

Minutes

LICENSING SUB-COMMITTEE

3 February 2016

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) David Yarrow Lynne Allen</p> <p>Also Present: Ms Alison Porter (Resident)</p> <p>LBH Officers Present: Ian Meens (Licensing Officer), Beejal Soni (Legal Advisor), Alex Quayle (Democratic Services Officer)</p>	
16.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>	
17.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no Declarations of Interest made.</p>	
18.	<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 all items were Part I and would be heard in public.</p>	
19.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>	
20.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE ORANGE PEEL PUBLIC HOUSE, FIELD HEATH ROAD, UXBRIDGE, UB8 3NJ (<i>Agenda Item 5</i>)</p> <p>In the absence of the Applicant or Agent, Democratic services advised the Sub-Committee of possible options. As the Agent had informed Democratic Services that they were unable to attend, the Sub-Committee had the option to hold the hearing in the Applicant's absence based on the material supplied, or adjourn the hearing. The Sub-Committee decided to proceed with consideration of the application as it had been submitted.</p>	<p>Action by</p>

Introduction by Licensing Officer

Ian Meens, Licensing Officer, introduced the application for a new premises licence for the Orange Peel Pub, Field Heath Road, and noted items in the addendum including:

- Hours of licensed operation for two nearby public houses and two off-licences.
- The omitted address of a resident who had made representation.
- That playing recorded music did not form part of this application.
- That there had been 8 rather than 7 representations from the general public.

The premises in question was a detached building currently empty and formerly a Public House. The application sought to licence the ground floor only and have the first floor available for the business supporting the licensable activities of the ground floor.

The proposed hours would have been similar but not identical hours to those the premises previously held. The application was for the sale of alcohol and late night refreshment. A previous application for the premises was submitted in September 2015 and subsequently rejected. That application had much later operation hours which caused some local concern.

8 local residents had made representations. The police initially made a representation which they later withdrew when certain conditions were met and agreed by the applicants. There were no other representations from statutory authorities.

Additional photos of the car park, local shops and area opposite the premises were circulated. The officer also referred to the times of operation for two of the nearest Public Houses, The Hut and the Crown at Colham Green, both of which had licensed hours that were later than those of the application, and two licensed off licence premises opposite the premises, McCalls and Royal Food and Wine.

Representation made by the Applicant

The Agent had advised Democratic Services that they were unable to attend the meeting.

Representations made by Responsible Authorities

No responsible authorities were in attendance or had made prior representation.

Representations by Interested Parties

Ms Alison Porter addressed the Sub-Committee on behalf of the residents who had submitted relevant representations. She agreed that in light of the timings granted to premises in the vicinity, the times requested by the Applicant were reasonable.

However, she felt the application did not take into account the inconvenience caused to residents with regard to vehicles in residential areas with limited parking space and/or using residents' driveways to make u-turns. The lights from cars shining into residential homes late

at night was likely to cause disturbance to residents. She advised that whilst there was no historical evidence to support this suggestion, the limited parking spaces available in the area made it more than likely that patrons would seek parking in nearby streets. The potential running of a take-away service would exacerbate the nuisance caused by vehicles and/or inconsiderate illegal parking. The provision of off sales further raised concerns about noise nuisance from a drinking area or beer garden. She pointed out that there was nothing in the plans to address how smells emanating from a restaurant would be controlled.

Discussion

The Chairman of the Sub-Committee led the general discussion into the application. Councillors were concerned that the Applicant's paperwork did not provide them with all the relevant information required.

Legal advice was provided that it was doubtful whether the plans submitted by the Applicant materially complied with Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42. The Legal Advisor suggested the plans were not clearly legible and therefore did not provide information about entrance and exit points, emergency access points, fixed furniture and kitchen. The Legal Advisor was concerned that licensable activity being the supply of hot food and potentially the sale of alcohol would be taking place on the first floor. The first floor was not included in the area within which licensable activity would take place. The Legal Advisor was also concerned that the steps to uphold the licensing objectives offered by the Applicant conflicted with the premises licence requested. Information on the London Borough of Hillingdon website and in its policy required a scale of 1:100. Mr Meens confirmed that the Applicant failed to respond to his request on 10 December 2015 for compliant plans.

Ms Porter was concerned that residents who submitted relevant representations may have done so on the basis of the initial rejected application which requested a premises licence operational until 03h00. The Legal Advisor provided photographs demonstrating the advertisement of the premises licence application for the hours relevant to this application. The Sub-Committee noted that all representations from residents referred to a midnight closing time. The Sub-Committee was therefore satisfied that all representations received related to the premises licence currently being considered.

Committee Deliberation

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

During deliberations, the Sub-Committee identified the following causes of concern:

1. The potential non-compliance of plans submitted with Regulations and Statute;
2. The likely public nuisance caused by vehicular traffic to residents
3. Whether the application has provided full details of licensable

- activity that will take place on the premises;
4. Whether the opportunity for licensable activity to take place on the first floor of the premises had been suitably identified and addressed.
 5. Lack of clarity with regard to the Designated Premises Supervisor and personal licence holders.
 6. The likelihood that the unilateral imposition of conditions would address concerns related to the application and accompanying paperwork.

In making its determination, the Sub-Committee considered Home Office guidance issued in March 2015, specifically paragraphs 3.12, 10.5, 10.8, 10.9, 10.10. The Sub-Committee agreed that any condition it sought to impose would need to be reasonable, necessary and proportionate in upholding the licensing objectives.

The Decision

RESOLVED: That:

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

The Sub-Committee was concerned that the application submitted by the Applicant appeared to lack key information with regard to the scope of the licensing activities. Consequently the Sub-Committee was not satisfied that the application was capable of upholding the licensing objectives relating to crime and disorder as well as public nuisance. The decision of the Sub-Committee was therefore to reject the application.

The meeting, which commenced at 2.00 pm, closed at 3.08 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.