

## Minutes

### LICENSING SUB COMMITTEE

16 September 2015

Meeting held at Committee Room 3- Civic Centre,  
High Street, Uxbridge UB8 1UW



HILLINGDON  
LONDON

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|    | <p><b>Committee Members Present:</b><br/>Councillors David Yarrow (Chairman), Janet Gardner and Judy Kelly.</p> <p><b>Also Present:</b><br/>Ms Jayne Hanson (Representative of applicant) and Karen Dawood.</p> <p><b>LBH Officers Present:</b><br/>Tim Brown (Legal Advisor), Charlene Ellis (Licensing Officer), Clare Freeman (Licensing Authority), Dr Steve Hajioff (Public Health), Jo Smith (Environmental Protection Unit), Adam Stitson (Anti-Social Behaviour Investigations Team) and Khalid Ahmed (Democratic Services Manager).</p> <p><b>Also Present:</b><br/>Ian Wares (Police Licensing Officer).</p>   |
| 1. | <p><b>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</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items were Part I and would be heard in public.</p>  |
| 2. | <p><b>APPLICATION FOR THE VARIATION OF PREMISES LICENCE - 'RE BAR', 163 FIELD END ROAD, PINNER, HA5 1QL</b> (<i>Agenda Item 5</i>)</p> <p><b>Introduction by Licensing Officer</b></p> <p>Charlene Ellis, Licensing Officer, introduced the application for the variation of a Premises Licence for 'Re Bar', 163 Field End Road, Pinner, HA5 1QL. The variation proposed to extend the terminal hour for the sale of alcohol, live music, recorded music and late night refreshment until 02.00 hours and operating hours until 02.30 hours on Fridays and Saturdays (all other licensable activities, permitted hours and opening hours to remain as existing).</p> <p>Reference was made to the Premises Licence having the provision to extend the licensable activity hours and the opening times by one extra hour and also two extra hours on a number of specified named days of the year.</p> <p>The Sub-Committee was informed that a consultation had been undertaken with both Ward Members and Responsible Authorities; four Responsible Authorities and seven interested parties responded to the consultation.</p> <p>The Sub-Committee was informed that a number of visits had been made by Licensing Officers to the premises, with the most recent visit having taken place on 8 September 2015. No major issues had been found, however a training issue had been identified in respect of staff being able use the CCTV system and access recordings.</p> |

Reference was made to the complaints which had been received and the Licensing Officer reported that these could be addressed through conditions.

### **Representation made by the Applicant**

The applicant's representative, Ms Hanson reported that the application for the variation had been made for an extra hour trading to enable the premises trading hours to be brought in line with other similar establishments in the area.

The Sub-Committee was informed that the applicant would be willing to employ extra bar and security staff, with one member of security staff being deployed specifically at the rear entrance of the premises.

The applicant informed the Sub-Committee that subject to approval of the variation application, the pre-existing special day extensions currently authorised on the premises licence would not be taken up as extra hours if those days fell on a Friday and Saturday.

### **Representations made by Responsible Authorities**

Dr Steve Hajioff, Director of Public Health addressed the Sub-Committee on the impact of noise associated with the general health of people. Reference was made to the effects of noise and the long term affect of sleep deprivation potentially causing stress and depression. Public Health voiced a general concern with noise emanating from such premises, being that it was in close proximity to residential dwellings.

Dr Hajioff commented that given the history of the premises in question, the view was that an extension of hours should not be granted without measures being secured to mitigate noise.

Ms Jo Smith, from the Environmental Protection Unit reported that noise mitigation measures should be introduced at the premises if the application for variation was to be granted. Reference was made to previous discussions which had taken place with the applicant on alleviating the noise from the premises. These included proposing to install anti-vibration mounts for speakers and self closing mechanisms for the rear door, out to the garden area.

Ms Smith informed the Sub-Committee that there had been an approved planning permission for the premises, to extend the premises into the rear garden and that this would mitigate against the noise escape from the rear doors. The Sub-Committee was advised that whilst a planning permission had been granted, no works had taken place. Therefore, the Sub-Committee was advised that consideration should only be given to the application placed before them.

Acting Sergeant Wares, of the Metropolitan Police reported that his representation was being made on the grounds of the prevention of crime and disorder and public nuisance; due to the fear that the proposed increased hours would lead to a greater risk of crime and anti-social behaviour. It was, however, further reported, that in general, there had been little report of serious issues within the area where the premise was situated.

Ms Claire Freeman, of the Licensing Authority reported that the Council had received a number of complaints regarding noise nuisance from the premises, particularly relating to noise escaping from the rear entrance/exit and garden vicinity. The Sub-Committee

was informed that whilst the Licensing Authority would not object to the variation in principle, in order for the licensing objectives to be upheld, additional conditions should be added to the licence as detailed in the report.

Reference was made to concerns regarding the special event days on the licence, which allowed for opening times to be extended by 1 or 2 hours on 25 specific days each year. Concerns were expressed that these times, coupled with the increased hours being applied for, could result in the business shutting as late as 04:00 hours which would exacerbate the noise nuisance issues. In response to this, the applicant re-iterated that the application for variation of hours would not apply to the identified special event days listed in the report.

### **Representations by Interested Parties**

Ms Sarah West and Ms Jane Cogan, both local residents spoke in opposition to the application and it was noted that Ms West had organised the petition, as detailed in the report.

The Sub-Committee was informed that the basis for residents' objections was the existing noise nuisance and the potential for this to increase if the extension of hours was extended should the application be granted. Ms West said that this would mean that the licensing objective of preventing noise nuisance would not be met.

Particular mention was made in respect of the loud music which emanated from the premises and had been heard by residents of The Close who lived approximately 60 metres away, despite doubled glazed windows and their doors being closed. Reference was made to the premises already employing door staff and the suggestion that this had not stopped the rear door being opened and subsequent noise escape; in spite of the Premises Licence holder having an informal agreement with the Council to keep the rear door closed after 20:00hrs.

Ms West referred to the additional hours for special event days which were included in the existing licence stating that residents had not been aware of these extra hours and they had not been consulted upon. Ms West expressed that this was seen as unfair and prejudiced residents' ability to properly respond to the application.

Ms West commented that extending hours would set a precedent for the local area and would encourage irresponsible drinking resulting in anti-social behaviour. Residents in the area already had to keep their windows and doors constantly closed, due to being disturbed by loud noise, which deprived residents of sleep and caused risks to their health.

Councillor Becky Haggar, spoke on behalf of the Eastcote and East Ruislip Ward and Councillor Nick Denys who had made the representation contained within the report. The Sub-Committee was informed that the premises were situated within a residential area, which would mean extending the opening hours of the premises would have a detrimental effect on local residents. Councillor Haggar reported that residents did not have any confidence that the premises would comply and/or adhere to the conditions on the licence, referring to the numerous breaches which had taken place in relation to the existing informal agreement with the Council, which had been made to keep the rear door closed.

Councillor Haggar reiterated the residents' comments about the effects of extending the opening hours and the impact this would have on young people in terms of irresponsible drinking. Reference was made to the concerns regarding the extension of

the opening hours which would result in patrons congregating in the surrounding streets, which could result in anti-social behaviour.

Mr Adam Stitson, of the Anti-Social Behaviour Investigations Team informed the Sub-Committee that he shared residents' concerns regarding the variation application for the premises and supported the residents' views regarding anti-social behaviour. Reference was made to two incidents of statutory noise nuisance that had been witnessed. Mr Stitson expressed concern at the Premises Licence holder's ability to keep the rear doors to the premises closed, if such a condition was to be imposed.

In addition, concerns were expressed about the effect of extending the opening hours and the impact this would have on the surrounding streets due to patrons leaving and the possible anti-social behaviour which could result.

## **Discussion**

Following questions from Members of the Sub-Committee, Ms Hanson confirmed that after 20:00hrs, the only entrance and exit to the premises would be via the front door and that all smokers would have to go outside the front of the premises. However, the Sub-Committee was informed that staff would still need, on occasion, to open the rear door after 20:00hrs, to change beer barrels.

A discussion took place on people smoking to the front of the premises and the potential impact of this on the residential dwellings and occupiers; which were situated directly above the premises. Dr Hajioff referred to the distance between the smoking area and residential properties and stated that it would be unlikely that there would be a negative impact on people's health, unless people had particular sensitivities to smoke such as brittle asthma.

Following a question from the Chairman, Ms Smith reported that noise limiting devices were not always effective, and although they worked in some premises were not successful in others; being very much subject to and dependent upon the type of music which was being played.

In response to a further question, Ms Smith reported that noise limiting devices ranged in price from around £300 to £3,000 and could usually be installed by an electrician at a reasonable cost.

Ms Hanson clarified to the Sub-Committee that they would amend their application to exclude the 25 special event days.

## **CLOSING**

Ms Hanson acknowledged all residents' complaints received and agreed to make provisions for additional security and arrangements with local taxi cab offices relating to late night taxis; should the application be granted

There were no closing statements from any Responsible Authorities.

Ms West reiterated her concerns regarding the impact of the extra hours on the residents and asked that if the variation application was successful, that any conditions applied be monitored.

All parties were asked to leave the room while the Sub-Committee considered its decision.

Members felt that the hours being applied for were unacceptable and they would cause public nuisance to local residents, particularly those who lived to the rear of the premises. It was agreed that the licence be refused.

All parties were invited back in to the room and the Chairman announced that the decision of the Sub-Committee was to

## **THE DECISION**

**Resolved: That:**

**The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.**

**The decision of the Sub-Committee is to REFUSE the variation application.**

## **REASONS**

The following were the Sub-Committee's reasons for its decision:

- There had been a very large number of complaints about loud noise both escaping from the premises through the rear door/patio area and from music played. These included incidences of statutory noise nuisance witnessed by Council officers. As such the Sub-Committee found extending the hours for licensable activities (either as per the application or in part) would have an unacceptable impact on the licensing objective of the prevention of public nuisance. The Sub-Committee then considered whether conditions could be added to the premises licence to overcome this impact.
- The premises had failed to adhere to the informal agreement reached with ASBIT to keep the rear door closed after 20:00. Also the Applicant stated that after 20:00hrs premises staff would need to access the garden to change barrels and obtain supplies which were kept in the garden. A combination of those factors meant that the Sub-Committee did not believe a condition requiring the rear door to be closed after 20:00hrs was capable of overcoming the additional noise nuisance harm from extended hours.
- Evidence from the Environmental Protection Unit had stated that noise limiting devices had mixed ability to succeed in reducing noise nuisance and in any event required careful monitoring and maintenance of the premises management to be operated effectively. As such it was found that a condition requiring a noise limiting device to be operation would not be sufficient to uphold the licensing objectives should the variation be granted. It was also noted that the Applicant had stated the speakers within the premises had already been reduced in size, which had not prevented complaints from residents.
- Other conditions suggested by the Responsible Authorities were fully considered but were not found to be sufficient to uphold the licensing objectives of the prevention of public nuisance.
- Additionally, the extended hours and shutting off the rear garden would move smokers to the front of the premises later at night causing noise and disturbance

in the road, potentially harming the residents living above the premises. The Sub-Committee took account of the evidence of ASBIT and Public Health on the potential negative impact of this, as well as the evidence on the difficulties in controlling patrons when outside of the premises on a public road.

- The Applicant had failed to demonstrate a comprehensive understanding of noise nuisance coming from the premises and importantly, of ways to mitigate that impact.

The meeting, which commenced at 2.00 pm, closed at 3.15pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Khalid Ahmed on 01895 250833. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.