



HILLINGDON  
LONDON



# Notice of Hearing

## Licensing Sub Committee

**Date:** FRIDAY, 11 SEPTEMBER  
2015

**Time:** 2.30 PM

**Venue:** COMMITTEE ROOMS 3 &  
3A - CIVIC CENTRE, HIGH  
STREET, UXBRIDGE,  
MIDDLESEX 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:

David Yarrow (Chairman)  
Lynne Allen  
Brian Stead

### Important Information

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

**Tuesday 8 September 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, 26 August 2015

Contact: Jon Pitt  
Tel: 01895 277655  
Email: [democratic@hillington.gov.uk](mailto:democratic@hillington.gov.uk)

This Agenda is available online at:  
<http://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=352&MId=2542&Ver=4>

***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](http://www.hillingdon.gov.uk)

# Useful information for residents and visitors

## Travel and parking

Bus routes 427, 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. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services. 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.

## Attending, reporting and filming of meetings

For the public part of this meeting, residents and the media are welcomed to attend, and if they wish, report on it, broadcast, record or film proceedings as long as it does not disrupt proceedings. It is recommended to give advance notice to ensure any particular requirements can be met. The Council will provide a seating area for residents/public, an area for the media and high speed WiFi access to all attending. The officer shown on the front of this agenda should be contacted for further information and will be available at the meeting to assist if required. Kindly ensure all mobile or similar devices on silent mode.

Please note that the Council may also record or film this meeting and publish this online.

## Emergency procedures

If there is a FIRE, you will hear a continuous alarm. Please follow the signs to the nearest FIRE EXIT and assemble on the Civic Centre forecourt. Lifts must not be used unless instructed by a Fire Marshal or Security Officer.

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

## Part I - Members, Public and Press

### CHAIRMAN'S ANNOUNCEMENTS

#### Hearing Protocol

Pages 1 - 8

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To agree the minutes of meetings held on 19 June, 14 July and 23 July 2015

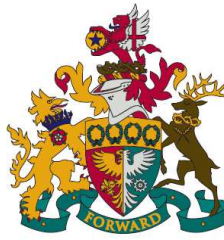
Pages 9 - 18

- 4 Matters that have been notified in advance or urgent
- 5 To confirm that the item of business marked Part II will be considered in Private

### Part II - Members Only

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
<b>6</b>	Application for the grant of a Premises Licence - 6 Dawley Parade, Dawley Road, UB3 1EA.  Appendix 1 Appendix 2 Appendix 3 Appendix 4 Appendix 5 Appendix 6 Appendix 7	Botwell	Briefing - 2:15 pm  Hearing - 2.30 pm	19 - 102  27 - 40 41 - 44 45 - 80 81 - 82 83 - 84 85 - 88 89 - 102

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**HILLINGDON**  
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## Licensing Act 2003

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

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**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.

**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

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## 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](mailto: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**

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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:

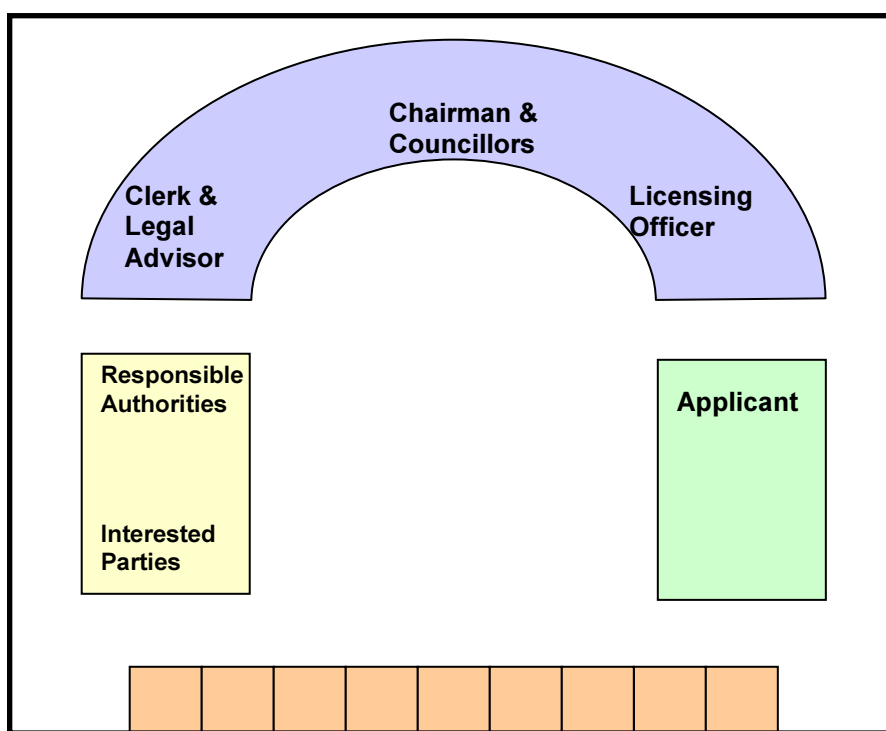
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and 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?

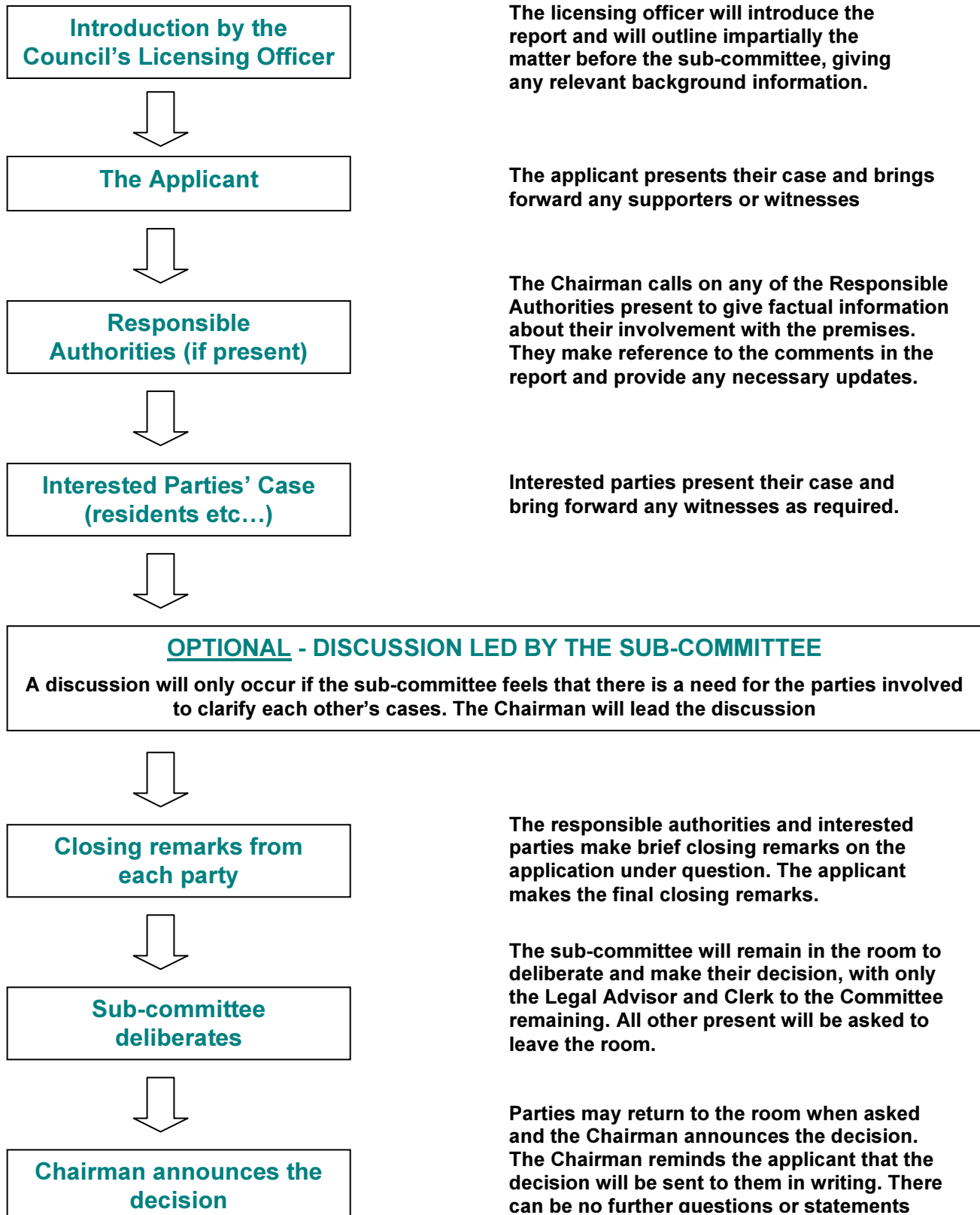
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may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

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### **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](http://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](http://www.hillingdon.gov.uk) and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

## Minutes

### LICENSING SUB COMMITTEE

19 June 2015

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



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors David Yarrow (Chairman) Lynne Allen Brian Stead</p> <p><b>Witnesses Present:</b> Mr Charlton (Applicant's Representative)</p> <p><b>LBH Officers Present:</b> Tim Brown (Legal Advisor), Sharon Garner, Licensing Officer and Charles Francis, Democratic Services.</p>	
39.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>	
40.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	
41.	<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>All items were considered in Public.</p>	
42.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>	
43.	<p><b>APPLICATION FOR A NEW PREMISES LICENCE - HARD EIGHT, 1 EASTBURY ROAD, NORTHWOOD</b> (<i>Agenda Item 5</i>)</p> <p>The Licensing Officer introduced the report informing the Sub-Committee that the application was for a new licence for Hard Eight, 1 Eastbury Road, Northwood. There were no representations from the Police but two representations had been received from local residents. For clarification, the Licensing Officer confirmed that the application was for the sale of alcohol, on and off sales and the provision of late night refreshments indoors only. It was noted that the applicant had not applied for the provision of regulated entertainment.</p>	<b>Action by</b>

The applicant's representative provided background information on Hard Eight and confirmed that the intention was for the premises to sell freshly prepared gourmet burgers in an upmarket setting. Although no draft menus were available at the meeting, the Committee were informed that optional side dishes would also be sold along with a choice of decent quality wines.

It was noted that Hard Eight was currently undergoing an extensive refurbishment. At the meeting, the applicant's representative put forward a solitary change to the application to alleviate the concerns of local residents. This was as follows:-

- That alcohol be sold from 11:00 am, instead of 9:00 am as requested on the licence application.

The applicant's representative then provided an overview of how it was envisaged Hard Eight would operate. It was confirmed that alcohol would only be sold with a meal or whilst customers were waiting to be seated. The applicant's representative confirmed that the Applicant currently had applications submitted for a street trading licence and a personal licence, and therefore was aware that he would not be able to trade from the outdoors areas or undertake licensable activities respectively without those two additional licences in place. He also noted that the Police were aware of the street trading licence application and had no objections.

In answer to a question in relation to how the outside areas would be managed, the Sub-Committee was informed that noise would be monitored and regulated by waiting staff. Notices and signage would also be erected to provide advice and guidance to customers.

The interested party in attendance made the following points:-

- Concerns were expressed about the off and on sales of alcohol and patrons leaving the premises with alcohol and a request was made that this should be restricted.
- Questions were asked about the time in the evening when last meals would be served and when the drinking up time would be?
- Concerns were expressed about late night noise and impact this might have on local residents.
- The offer made by the applicants' representative to reduce the hours alcohol could be sold from 9 am to 11am were welcomed.
- Concerns were also raised about the effectiveness of waiting staff monitoring outside tables and their ability to control noise.

With regards to the drinking up time, Officers explained that this would be incorporated into the closing time.

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

	<p>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:</p> <p><b>Resolved -</b></p> <p><b>That the premises licence Sub-Committee is to GRANT the premises licence with the following times for licensable activities:</b></p> <p><b>Sale of Alcohol from 11.00 to 00.00 hours every day</b>  <b>Late night refreshment from 23.00 to 00.00 hours every day</b>  <b>Opening Hours for the premises shall be 07.00 to 00.00 hours every day</b></p> <p><b>In addition, the Sub-Committee determined to grant the premises licence as specified in the application with mandatory conditions and conditions consistent with the operating schedule, which for the avoidance of doubt will include that alcohol is only to be served with a meal and whilst waiting for a table and signage requesting patrons to leave quietly be erected in prominent positions around the premises.</b></p>	
<p>The meeting, which commenced at 2.30 pm, closed at 3.29 pm.</p>		

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

14 July 2015

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



HILLINGDON  
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	<p><b>Committee Members Present:</b> Councillors Dominic Gilham (Chairman) David Yarrow (Vice-Chairman) Lynne Allen</p> <p><b>Witnesses Present:</b> Sally Hills (Applicant's Representative) Claudette St Paul (Applicant) Roy Eccleston One further representative</p> <p><b>LBH Officers Present:</b> Beejal Soni, Legal Advisor Stephanie Waterford, Licensing Officer John Abiona, Environmental Health Officer Claire Freeman, Regulatory Service Manager Charles Francis, Democratic Services.</p> <p><b>Also Present:</b> Acting Police Sergeant PC Ian Wares, Metropolitan Police</p>	
44.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>	
45.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	
46.	<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>All items were considered in Public with the exception of Appendix 5 which was considered in Private.</p>	
47.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>The usual notice period for Licensing Sub-Committee meetings had not been given in this instance because S105 of the Licensing Act 2003 requires the hearing of a Temporary Events Notice to take place within</p>	

	<p>7 working days beginning with the day after the last date for representations. The agenda and report was agreed as urgent by the Chairman to ensure a decision was made by the Sub-Committee prior to the event taking place.</p>	
48.	<p><b>TEMPORARY EVENT NOTICE</b> (<i>Agenda Item 5</i>)</p> <p>The Council's Licensing Officer introduced the report outlining the application for a Temporary Events Notice (TEN) between 17 and 19 July 2015 at the Lounge, Dawley Road, Hayes made by Ms Claudette St Paul for 'disco and party nights'.</p> <p>Two objections to the TEN had been made by both the Metropolitan Police Service and the Council's Environmental Protection Unit which was why the application had been brought to the Sub-Committee for consideration.</p> <p>The applicant's representative, Sally Hills, Hills Licensing, addressed the meeting in support of the TEN's that had been applied for by Ms Claudette St Paul.</p> <p>Acting Police Sergeant, Ian Wares presented the reasons for objecting to the TEN which was detailed in Appendix 5 and included in Part 2 in the agenda.</p> <p>John Abiona presented the reasons why the Council's Environmental Protection Unit had objected to the application.</p> <p>Following closing submissions from all parties, the Committee adjourned to make their decision.</p> <p>The Sub-Committee considered all the relevant representations made available to it and in doing so took 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 the Licensing Objectives. The Licensing Committee reached the following decision:</p> <p><b>Resolved -</b></p> <p><b>That the Sub-Committee Grant the Temporary Events Notice (TEN) for an event between 17 and 19 July 2015 at the Lounge, Dawley Road, Hayes.</b></p>	
	<p>The meeting, which commenced at 2.30 pm, closed at 4.11 pm.</p>	

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

## Minutes

### LICENSING SUB COMMITTEE

23 July 2015

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), Carol Melvin and John Morse.</p> <p><b>Also Present:</b> Mr R Rajeeven (Applicant) and a relative of applicant acting as translator.</p> <p><b>LBH Officers Present:</b> Stephanie Waterford (Licensing Service), Beejal Soni (Legal Advisor), Jon Pitt (Democratic Services Officer).</p>
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Cllr. Judy Kelly, with Cllr Carol Melvin substituting.</p>
2.	<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 notified.</p>
3.	<p><b>TO AGREE THE MINUTES OF THE MEETINGS HELD ON 2 APRIL, 13 MAY, 5 JUNE 2015</b> (<i>Agenda Item 3</i>)</p> <p>The minutes of the meetings held on 2 April, 13 May and 5 June 2015 were agreed as a correct record.</p>
4.	<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 4</i>)</p> <p>It was confirmed that all items were Part I and would be heard in public.</p>
5.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 5</i>)</p> <p>An e-mail in support of the application being considered had been circulated to all parties on the day before the hearing (Wednesday 22 July). Following legal advice, the Committee took the decision not to admit the e-mail as evidence. This was due to the fact that the e-mail contained the name and e-mail address of the sender, but did not contain any other details that would allow its authenticity to be verified. The evidence had also not been provided within the required timeframe.</p> <p>The applicant presented the Committee with some text and photos in support of his application. It was agreed to admit this information as evidence, with the applicant</p>

being advised by the Chairman that he would be able to present this during the meeting.

6. **APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - SHOP FRONT**  
*(Agenda Item 6)*

Stephanie Waterford, Licensing Officer, introduced the application for the renewal of a Street Trading Shop Front Licence for a six month period, in respect of Early Bird Food & Wine, 2 Joel Street, Northwood Hills, HA6 1PY. It was confirmed that the application was for the display of fruit and vegetables in a two metre space, between the hours of 6 am and 11 pm Monday to Sunday.

A consultation had been undertaken with Ward Members, the Anti-Social Behaviour (ASB) Investigations Team and with the Highways Service. The ASB Investigations Team had visited the site and had provided a brief report of their findings, including photos of the premises. The Highways Service had also provided information in relation to the location of double yellow lines adjacent to the premises.

One objection to the application had been received from Cllr. John Morgan. This expressed concerns about the obstruction that the trading area could cause and about the appearance and volume of litter in the vicinity.

**Representation made by the Applicant**

The applicant's representative informed the Committee that the applicant's business had been trading since 2005. However, trading conditions had been tough, which had resulted in him diversifying and starting to sell fruit and vegetables in addition to the other products sold from the premises. The applicant found it difficult to unload deliveries due to him not having an allocated parking bay and the presence of yellow lines and zig-zags.

**Representations made by other parties**

None of the parties that had provided information for consideration by the Committee or that had made representations attended the hearing.

It was noted that Cllr Morgan was against renewal of the applicant's Street Trading Licence due to parking issues in the area. It was suggested that these were partly caused by the applicant. In addition, the general cleanliness of the trading area was a concern. Cllr Morgan had sent e-mails to Council officers outside the Licensing Service. However, this correspondence had not been included with the objection in relation to the application and therefore, could not be considered by the Committee.

The Anti-Social Behaviour Investigations Team had visited the premises and noted that there had been a car parked on double yellow lines. The area in front of the shop had been untidy, including a pile of empty crates, rubbish in the trading area and rubbish in a neighbouring alleyway. The Licensing Service had not visited the premises in relation to the application, but had tasked the Antisocial Behaviour Investigations Team to visit the area and provide a report with photos detailing their findings.

The Council's Highway Service had advised in their submitted evidence in relation to the legality of parking at the site and the location of yellow lines and zig-zags. It was not considered that the two metre depth of footway trading space that the applicant had applied for would cause access problems for pedestrians as the footway was

approximately six metres wide at that point.

## **Discussion**

The Chairman confirmed that the Committee would consider the application for a Street Trading Licence. Parking difficulties experienced by the applicant were not relevant to the application and therefore, could not be considered by the Committee. It was questioned why the application had gone to a Committee hearing rather than being determined by officers under their delegated authority. Officers advised that licence applications which attracted objections and where discretionary grounds for refusal were identified, were determined by the Committee.

Following a brief pause in proceedings to allow Committee Members to read information provided by the applicant, the applicant and his representative explained a series of attached photos to the Committee. The photos illustrated how white zig-zag lines adjacent to a nearby zebra crossing had been extended, resulting in the applicant no longer being able to park in this area to unload deliveries. Other pictures presented illustrated an illegally parked van in front of the premises, which the applicant stated did not belong to him and roadworks taking place adjacent to the premises.

The applicant was reminded that it was not the role of Licensing Sub-Committee to consider any parking difficulties that he might be facing at his premises. However, it was agreed that Officers would contact the applicant outside the Committee meeting to discuss business parking and the removal of a refuse street bin, which the applicant felt had contributed to the build up of rubbish in the area adjacent to the premises.

In relation to the build up of rubbish close to the premises, the applicant stated that he did clean the area but that there was a limited amount that he could do, especially regarding the build up of rubbish in the adjacent alleyway. The Chairman drew the applicant's attention to Condition 9 of the Council's Terms and Conditions for all Street Trading Licenses and Market Licenses. This stated that it was the trader's responsibility to ensure the removal of litter and waste generated by licensed activity. In addition, Condition 11 stated that the trader was required to keep the immediate licensed area and the area within five metres in any direction from the licensed area free of waste or spillages resulting from trading activity. In response to a question from the Committee, the applicant advised that his rubbish was currently removed three times each day. The Committee suggested that the applicant might wish to consider increasing this frequency and also to ensure that crates were not left in the street at night.

All parties were asked to leave the room while the Sub-Committee considered its decision. It was felt that although concerns had been raised in relation to rubbish in the vicinity of the applicant's premises, if appropriate, this could be dealt with separately via enforcement action.

All parties were invited back in to the room and the Chairman announced that the decision of the Sub-Committee was to grant the renewal of the Street Trading Shop Front Licence. The Chairman reminded the applicant of his obligation to keep the area adjacent to the trading premises clean and stated that Council officers would continue to monitor the situation.

	<p><b>THE DECISION</b></p> <p><b>Resolved: That:</b></p> <p><b>The unanimous decision of the Sub-Committee was to GRANT the Temporary Street Trading Licence - Shop Front for a period of six months.</b></p>
	<p>The meeting, which commenced at 2.00 pm, closed at 2.40 pm.</p>

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

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