Holder Mr Prashant Patel Ms Poona Sharma</p> <p>LBH Officers Present: Claire Freeman - Regulatory Services Manage Ross Forsyth - Regulatory Services Officer Stephanie Waterford - Senior Licensing Officer Charlene Ellis - Licensing Officer Tim Brown - Legal Advisor Charles Francis - Democratic Services</p>
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</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>The whole meeting was held in private.</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 AN EXPEDITED REVIEW (<i>Agenda Item 5</i>)</p> <p>An application for an expedited review of the premises licence of the Blue Lagoon Public House, Hayes was received from the Metropolitan Police Service on Tuesday 2 December 2014 under section 53A Licensing Act 2003. The application was made due to concerns that the premises was associated with serious crime or serious disorder (or both).</p>

Officers advised that the hearing had been convened for the Sub-Committee to consider whether any interim steps were required in relation to the premises licence. Members were informed that it was mandatory for the Sub-Committee to consider interim steps within 48 hours of the application being received.

The Sub-Committee noted that the application would trigger an automatic review of the premises licence within 28 days of receipt of the application, requiring a full hearing to take place on or before 22 December 2014.

Acting Police Sergeant Ian Wares explained that the Police concerns were set out in Appendix 2 - Police Certificate under S53A (1)(b) and further details were provided in Appendix 3 and 4 of the agenda papers.

The Committee noted that the Police deemed an expedited review was necessary and appropriate due to the level of violence that had occurred at the premises.

Decision

The Sub-Committee considered all the relevant representations that had been made available 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 Home Office Summary Review Guidance, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.

The Sub-Committee has decided on a balance of probabilities that it is proportionate to impose interim steps on the Premises Licence of the Blue Lagoon Public House pending determination of the review of the Premises licence (with immediate effect), namely the addition of conditions to the premises:

1. The installed CCTV system shall be maintained in effective working order whenever the premises are in use for the purposes of the licence and shall be capable of capturing the following images:
 - a) All public areas within the premises;
 - b) The outside smoking area and car park; and
 - c) A clear facial image of any person entering the premises by all public entrances.
2. The recorded CCTV images shall be stored in a secure location for a minimum period of thirty (30) days. The images shall be available for inspection on request by authorized officers of the Council and the Metropolitan Police Service.
3. Clear and visible signage shall be prominently displayed throughout the venue indicating CCTV recording is operational. This shall include signage at the entry and exit points and behind the bar.
4. On Friday and Saturday evenings after 18:00 hours until the venue closes to the public, a personal licence holder shall be on duty at the venue and responsible for authorising the sale of alcohol.
5. The premises shall employ and minimum of two (2) SIA licensed door supervisors on Friday and Saturday evenings after 18:00 hours until the venue closed and all customers have left the premises.

6. The premises shall employ and minimum of two (2) SIA licensed door supervisors whenever there is a private function booked at the premises for 25 persons or more and where alcohol is served, a minimum of three (3) SIA licensed door supervisors whenever there is a private function booked at the premises for 100 persons or more and a minimum of four (4) SIA licensed door supervisors whenever there is a private function booked at the premises for 150 persons or more. The door supervisors shall remain on duty until the function has finished.
7. There shall be a log book to record the start and finishing times of SIA door supervisors and the following information shall be recorded:
 - a) The printed name of the door supervisor;
 - b) The badge number;
 - c) The expiry date of the SIA licence; and
 - d) A signature of the door supervisor

The log book will record any incidents, refusals or persons being removed from the premises and this log will be available for inspection by the relevant authorities on request.

8. All pint and half pint glasses used on the premises shall be made from safety glasses.
9. All bottled drinks shall be decanted into toughened safety glasses.

The Sub-Committee noted that the interim steps will remain in place pending the determination of the full premises licence review, including the statutory appeal period and pending the outcome of any appeal lodged against that decision, unless a licensing Sub-Committee of Council determines otherwise.

Reasons

In reaching its decision, the Sub-Committee noted seriousness of the crimes reported by the Police and witnessed on the CCTV footage. They believed that measures were necessary in order to protect the public from the serious crime and serious disorder that had occurred at the Premises pending a review of the Premises Licence. The Licensing Sub-Committee has considered all options available to it in relation to the interim period before the full review of the Premises Licence, considering that the above conditions were reasonable, proportionate and necessary in order to keep residents of the borough safe from serious crime, particularly in relation to violent assaults.

The meeting, which commenced at 11, closed at 12:25

These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis on 01895 556454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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Minutes

LICENSING SUB COMMITTEE

5 December 2014

Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman), Lynne Allen and Carol Melvin</p> <p>Also Present: Acting Sgt Ian Wares - Metropolitan Police, Reeni Eguine - License Holder</p> <p>LBH Officers Present: Stephanie Waterford - Licensing Manger, Shabeg Nagra - Public Protection Manager, Tim Brown - Legal Services, Gill Oswell - Democratic Services</p>
6.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p>
7.	<p>MINUTES OF THE MEETING ON 22 OCTOBER 2014 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 22 October 2014 were agreed as a correct record.</p>
8.	<p>RUISLIP SUPERSTORE, 67 STATION APPROACH, SOUTH RUISLIP (<i>Agenda Item 6</i>)</p> <p>The Licensing officer introduced the report and provided an update on the application, which had been deferred from the meeting held on the 22 October 2014, to enable a full licence compliance check to be carried out.</p> <p>The Sub-Committee received update reports on the two compliance checks carried out and were informed that most of the licensing conditions had now been met. Officers advised Members that there were still minor breaches but revocation was no longer being sought. The Sub-Committee was advised that any changes to the layout of the shop would need to be registered with the Licensing Authority.</p> <p>The License holder addressed the Sub-Committee and explained that a number of the breaches of the licensing conditions had now been met. Since the last compliance check was carried out all alcohol above 35 abv had been moved behind the counter and the floor behind the counter had been raised. Photographs were circulated to confirm this information. Members were informed that there had been a witness to the conflict between the licence holder and her mother and a written letter to verify this had been provided.</p> <p>The members still had concerns around the issue of the CCTV and the fact that it had not been in operation correctly since the licence had been granted in 2007. They highlighted that it was the responsibility of the license holder to ensure that this was in place in accordance with the conditions of the licence.</p>

	<p>In answer to a question raise in relation to the door to the counter area being temporary, the license holder advised that she was not in a position financial to improve this at the moment.</p> <p>Members still had concerns that from the photographs provided there was still some alcohol above 35abv that was not behind the counter and the previous management issues that had led to the review being sought in the first place.</p> <p>Each party gave their closing remarks following which all parties were asked to leave the room whilst the sub-committee made their decision.</p> <p>Following deliberations, the Sub-Committee unanimously agreed to suspend the licence for 6 weeks to enable the remaining breaches of the licensing conditions to be addressed.</p> <p>Officers, the Responsible Authority, Police and the License holder were invited back into the meeting to be advised of the Sub-Committee's decision by the Chairman.</p> <p>Resolved - That the Licence for the Ruislip Superstore be suspended for 6 weeks.</p>
	<p>The meeting, which commenced at 2.00 pm, closed at 3.05 pm.</p>

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

Minutes

LICENSING SUB COMMITTEE

22 December 2014

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 Carol Melvin</p> <p>Also Present: Acting Sergeant Ian Wares, Mr Patel, Ms Poona Sharma</p> <p>LBH Officers Present: Claire Freeman - Regulatory Services Manager , Stephanie Waterford - Regulatory Services Officer, Ian Meens - Regulatory Service Officer, Shabeg Nagra - Public Protection Manager, Tim Brown - Legal Services, Gill Oswell - Democratic Services</p>
12.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies.</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 (<i>Agenda Item 3</i>)</p> <p>It was confirmed that items marked Part 1 would be considered in public and items marked Part 2 would be considered in private.</p>
14.	<p>HALE END CLOSE, EASTCOTE (<i>Agenda Item 5</i>)</p> <p>The Licensing Officer introduced the report advising the Sub-Committee that the application before members was for a premises licence for Hale End Close for the off-sales of alcohol. The Sub-Committee was informed that the application had been advertised in accordance with standard procedures and there had been 3 representations received objecting to the licence being granted on crime and disorder and public nuisance.</p> <p>The Sub-Committee heard from the applicant's agent who advised that the business would be small as storage facilities at the premises were limited. There would be no large delivery vehicles coming to the site as the applicant would be collecting the alcohol from his suppliers and making deliveries himself. If the business was successful the applicant would have to look for alternative premises but at this initial stage it would be a one person business, selling small amounts of alcohol.</p> <p>To help the Sub-Committee the applicant's agent suggested an additional condition to restrict the hours for alcohol being brought to the premises by the license holder to Monday to Saturday between 8 am - 6 pm and Sunday 9 am - 4 pm.</p>

The officer from the Environment Protection Unit advised that their objection was around the licence objective of prevention of public nuisance. This was due to the location of the premises within a block of flats and operating 24 hours 7 days a week. There were no procedures in place to prevent customers from finding the licence holders address and turning up to purchase alcohol at all times of the day and night.

The Chairman of the Eastcote Conservation Panel addressed the meeting stating that there were a number of questions about the operation that had not been answered. The Conservation Panel's concerns were in relation to the business operating 24/7 and the disturbance this may cause to residents.

Cllr Nick Denys addressed the meeting explained that the application would change the nature of the property and there was the potential for the business to grow. There were concerns that the premises would turn into a wholesalers causing additional disruption to residents.

In answer to a question raised the applicant's agent advised that there would be a minimum delivery requirement and delivery would be immediate if stock was available. It was expected that the business would operate within a twenty mile radius of the premises.

Each party gave their closing remarks following which all parties were asked to leave the room whilst the sub-committee made their decision.

The Sub-Committee considered all the representation made and decided not to grant the licence.

Resolved - That the Sub-Committee refused to grant the licence.

15. **BLUE LAGOON, WOOD END GREEN ROAD, HAYES** (*Agenda Item 6*)

The Licensing officer introduced the report to the Sub-Committee explaining that this review hearing followed an application by the Metropolitan Police dated 2 December 2014 for a summary review of the Premises Licence of the Blue Lagoon, Hayes. An expedited review hearing had been held on the 4 December 2014 under section 53B of the Act. At that meeting the Sub-Committee imposed an interim step of adding nine conditions to the current premises licence as listed in the decision notice found at pages 75-76 of the agenda.

Acting Police Sergeant (APS) Ian Wares introduced the application and stated that recent incidents at the Premises had brought about this application. The Sub-Committee were informed that the new owners had taken over the licence on 23 September 2014 and there had been three incidents since this time. APS Wares stated that he believed that the management team at the Blue Lagoon were not in full control of the Premises. He also felt that there should be a better booking system in place at the premises to ensure they had control over private parties. APS Ian Wares also raised concerns that there had been no contact with the Designated Premises Supervisor.

The Sub-Committee were informed that since the interim steps were introduced on the 4 December 2014, the Police had carried out three compliance checks at the Premises. On 5 and 19 December 2014 there were no breaches found, however on the 12 December 2014 there were two breaches of licence conditions. As such a section 19 closure notice was served, the premises were voluntarily closed.

APS Ian Wares noted that Licence Holders had been trying hard but felt that they lacked experience. As such he recommended that the Sub-Committee imposed the interim steps imposed on the Licence on a permanent basis. However there were still concerns over the Designated Premises Supervisor and welcomed the application that had been submitted by the Licence Holder to change this.

On behalf of the Responsible Authority, Mr Shabeg Nagra stated the permanent imposition of the Interim Steps was fully supported, as there were concerns about the recent incidents and some of the previous management practice

Ms Waterford a witness for the responsible authority advised the sub-committee that during a visit to the Premises on 29 November 2014, there were some public safety concerns at the Premises. This prompted a referral and a subsequent visit by a Fire Inspector, although there were some concerns, these had now been rectified by the Licence Holder and the Premises was now compliant with fire safety regulations.

It was noted that concerns in relation to the booking system for private functions, had been taken on board by the licence holder and measures had been implemented measures to help with booking and management of events in future.

Mr Meens clarified the reference in the report on page 85 of the Agenda and to an old condition that may suggest that alcohol could only be consumed ancillary to food. This condition had been imposed under old licensing legislation and that this should be removed from the licence. He also clarified, that the issue in relation to the third gaming machine had now been resolved and no further action taken action.

The Sub-Committee heard from Mr Patel on behalf of the Licence Holder and provided an explanation in relation to concerns raised by the Police and Responsible Authorities and advised that all the concerns had now been rectified. Mr Patel explained that an application to transfer the Designated Premises Supervisor had been made.

All parties were asked to leave the room whilst the Sub-Committee considered their decision.

THE DECISION

The Sub-Committee considered all the relevant representations and decided to add the 9 conditions added as an interim step on the 4 December 2014 should be added on a permanent basis to the Premises Licence of the Blue Lagoon Bar:

Resolved - That the additional 9 conditions added as an interim step on the 4 December be added to the premises licence as follows:-

- 1. The installed CCTV system shall be maintained in effective working order whenever the premises are in use for the purposes of the license and shall be capable of capturing the following images:**
 - a. All public areas within the premises;**
 - b. The outside smoking area and car park; and**
 - c. A clear facial image of any person entering the premises by all public entrances.**

2. The recorded CCTV images shall be stored in a secure location for a minimum period of thirty (30) days. The images shall be available for inspection on request by authorized officers of the Council and the Metropolitan Police Service.
3. Clear and visible signage shall be prominently displayed throughout the venue indicating CCTV recording is operational. This shall include signage at the entry and exit points and behind the bar.
4. On Friday and Saturday evenings after 18:00 hours until the venue closes to the public, a personal license holder shall be on duty at the venue and responsible for authorising the sale of alcohol.
5. The premises shall employ and minimum of two (2) SIA licensed door supervisors on Friday and Saturday evenings after 18:00 hours until the venue closed and all customers have left the premises.
6. The premises shall employ and minimum of two (2) SIA licensed door supervisors whenever there is a private function booked at the premises for 25 persons or more and where alcohol is served, a minimum of three (3) SIA licensed door supervisors whenever there is a private function booked at the premises for 100 persons or more and a minimum of four (4) SIA licensed door supervisors whenever there is a private function booked at the premises for 150 persons or more. The door supervisors shall remain on duty until the function has finished.
7. There shall be a log book to record the start and finishing times of SIA door supervisors and the following information shall be recorded:
 - a. The printed name of the door supervisor;
 - b. The badge number;
 - c. The expiry date of the SIA license; and
 - d. A signature of the door supervisor

The log book will record any incidents, refusals or persons being removed from the premises and this log will be available for inspection by the relevant authorities on request.

8. All pint and half pint glasses used on the premises shall be made from safety glasses.
9. All bottled drinks shall be decanted into toughened safety glasses.

The Sub-Committee also determined that the condition stating "*Alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment*" from Annex 2 of the Premises Licence shall be removed.

The meeting, which commenced at 2.00 pm, closed at 5.05 pm.

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

Agenda Item 6

APPLICATION FOR A VARIATION OF A PREMISES LICENCE

Committee	Licensing Sub-Committee
Officer Contact	Sharon Garner, Licensing Officer
Papers with report	Appendix 1 - Application for a variation of premises licence including proposed plan Appendix 2 - Representation from the Environmental Protection Unit Appendix 3 - Representations from Interested Parties Appendix 4 - Copy of current premises licence and current plan Appendix 5 - Photographs of the Premises Appendix 6 - Map of the area
Ward(s) affected	Harefield

1.0 SUMMARY

- 1.1 To consider an application for a Variation of Premises licence in respect of the 'Horse & Barge, Moorhall Road, Harefield' and representations against the application received from a responsible authority and interested parties.

2.0 RECOMMENDATION

- 2.1 **That the Licensing Sub Committee determine the application.**

3.0 INFORMATION

- 3.1 An application to vary the premises licence for the 'Horse & Barge, Moorhall Road, Harefield' was submitted to the Licensing Authority on 6th February 2015 by 'Star Pubs and Bars Ltd' as the current premises licence holder.
- 3.2 Details of the variation application are summarised as follows:
- 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.
 - Amend the plan relating to the outside area in accordance with the drawing dated 25.11.14
 - Change the premises name to 'Bear on the Barge'
- 3.3 A copy of the application and proposed plan is attached to the report as Appendix 1.
- 3.4 The applicant has complied with the advertising requirements of the Licensing Act 2003 and all Responsible Authorities have been consulted on the application.
- 3.5 The closing date of the consultation period, during which representations can be received, was 6th March 2015.

- 3.6 A total of 7 representations were received against the application including; one from the Environmental Protection Unit as responsible authority and 6 from local residents as interested parties.
- 3.7 The Environmental Protection Unit, as the enforcing authority for public nuisance matters, have raised concerns regarding the 'Public Nuisance' licensing objective. A copy of the representation can be found at Appendix 2.
- 3.8 The local residents have raised concerns which also mainly relate to the 'Public Nuisance' licensing objective. The residents' representations can be found at Appendix 3.

4.0 List of representations

	Prevention of Crime & Disorder	Public Safety	Prevention of Public Nuisance	Protection of Children from Harm
Environmental Protection			X	
Representations from Interested Parties			X	

5.0 General Information

- 5.1 The premises is a public house/restaurant situated in a rural area of Harefield and is licensed to provide regulated entertainment, late night refreshment and the sale of alcohol.
- 5.2 The premises has been licensed under the Licensing Act 2003 since November 2005.
- 5.3 A copy of the current premises licence and plan can be found at Appendix 4.

6.0 LEGAL IMPLICATIONS

6.1 Principles for making the determination

6.2 The general principle is that an application to vary a Premises Licence must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

6.3 Relevant representations are those which:

- Are about the effect of the granting of the application on the promotion of the licensing objectives
- Are made by a Responsible Authority or other persons
- Have not been withdrawn
- Are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

6.4 The four licensing objectives are:

- Prevention of crime and disorder;
- Public safety;
- Prevention of nuisance; and

- Protection of children from harm.
- 6.5 Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
- 6.6 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Statement of Licensing Policy when deciding whether or not to grant the application. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.
- 6.7 Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act 2003 must prevail.
- 6.8 Members are required to have regard to the Home Office Guidance issued under section 182 of the Licensing Act 2003 in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case
- 6.9 When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or need are not in themselves relevant representations. For example, a representation from a bar owner, that the grant of a premises licence to another bar, will take customers away from his/her premises, is not a relevant representation, nor is a representation from other persons that another off licence in the parade of local shops is not needed.
- 6.10 The Licensing Sub-Committee can attach a "weight" to any relevant representations, such factors that could influence the "weight" to be placed on a representation could include:
- Whether the representation can be clearly related to any one of the four licensing objectives;
 - Whether the representation concerns matters over which the applicant is able to exercise control;
 - Whether the representation is based on "hearsay" evidence;
 - Whether the representation is supported by firm evidence;
 - Whether the person making the representation has attended the hearing in person.
- 6.11 Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:
- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
 - To exclude any of the licensable activities to which the application relates
 - To amend the times for all or some of the licensable activities;
 - To refuse to specify a person on the licence as the designated premises supervisor
 - To reject the application

7.0 Conditions

- 7.1 Conditions will not be necessary if they duplicate a current statutory requirement.
- 7.2 Members are also referred to the Home Office guidance on conditions, specifically section 10 which states that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions, which ignore these individual aspects, should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.
- 7.3 Licensing authorities should therefore ensure that any conditions they impose, are only those which are appropriate for the promotion of the licensing objectives.

8.0 Reasons

- 8.1 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

9.0 The Role of the Licensing Sub-Committee

- 9.1 Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as an authority responsible respectively for environmental health, trading standards, health and safety, safeguarding children, public health and as the planning authority.
- 9.2 Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.
- 9.3 As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.
- 9.4 The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.
- 9.5 The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

- 9.6 The Sub-Committee can only consider matters within the application that have been raised through representations from Responsible Authorities and other persons. This will be decided on a case to case basis.
- 9.7 Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application, when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision, to do all it can to prevent crime and disorder in the Borough.
- 9.8 Responsible Authorities, other persons making representations and the applicant, have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days, beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

10.0 FINANCIAL IMPLICATIONS

- 10.1 Members should be aware that the Regulatory Services directorate does not have a budget provision for costs, should the applicant be successful in appealing to the Magistrates Court against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

11.0 BACKGROUND DOCUMENTS

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

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/WE Star Pubs & Bars Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number LBHIL356/05

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Horse & Barge (to be changed to The Bear on the Barge) Moor Hall Road Harefield			
Post Town	Uxbridge	Postcode	UB9 6PE

Telephone number at premises	
Non-domestic rateable value of premises	£34,000

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	3-4 Broadway Park South Gyle Broadway Edinburgh		
Post Town	Edinburgh	Postcode	EH12 9JZ

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes K, L and M

B

Films			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g)</p> <p>Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Application is made to remove the condition requiring the garden to be cleared of all patrons by 22:00 to enable those customers choosing to smoke to be permitted to do so within the area controlled by management of the premises rather than on the public highway.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Kyle Cochran</i>
Date	<i>6.2.15</i>
Capacity	<i>solicitor</i>

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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ENVIRONMENTAL PROTECTION UNIT**MEMORANDUM**

From: Jo Smith	To: Licensing Officer
Location: 3S/02 Ext: 7466	<u>3S/09</u>
My Ref: 099296/JAB	
Your Ref:	Date: 6 th March 2015

Dear Sir or Madam,

Re: Application to vary a Premises Licence under the Licensing Act 2003.

Address: Horse & Barge, Moor Hall Road, Harefield, UB9 6PE

I refer to the application to vary a Premises Licence under the Licensing Act 2003, relating to the above named premises.

The Environmental Protection Unit, in its capacity as a responsible authority, is making a representation to this application, in relation to the licensing objective 'Prevention of Public Nuisance'.

The application is to remove a condition requiring the garden to be cleared of all patrons by 22:00 hours.

The Horse & Barge is located on Moorhall Road in Harefield. This is a semi - rural location with mainly residential premises nearby. The nearest residential accommodation is across the road at Lock Cottage, Moorhall Road. There are also residents on the canal boats moored on the Grand Union Canal, directly adjacent to the Horse & Barge.

The grounds for this objection are:

As the background noise levels would drop significantly in the evening and night time, the removal of this condition would result in noise disturbance to the surrounding residents, arising from the loud talking from patrons outside the premises.

Should the Licensing Sub-Committee be minded to grant the licence I would request that the condition regarding the external area is not removed, in order to protect the residents from noise disturbance.

I would therefore invite the Licensing Sub-committee to consider this representation when making their decision regarding this application.

Yours faithfully,

Jo Smith
Principal Environmental Health Officer
Jsmith26@hillingdon.gov.uk



Stephanie Waterford <swaterford@hillington.gov.uk>

licensing- Horse & Barge

1 message

6 March 2015 at 14:35

To: swaterford@hillington.gov.uk

██████████ Harefield, ██████████

Dear Sir/Madam,

Re: Horse & Barge, Harefield: 356/05

I live at ██████████ south Harefield and, over the years, have protested about the noise emanating (as you will be aware noise carries over water) from the Horse & Barge as well as the rowdy behaviour outside the pub and along the canal path.

You will see from your files, that protests have been made over the years and I am therefore asking that the existing licence terms remain, both regarding the hours and the control of noise. Insulation which was formerly agreed should be inside the pubs as well to prevent the music being heard by local residents, including myself.

Many times, the police have had to be called to deal with unsociable behaviour and, under no circumstances, should a bar be allowed outside in this rural area.

Yours truly,

Rose-Marie Adams



licensing . <licensing@hillington.gov.uk>

RE: Horse and Barge Harefield 356/05 (?)1 message

6 March 2015 at 12:08

To: "licensing ." <licensing@hillington.gov.uk>

As resident at [REDACTED]

I am opposed to this application which seeks to remove the existing license terms which were ordered to prevent noise nuisance and anti social behaviour

There is history here ,with council officers and police having to attend because there was late noise and unruly behaviour in recent years

This application seeks permission for extended time limits .. which could lead to music outside.. and a smoking area outside which would not be possible to control noisy behaviour

I request that the existing licence terms are maintained , both as to hours and as to tight control of noise outside and in , with insulation inside the pub to prevent the music being audible to local residents.. noise transfers over water too easily and loudly... the pub must be regulated to prevent local residents being disturbed by rowdy visitors .

Marjorie Fox

Noise nuisance Horse and Barger

The operator of the Horse and Barge Public House in Harefield was fined a total of £2,361.88 at Uxbridge Magistrates Court on 22 October 2013 for causing two instances of statutory noise nuisance from amplified music at events being held at the premises.

Officers from Hillingdon Council's Environmental Protection team and Anti-Social Behaviour team had received a number of complaints relating to noise from events at the Horse and Barge.

Legal action was taken following repeated breaches of a Noise Abatement Notice that had been served by officers. Two breaches of the notice were witnessed by officers in April 2012 and May 2013.

Councillor Jonathan Bianco, Cabinet Member for Finance, Property and Business Services, says: "Our residents have the right to enjoy a peaceful night's sleep, and clamping down on persistent noise nuisances, which make other people's lives a misery, is a priority. We urge residents not to suffer in silence but to report problems to us.

"Persistent noise nuisance is something which can badly affect quality of life for residents, and this will not be tolerated in Hillingdon. We have the support of the law and we will take action against anybody found to be causing statutory noise nuisance."

Visit www.hillingdon.gov.uk/asb to find out more about ASB and to report any issues. If you do not have internet access, you can call 01895 556000 Monday - Friday 08:00 -18:00 hours. Anti-social Behaviour Investigations Team out of hours service operates, Thursday 20:00 - 02:00 hours, Friday - Saturday 21



licensing . <licensing@hillingdon.gov.uk>

Application to vary license conditions: Horse & Barge/Bear on the Barge,
Moorhall Road

6 March 2015 at 10:24

To: "licensing@hillingdon.gov.uk" <licensing@hillingdon.gov.uk>

Dear Sirs

Licence number LBHIL356/05, application reference 173503

My family and I [REDACTED] from the garden of the Bear on the Barge pub. Our bedroom windows at the front of the house overlook the garden.

My husband and I were pleased to see that the pub had new licensees and that it would be re-opened again shortly. However we have specific concerns over any changes to the licencing conditions due to past experiences of issues relating to noise and understand that an application has been made to extend the licencing hours for the garden from 10pm to 1am.

We have 4 young children all under the age of 5 who sleep in the rooms overlooking the pub garden. When the pub has previously held events or had people in the garden the noise carried and created significant disturbance to our whole family. We raised these concerns directly with the pub licensees at the time as well as with the council. I ask that you don't extend the current licence for the garden, if an outdoor area is required for smokers I would request that this is made at the back of the pub furthest away from any residences in order to minimise noise and disruption.

My biggest concern is that noise carries from the pubs outdoors area and creates disruption and upset again for my family, please deny the application.

We would be very willing to discuss alternative proposals with the licensee and have already made the effort to go over and introduce ourselves.

Yours faithfully

Jennifer Morris & Matthew Holt

[REDACTED]

[Redacted]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed.

This footnote also confirms that this email has been scanned for all viruses by the Messagelabs SkyScan service.

[Redacted]

[Redacted]



licensing . <licensing@hillingdon.gov.uk>

Horse and Barge

1 message

4 March 2015 at 11:14

To: licensing@hillingdon.gov.uk

Representation in relation to the major variation application for the premises licence for the Horse and Barge / Bear on the Barge pub, Harefield (Licence number LBHIL356/05, application reference 173503).

Harefield Tenants and Residents Association would like to make the following comments on this application:

1. While we greatly welcome the efforts being made to renovate this long-neglected pub, we are keen to ensure that its relaunch does not reintroduce the noise nuisance our residents suffered for many years. We made representations to the licence review that took place in 2013 and appreciated the new conditions that resulted from it - we do not want to see those protections lost now. We therefore ask that the condition requiring clearance of the garden area of patrons by 10pm should remain in place.
2. We recognise that the pub may wish to provide a managed outdoor areas to accommodate people who want to smoke after 10pm. We feel that this does not need to extend to the whole garden area, but should be confined to a small area close to the main building and away from neighbouring dwellings.
3. One of the conditions introduced in the 2013 review involved removal of the outside bar. We note that this application does not explicitly ask for this condition to be varied, but the accompanying drawing suggests that an outside bar is envisaged. We would not support the reintroduction of an outside bar and would ask for this to be removed from the drawing. We would further comment that, while we recognise that planning matters are outwith the remit of the licensing committee, the development work associated with an outside bar does not have planning permission, and planning permission was formally refused for other parts of the development work that has nevertheless now been done on the site. We are concerned about this unauthorised development as the premises sit within the Widewater Lock Conservation Area in the Green Belt, and it does not give us confidence about Star Bars' approach to respecting the local environment.
4. We have no objection to changing the name of the pub, but would comment that the current name has local "landmark" status, eg the nearby bus stops are named "Horse and Barge". Again while the naming of bus stops may be outwith the remit of the licensing committee, we would suggest that if the pub is to be renamed, the relevant transport authorities be alerted and consideration be given to renaming the bus stops in a way that reinforces the local conservation area's heritage and achieve more permanence than a pub name that could be subject to further change. A suggestion could be "Widewater Lock" or even "Halfway House" which was the historic name of the original pub in this location.

We emphasise that we welcome the new pub to the village and genuinely look forward to

its success - our representations seek to ensure that our residents are not subject to noise nuisance and that the features of this Conservation Area on Green Belt are not compromised.

Paul Stone
Chairman
Harefield Tenants and Residents Association





licensing . <licensing@hillington.gov.uk>

Application to vary license conditions: Horse & Barge/Bear on the Barge, Moorhall Road

1 message

Doreen McIntyre
To: licensing@hillington.gov.uk

5 March 2015 at 10:11

Dear Sirs

Licence number LBHIL356/05, application reference 173503

Thank you for the opportunity to comment on this application to vary licence conditions.

[REDACTED]

We would like to begin by saying how much we appreciate the efforts being made to relaunch these premises as an establishment that will better meet the expectations of residents and visitors to this much-loved part of Harefield and the Colne Valley.

However, we must raise concerns about the application to remove conditions on the licence that were introduced as a result of a licence review in 2013. Both the council officer team and the licensing committee will remember that the 2013 review came about as a result of years of complaints from local residents about noise nuisance from these premises. The conditions introduced in 2013 - reduced overall hours (closing time brought forward from 3am to 1am), requirement to clear the garden of patrons by 10pm and restriction of alcohol sales to indoors - were intended to resolve these problems both individually and in combination.

We must object, therefore, to this application to remove the condition requiring clearing the garden of patrons by 10pm. We understand the applicant's wish to provide a controllable area in which patrons may smoke after 10pm, but feel this could be provided in a more restricted way that would minimise noise nuisance bearing in mind that the area could potentially be used until 1am. In the late evening and night hours the surrounding area is extremely quiet with only minimal traffic noise from Moorhall Road. Human voices become much more intrusive against that backdrop especially in the late hours when there are normally no passers-by on the towpath or pavement outside, and the particular situation of the pub means that noise from it carries over surprising distances especially around the canal and marina area. We suggest identifying a contained, designated outdoor smoking area for the late night period, located in a spot close to the main building and screened from neighbouring residences - for example the outdoor patio / firepit area to the rear of the premises would seem a sensible place that could be easily monitored but there may well be others more suitable.

An alternative would be to bring forward closing time for the whole premises to 11pm to ensure that all noise ceases at a suitable time.

In addition, we note that the accompanying drawing referred to in the application suggests that licensable activities are permitted in an outdoor structure. That is the opposite of our understanding of the condition that was introduced as a result of the hearing in 2013, requiring all sales of alcohol to be indoors. The licence review hearing was clear on that point, ie that it referred to a then-disused outdoor bar and that the intention was to prevent future use of it. We have not been made aware of any application to review that condition, and we feel that it remains an important one. This was one of the reasons why we objected to a 2014 planning application to reconstruct an outdoor bar, which was subsequently withdrawn by the applicant. The inclusion of the outdoor bar on the drawing now may well be an error but for the sake of clarity we would like confirmation that the drawing should not include reference to an outdoor structure as an area in which licensable activity is permitted, and that the 2013 condition relating to indoor sales only still stands.

We would be very willing to discuss alternative proposals that could resolve the issue of providing a controllable area for late night smoking without reintroducing nuisance for neighbours.

Yours faithfully

Doreen McIntyre and John McKeon





licensing . <licensing@hillington.gov.uk>

Application to vary license conditions: Horse & Barge/Bear on the Barge, Moorhall Road

1 message

JAMES BALCOMBE <james.balcombe@hillington.gov.uk>

6 March 2015 at 16:11

To: "licensing@hillington.gov.uk" <licensing@hillington.gov.uk>

Dear Sirs

Licence number LBHIL356/05, application reference 173503

Thank you for providing the opportunity to make comment regarding this application to vary licence conditions.

I am a resident in [REDACTED] Harefield.

I welcome a well maintained public house to the area, but have concerns regarding the licence application as noise from the garden of the formerly known Horse and Barge PH can be clearly heard in our garden.

Regarding the application to remove conditions on the licence that were introduced as a result of a licence review in 2013. Both the council officer team and the licensing committee will remember that the 2013 review came about as a result of years of complaints from local residents, including myself, about noise nuisance from these premises. The conditions introduced in 2013 - reduced overall hours (closing time brought forward from 3am to 1am), requirement to clear the garden of patrons by 10pm and restriction of alcohol sales to indoors - were intended to resolve these problems both individually and in combination.

I therefore object to this application to remove the condition requiring clearing the garden of patrons by 10pm. I understand the applicant's wish to provide a controllable area in which patrons may smoke after 10pm, but feel this could be provided in a more considerate way that would minimise noise nuisance bearing in mind that the area could potentially be used until 1am. Could the licensee identify a contained, designated outdoor smoking area for the late night period, located in a spot close to the main building and screened from neighbouring houses.

An alternative would be to bring forward closing time for the whole premises to 11pm to ensure that all noise ceases at a suitable time.

It is also noted that the accompanying drawing referred to in the application suggests that licensable activities are permitted in an outdoor structure. I believed the condition that was introduced as a result of the hearing in 2013,

3/9/2015

Hillingdon.gov.uk Mail - Application to vary license conditions: Horse & Barge/Bear on the Barge, Moorhall Road

requiring all sales of alcohol to be indoors. The licence review hearing was clear on that point, ie that it referred to a then-disused outdoor bar and that the intention was to prevent future use of it. Has there been an application to review that condition, as it should remain an important one.

Yours faithfully
Karen Balcombe

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LICENSING ACT 2003
Section 24



HILLINGDON
 LONDON

PREMISES LICENCE

Ref:

Premises Licence Number:

This Premises Licence has been issued by Stephanie Waterford on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 7th March 2014

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

The Horse and Barge
 Moorhall Road

Post Town - Harefield

Postcode – UB9 6PE.

Telephone number – 01895 834806

Where the licence is time limited, the dates -
 N/A

Licensable activities authorised by the licence –

Sale by retail of alcohol.

Provision of live music, recorded music, performances of dance and anything of a similar description (indoors and outdoors).

Provision of late night refreshment (indoors and outdoors).

The times the licence authorises the carrying out of licensable activities –

Sale of alcohol:

From 11.00 hours until 01.00 hours the following day, everyday.

Provision of regulated entertainment and anything of a similar description:

From 11.00 hours until 01.00 hours the following day, everyday.

Provision of late night refreshment:

From 23.00 hours until 01.00 hours the following day, everyday.

Annex 1 – Mandatory Conditions**Alcohol**

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence
- 4.(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Annex 2– Conditions consistent with the operating Schedule

The premises licence holder shall ensure that the following licence conditions are fully complied with:

Prevention of Crime and Disorder

- Toughened glasses shall be used.
- A CCTV system shall be installed to cover the premises internally and externally.
- No open containers shall be removed from the premises including the garden.
- Proof of age cards shall be used.
- To be a member of Pubwatch.

Public Safety

- Measures shall be taken to minimise over crowding and this shall be monitored by bar staff.
- All staff shall be trained in respect of the emergency evacuation procedure.

Prevention of Public Nuisance

- A noise limiting system shall be installed and used.
- The main entrance exit doors have lobbies to prevent the escape of noise.
- Notices shall be displayed asking patrons to leave quietly.

Protection of Children from Harm

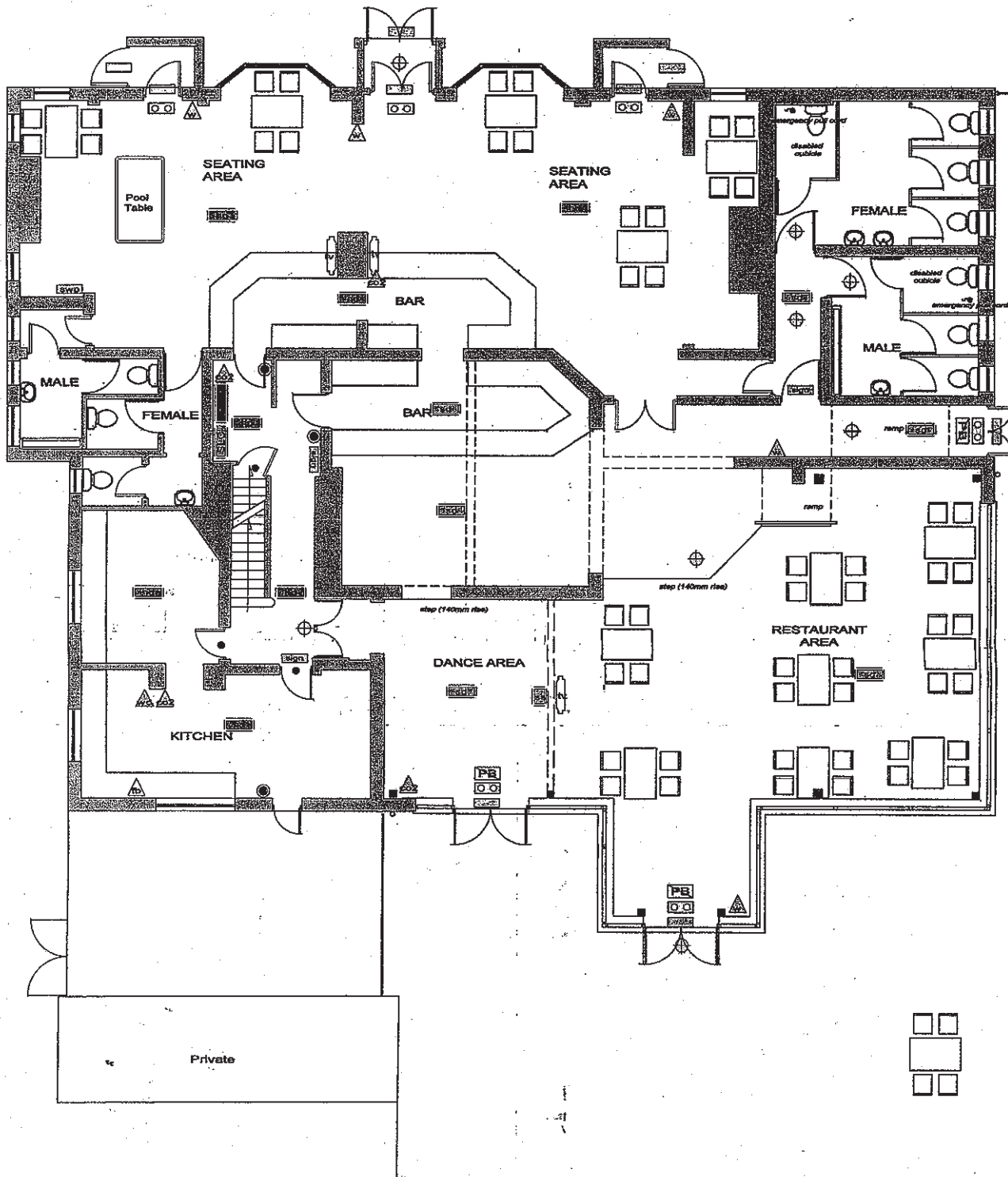
- Generally, no children under the age of 16 shall be allowed in the main bar after 21.00 hours.
- Notices shall be displayed indicating age restrictions to be imposed by internal management.

Annex 4 – Plans

The Horse and Barge

Licensing Service Registered Plan number: LBH 725/06

Drawing Number: 05010-12



Private

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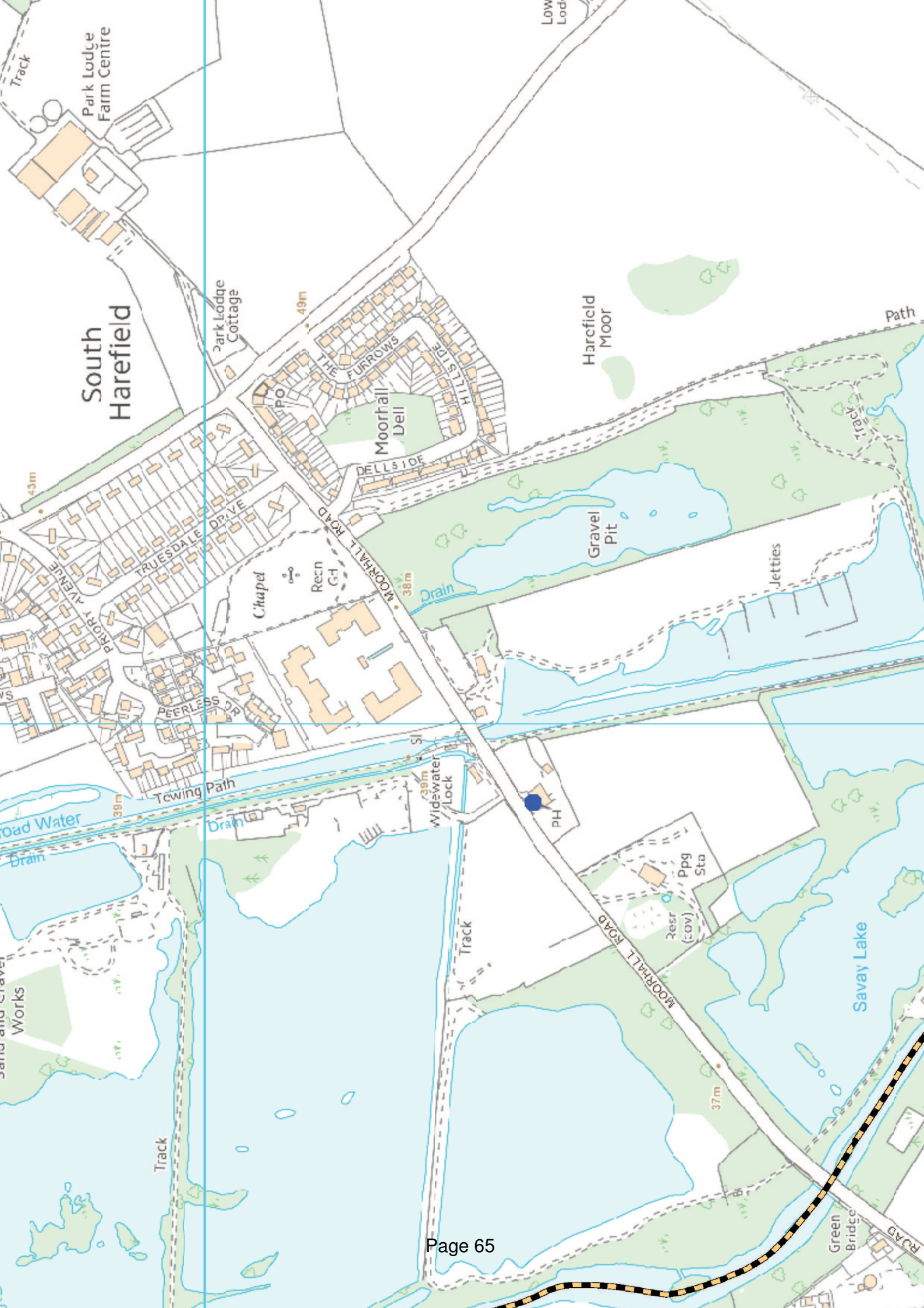












South Harefield

Park Lodge Farm Centre

Park Lodge Cottage

49m

Moorhall Dell

Harefield Moor

Gravel Pit

Chapel

Recn

Drain

Jetties

Towing Path

Road Water

Drain

Widewater Lock

PH

Ppg Sta

Resr (cov)

Savay Lake

Track

Track

MOORHALL ROAD

37m

Green Bridge

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