

## Minutes

### LICENSING SUB-COMMITTEE

21 January 2016

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



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors Dominic Gilham (Chairman) Janet Gardner Carol Melvin Judith Cooper</p> <p><b>Also Present:</b> PC Emly Mitchell (Metropolitan Police), Sgt Nick Davies (Metropolitan Police)</p> <p><b>LBH Officers Present:</b> Ian Meens Beejal Soni (Legal Advisor) Jo Smith (Environmental Protection Unit) Adam Stitson (Environmental Protection Unit) Kiran Grover (Democratic Services Officer)</p>	
11.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies of absence.</p>	
12.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no Declarations of interest made.</p>	
13.	<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>Legal Services confirmed that the meeting could be heard in Part 1 as the information contained in the minutes of a Metropolitan Police Services meeting on 29 September 2014 did not contain personal sensitive information and/or information not previously publicised about an ongoing investigation.</p> <p>It was confirmed that the Application was Part I.</p>	
14.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>No matters had been notified in advance or were urgent.</p>	

15. **APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF THE IVY LEAF CLUB, WELLINGTON ROAD, UXBRIDGE** (*Agenda Item 5*)

Ian Meens, Licensing Officer at LBH attended the meeting on behalf of Regulatory Services and introduced the report which provided background information about the application, premises and the members club.

The Committee's attention was drawn to the addendum sheet for the representation of the Environmental Protection Unit.

The premises was a double story self contained building with a private flat. It was located at the end of Wellington Road Uxbridge adjacent to Rockingham recreation ground. It was currently licensed as a members club and operated under a Club Premises certificate. The certificate covered both the ground floor which was set mainly to a bar and dance area and the first floor which had a smaller bar, snooker table and darts provision.

The new Premises Licence application had been applied for and sought to licence the premises to identical hours to those hours currently permitted on the Club Certificate.

The application was made to add a premises licence to the building and to permit the premises to operate outside of the parameters and constraints imposed by the current Club Licence thus allowing non members to use the facilities of the club.

The application explained the proposals, these being the ability for the premises to hire the venue out for functions on the ground floor only.

It was explained that following the submission of the application there had been a number of representations. Two representations were received from local residents who could not attend but were represented by their Ward Councillor; Councillor Cooper. There was further representation from The Metropolitan Police and the Environmental Protection Unit.

It was advised that the application was being dealt with by and on behalf of the club by Mr David Smith of Turbervilles solicitors.

### **The Licence Applicant**

The application was being dealt with by and on behalf of the club by Mr David Smith of Turbervilles solicitors. Both the applicant, Mr Kevin Eade, and the Club Steward, Mr Jack Peacock were in attendance to address any queries related to the application. The application proposed that Mr Peacock assumed the role of Designated Premises Supervisor (DPS) in the event that a licence was granted. Mr Smith then addressed the Sub-Committee on behalf of the applicant.

This was an application by the Club Premises Management Team for the Ivy Leaf Club for a premises licence for the first floor of the Members Club. The Ivy Leaf was a Private Members Club which would occasionally like to host events for its members, for example, birthday parties. The Rule Book did not permit a member to grant entry to more than 2 guests. Consequently, it was not possible to host events where it was anticipated that more than 2 guests

would be in attendance. The grant of a premises licence, with suitable conditions added, permit the club to host such events on the private members club premises.

Mr Smith explained that the premises operated as a Private Members Club ("the Club") for both floors of the building. The application for the premises licence would cover only the ground floor. As both the Club Premises Certificate and Premises Licence would operate alongside each other, events could be held on the ground floor whilst the first floor of the building functioned in accordance with the Club Premises Certificate for the use of members only. He confirmed that the Applicant accepted all the conditions recommended by the Licensing Officer. He advised that the Club lettings would not exceed 25 per year. Consequently the Applicant had no objections to an annual limit of 25 lettings being placed on the licence.

He pointed out that it was difficult for the Applicant to respond to representations made by residents as these representations were not specific with regard to dates and times. However, in response to further information submitted by the Environmental Protection Unit, he clarified that:

- On 14 June Members were watching the televised England Football;
- On 29 June the club was closed as it was a Sunday;
- The complaint on 4 July related to Karaoke was unfounded because the club had not hosted karaoke for more than 4 years;
- The incident on 3 July was caused by non-members accessing the club patio area from Rockingham Park and proceeding to smoke on the patio. He advised that Mr Peacock had identified the individuals and addressed the problem. Consequently the problem had ceased;
- With regard to the smoking of unlawful substances, the club member thought to be at fault had been barred;
- Mr Smith advised that ashtrays had been placed on the patio to discourage members from flicking cigarette butts onto neighbouring premises.
- Sub- Committee Members were concerned about the ability of non-members to access the "members only" area on the first floor of the building, especially as a bar service was located on the first floor. Mr Peacock and Mr Eade advised that there was no effective method to cordon off the access to the upper level because this would block the fire escape route. They undertook to ensure that when the premises licence was in use, the bar on the second floor would remain closed.

### **The Metropolitan Police Service**

The Metropolitan Police Services were represented by Emly Mitchell and Sergeant Nick Davies.

PC Emly Mitchell outlined incidents of crime and disorder at the premises which had raised concerns within the Metropolitan Police Services. She confirmed that the application for a premises licence was in accordance with a list of actions agreed at a meeting on 29 September 2015. She confirmed that the application for a premises licence was in accordance with advice provided by Regulatory Services and the Metropolitan Police Services at this meeting.

Since the meeting on 29 September 2015, she had conducted follow-up visits to the premises on 7 November 2015 and 18 December 2015. She stated that she is personally impressed with changes made to the management and running of the Club. In her opinion, there was stronger control of access for members, the CCTV system was suitable and fully operational and the general atmosphere of the club was positive.

Cllr Melvin noted that the representations submitted by the Metropolitan Police list various dates when the premises were visited and large number of patrons found to be intoxicated. She queried whether staff were also found to be intoxicated. PC Mitchell responded that on one occasion Club members were intoxicated and it appeared staff had "had a few drinks"(sic).

### **Environmental Protection Unit**

Jo Smith of the Environmental Protection Unit submitted representations to the Licensing Committee. She was assisted by Adam Stitson of the Council's Anti-Social Behaviour team.

Mr Stitson confirmed that although the Council had received complaints about noise nuisance, no officer of the Environmental Protection Unit and/or Anti-Social Behaviour Team had witnessed a noise nuisance. He advised that the bulk of complaints were generated from the use of the patio area and persons departing from the premises. He advised that it was encouraging that the premises had accepted the recommendations of the licensing officer but suggested the inclusion of the following 2 conditions to address noise nuisance:

1. Staff should be positioned outside the premises and in the vicinity to ensure patrons left the area quietly;
2. Regular meetings should be held with residents to keep them informed about events at the clubs.

He advised that noise complaints peak during the Spring/Summer periods when patios and beer gardens were in greater use. The timing of this licence application would permit the Applicant to address noise concerns before the onset of Spring/Summer. In response to queries from Members, he advised that there was less than 10 metres between the patio and the nearest neighbouring bedrooms. Upon further calculation, he advised that this distance was actually 3.6 metres.

Both he and Jo Smith expressed satisfaction that the conditions recommended had been accepted. Jo Smith further confirmed that the positioning of the "memorial shed" on the patio was to create a buffer between the premises patio and neighbouring garden.

### **Representation of Other Parties**

Ward Councillor Judith Cooper attended and addressed the Sub-Committee on behalf of residents who had submitted relevant representations.

Councillor Cooper confirmed her satisfaction that the recommended conditions. However, she expressed concern about the ability of the premises to control/contain the activities of non-members on the premises.

### **Discussion**

The general discussion by addressing concerns that the premises should be appropriately conditioned so as to ensure that it operated in support of the Club Member Certificate rather than a premises licence in the traditional sense. Mr Smith pointed out the premises licence would only be in use for events hired by a member of the Club. Lettings would be limited to 25 events per year and no lettings for high risk events would be authorised. A list of high risk events would be agreed by the Applicant with the Council's Regulatory Services Team and Metropolitan Police Services.

Councillors raised concerns that members of the public would successfully

make application and become members of the Club with the sole purpose of hiring the premises for an event.

With regard to members of the public accessing the patio area, Mr Peacock advised that the area had been cordoned off by use of a handrail. He agreed that such a feature did not secure the area.

Mr Peacock confirmed that gaming machines were located on the ground floor. Councillor Gilham pointed out that if a premises licence was granted, the gaming machines would have to be removed/rendered inoperable for all occasions that the premises licence was in use. In response to queries, Mr Peacock confirmed that the power source lead for the gaming machine could be removed so as to render the machine inoperable.

The Councillors were concerned that the bulk of resident complaints arose out of the use of patios. Mr Eade advised that the Club intended to install a shutter door for the undercroft area to limit and restrict the use of the patio. Quotations had been obtained for the installation of a shutter door but any decision was subject to a decision of the executive committee and the availability of funds.

It was noted that the requirement for all doors and windows on the premises to be closed after 21:00hours applied only when regulated entertainment was taking place. In response to queries from the Sub-Committee, the applicant agreed to remove the reference to regulated entertainment for the purposes of this condition.

### **Committee Deliberation**

All parties were asked to leave the room while the Sub-Committee considered its decision. The sub-Committee discussed whether the Ivy Leaf Club would be granted a new premises licence.

### **The Decision**

The Sub-Committee had 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 and the Licensing objectives. The Licensing Sub-Committee had come to the following decision:

The premises licence for the Ivy Leaf was granted subject to the following conditions:

1. The licensed area (ground floor only) shall be used only when hired to a Club Member; with such lettings not to exceed 25 days per calendar year.
2. On occasions where premises were hired to a member for the member's private hire usage consultation shall take place with the Metropolitan Police Services a minimum of 10 days in advance of the proposed letting. A letting may take place, only on receiving agreement for the letting from the Metropolitan Police Services.
3. Bookings should not be accepted by the Club for "Stag Parties", "Hen Parties", 16<sup>th</sup> Birthday Parties, 18<sup>th</sup> Birthday Parties, 21<sup>st</sup> Birthday parties or any other letting considered "High Risk" by the Metropolitan Police Services.
4. A register of bookings and hire arrangements should be

maintained by the Club and shall be made available to Officers of the Licensing Authority and Police Officers. The register shall include;

- a. Contact details for the Member making the booking including the Member's period of membership of the Club
  - b. Timings of the event
  - c. Special arrangements i.e. security, entertainment etc
  - d. Number of persons attending the event.
5. The installed secure entry system at the main entrance to the premises should be maintained in effective working order.
  6. The installed CCTV system should be maintained in effective working order. The CCTV images shall be maintained for a minimum of 28 days and copies of the images shall be made available to Officers of the Licensing Authority and Police Officers on request.
  7. All doors and windows to the premises should be kept closed after 21.00 hours except for ingress and egress.
  8. Clear and legible notice should be displayed in a prominent position in any external areas where customers are permitted to smoke or drink, or when leaving the premises. Such notices shall request that they keep the noise to a minimum to avoid disturbing local residents.
  9. There should be no admission or re-admission to the premises after 22:00 hours, except for customers exiting in order to smoke.
  10. The designated premises supervisor or his representative should ensure that no disturbance to residents should be caused as a result of regulated entertainment.
  11. The external patio areas should be cleared of all patrons, lights turned off and access prohibited to any persons from 22.00 hours each day.
  12. An access control device should be installed to ensure that no persons gain access to the external patio area from 22h00 hours daily.
  13. During any occasion when the premises licence is in use, the power supply should be removed from gaming machines.

The meeting, which commenced at 2.00 pm, closed at 4.15 pm.

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