

Minutes

LICENSING SUB COMMITTEE

5 June 2015

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 Brian Stead</p> <p>Also Present: Councillors Brian Crowe and John Riley</p> <p>Craig Bayliss - Applicant's Solicitor Paul Van Zijl - Applicant</p> <p>Mr Johns, Mr & Mrs Bowler, Mrs Maxwell, Mrs Jackson (Interested Parties)</p> <p>LBH Officers Present: Jo Smith - Environment Protection Unit, Claire Freeman- Regulatory Services - Stephanie Waterford - Regulatory Services, Tim Brown - Legal Services, Gill Oswell - Democratic Services Officer.</p>
33.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 2)</i></p> <p>There were no declarations of interest notified.</p>
34.	<p>MINUTES OF THE MEETING HELD ON 20 MARCH 2015 <i>(Agenda Item 3)</i></p> <p>The minutes of the meeting held on the 20 March 2015 were agreed as a correct record.</p>
35.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE <i>(Agenda Item 4)</i></p> <p>It was confirmed that all items would be heard in public.</p>
36.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT <i>(Agenda Item 5)</i></p> <p>There had been no items notified in advance or urgent.</p>
37.	<p>APPLICATION FOR A NEW PREMISES LICENCE - THE WHITE BEAR, ICKENHAM ROAD, RUISLIP <i>(Agenda Item 6)</i></p> <p>The Licensing Officer introduced the report informing the Sub-Committee that the application was for a new licence for the White Bear, Ickenham Road, Ruislip. There had been no representations made by the Police but representation had been received from Environmental Protection and the Licensing Authority. There had been five representations received from local residents. The Sub-Committee Members were informed that for clarification the late night refreshment was for indoors only.</p>

The applicant's representative provided background information on the White Bear Brasserie Company Ltd, the number of outlets, which were primarily food driven but did not preclude customers from using the bar to have a drink. A new licence was being sought to enable out of date conditions to be removed from the current licence. The White Bear was currently undergoing an extensive refurbishment and the hours being sought were identical to those on the existing licence. The applicant put forward a number of changes to the application that would hopefully help to alleviate the resident's concerns about the proposal as follows:-

- Bar area to be closed at 11.30 pm with the restaurant remaining open until 12.00 am.
- Rear alfresco area to be cleared by 10.30 pm with no alcohol to be served for these areas after 10 pm, following discussion the applicant also agreed for this to be applied to the front alfresco area.
- Waiter/Waitress service at all times.

The applicant's representative then provided an overview of how it was envisaged that the White Bear would operate. In answer to a question raised in relation to how the closure of the outside areas would be managed, the Sub-Committee was informed that there would be a high ratio of staff to customers so did not see this as being an issue. Whilst the front outdoor area would not be supervised, staff would regularly patrol all areas to clear glasses and table waiting service would be offered throughout the premises, including outdoor areas.

The representative from the Environment Protection Unit informed the Sub-Committee that their concern was in relation to public nuisance as the premises was located in a predominantly residential area. There would be no objection to the condition put forward by the applicant to require the alfresco areas to be cleared of customers by 10.30 pm.

The representative from the Licensing Authority advised that their concern was also around public nuisance as there had been a history of complaints from the previous operation, which provided live music. There would be no objection to a condition on the alfresco areas being cleared of customers by 10.30 pm.

Interested Parties made the following points:-

- Planning permission conditions required the use of the outdoor areas to cease at 22.00 hours which should be mirrored in the licence hours.
- Noted that the hours for licensable activities sought are longer than other premises run by the Applicant.
- Due to the 'main' entrance moving to the rear of the premises, noise nuisance would increase for residents with customers and staff leaving at more noise sensitive times.
- Lived across the road from the premises.
- Supported an improvement in the premises and was pleased the applicant had volunteered to restrict the use of the outdoor areas late at night.
- Had concerns due to the now greater number of employees, which could result in increased noise from them leaving the premises very late at night.
- Queried the necessity and potential negative impact of allowing off sales, which could result in anti-social behaviour.
- Concerns generally about the safety of customers using the front terrace area, which was dangerously close to the heavily used roundabout with only a flimsy picket fence.

- Concerned about noise from patrons leaving as late as 01:00 hours, shouting arguing and slamming car doors
- Concern at main entrance and exit being at the rear of the premises given the hours for licensable activities. The increase in use of the car park with the new operation, noise nuisance could be increased detrimental to residents who live adjacent to the car park.

The Legal Officer advised the interested parties that the Licensing Sub-Committee followed the Licensing Act 2003, which was different to the Town & Country Planning Act; Members would be considering the application on the evidence they had before them and were not bound by the planning permission. In regards to the drinking up time it was explained that this would be incorporated into the closing time.

In relation to the un-licensable activities the Sub-Committee was informed that this could include serving of breakfasts and other activities that precluded the sale of alcohol.

A further question was raised by the Chairman on what the applicant felt the main entrance to the premises was likely to be. It was confirmed there would be two entrances one from the car park at the rear and one from Ickenham Road. However, due to the premises being a food led business it was envisaged that the rear car park entrance would be the most used entry point.

A member asked whether there were any other food led businesses in the borough, which caused a nuisance in the area where they were located.

Officers advised that the most comparable premises were the Orchard, which was primarily a restaurant with a separate well used bar area, which experienced no problems at all. Additionally the sub-committee was informed that nuisance and crime problems typically decreased when a change of business model from pub to a food-led pub/dining venue.

A Ward Councillor addressed the Sub-Committee, speaking with the support of fellow West Ruislip Ward Councillors. The premise had been a pub for many years and had not had a 'happy record'. As such, a new licence with new personnel was welcomed with a good degree of optimism. However there were concerns on the requirement for off sales and the impact on anti-social behaviour. He suggested that a CCTV condition would assist with combating noise and anti-social behaviour that may occur from customers leaving the premises, particularly from the car park area. He supported the condition put forward by the applicant in relation to a requirement for waiter/waitress service could assist in changing the nature of the premises. He also felt the time limit of 22.00 hours for use of the external areas as required by the planning conditions was also appropriate for the premises licence. It was suggested that a 'working group' for residents and premises management would be beneficial to ensure that the operation took into account the views and needs of the local community.

In response to some of the points raised, the applicant took on board the safety concerns raised by an interested party and would look to erect a sturdier fence for the Ickenham Road terrace area. It was clarified that off-sales was required to enable bottles of wine to be sold (sealed) for customers to take home. He also advised that experience showed that very few customers would still be on the premises after 23.00 hours. The licence was required for later times to allow customers to finish their meals in a leisurely manner. The applicant's representative put forward a variation to their application in terms of seeking late night refreshment and closure of the premises to

00.30 hours, rather than 01.00 hours. It was also clarified that the internal areas of the premises had an existing CCTV system. The Applicant was sensitive to the concerns of residents and keen to work proactively with them, as ultimately hope they will become their best customers. In this regard they agreed to commit to meeting with residents and/or residents groups.

All the parties were asked to leave the room whilst the Sub-Committee considered their decision. Members felt that the additional conditions put forward by the applicant should be including in the licence. It was agreed that the licence be granted.

All parties were invited back in to the room and the Chairman advised the licence had been granted and read out the conditions that would be attached.

Resolved

That the premises licence Sub-Committee is to GRANT the premises licence with the following times for licensable activities:

Sale of Alcohol from 10.00 to 00.00 hours every day.

Late night refreshment from 23.00 to 00.30 hours every day.

Opening Hours for the premises shall be 10.00 to 00.30 hours every day.

In addition, the Sub-Committee determined to add the following conditions to the premises licence:

Waiter/waitress service shall be offered to all patrons throughout the premises at all times.

A CCTV system (of quality and coverage to be first approved by relevant Responsible Authorities) shall be installed and maintained in effective working order whenever the premises are in use for the purposes of the licence and all 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 authorised officers of the Council and the Metropolitan Police Service.

Patrons shall not be permitted to use the outside areas of the premises, which for the avoidance of doubt include the paved area fronting Ickenham Road and the 'al-fresco' dining areas adjacent to the car park, for any licensable activities after 22.30 hours every day.

No alcohol shall be sold after 22.00 hours for consumption in the outside areas of the premises.

Notices shall be displayed requesting patrons to leave the premises quietly.

The licence holder shall offer to local residents and ward councillors, liaison meetings at regular, reasonable intervals to discuss any issues relating to operation of the premises. Minutes of such meetings shall be circulated to Regulatory Services of the Council.

The meeting, which commenced at 2.00 pm, closed at 4.00 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.