

## Minutes

### LICENSING SUB-COMMITTEE

23 January 2018

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



	<p><b>Committee Members Present:</b> Councillors Dominic Gilham (Chairman) Lynne Allen Roy Chamdal</p> <p><b>Responsible Authorities Present:</b> PC Emyl Mitchell - Hillingdon Police Licensing Officer Stephanie Waterford - Licensing Authority Adam Stitson - ASB &amp; Environment Officer, Hillingdon</p> <p><b>LBH Officers Present:</b> Ian Meens - Licensing Officer Neil Fraser - Democratic Services Officer</p> <p><b>Also Present:</b> Caroline Santi - GM, Home Bar &amp; Restaurant James Hiteo - MLG Holdings Philip Somarakis - Licence Holder's Representative</p>
26.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>
27.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
28.	<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 considered in public.</p>
29.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
30.	<p><b>APPLICATION FOR A VARIATION OF A PREMISES LICENCE: HOME BAR AND RESTAURANT</b> (<i>Agenda Item 5</i>)</p> <p><b><i>Introduction by Licensing Officer:</i></b></p> <p>The Licensing Officer, Ian Meens, introduced the application for variation of a premises licence for Home Bar and Restaurant.</p>

Mr Meens highlighted the addendum, which set out additional information relating to the location of the premises relevant to the surrounding area, an acoustic assessment held at the premises in the previous year, restaurant menus submitted by the applicant, and an amendment to remove the words 'and Regulated Entertainment' from page 13 of the officers' report.

Mr Meens drew the Committee's attention to the representations submitted by responsible authorities, interested parties, and local residents, before setting out the internal layout of the premises inclusive of external doors and garden areas.

Mr Meens confirmed that the applicant was seeking to vary the licence to add one extra hour for the sale of alcohol and the provision of regulated entertainment to the current opening times on Friday and Saturday nights into the following morning. It also sought to add a one hour extension to the last entry time, until midnight on Fridays and Saturdays.

Mr Meens amended his recommendation as per the latest variation proposed by applicant, and recommended that the Committee approve the sale of late night refreshment until 23:30, grant a 30 minute extension to the time of last permitted entry until 23:30, and grant a 30 minute extension to the permitted times for sale of alcohol, until 01:00, on Friday and Saturdays.

The Committee was invited to determine the application.

***Representation by the Applicant:***

Mr Somarakis, representing the applicant, confirmed that they were no longer seeking the variances originally applied for. Instead, the applicant supported Mr Meen's recommendations for the sale of late night refreshment and a 30 minute extension to the time of last entry (until 23:30), and the granting of a 30 minute extension to the permitted times for sale of alcohol (until 01:00), on Friday and Saturdays.

Mr Somarakis confirmed they the applicant was no longer seeking a change to the opening hours of the premises.

Mr Somarakis confirmed the Police had no concerns regarding the extension of the last time of entry by 30 minutes, until 23:30.

Mr Somarakis confirmed that the premises had been bought at significant expense, and had since undergone a high quality refurbishment. Clientele was predominantly female, aged 30-40 years. The premises was primarily marketed as a restaurant, and sales of beer had reduced, replaced by wine and cocktails.

The acoustic survey carried out previously had resulted in the installation of a noise limiter, and there was an active management plan in place designed to reduce noise and instances of public nuisance. External areas such as the rear garden were closed partway through the night, and all staff were trained to uphold the conditions of the licence. Door staff were present on Fridays, from 6pm, and Saturdays, from 8pm, though there were no recorded instances of public safety or security issues.

Other licensed premises located in the area could have issues with noise and refuse, but this was not representative of the customers within Home Bar and Restaurant. A strict policy was in place to prevent customers from leaving the premises with bottles and glasses. 8 Temporary Events had been held at the site within the last year, and no complaints had been received. Environmental Health officers had visited the premises

and had not logged any issues. An acoustic consultant had assessed noise at the premises as being without issue.

Regarding the concerns raised by residents, it was highlighted that the resident located at 14 High Road had asserted that he had complained that the Bar was not adhering to its correct closing times, but that the premises had no record of such contact. Attempts had been made to discuss the matter directly with the resident, though these attempts had proven unsuccessful.

Mr Somarakis concluded by asserting that the application was reasonable, and requested that the Committee approve the application as amended.

***Representation by the Interested Parties:***

PC Emly Mitchell confirmed that the Police's initial concern had related to the request to extend the last time of entry. However, having spoken to the applicant and having heard their amended request to allow entry up to 11:30 pm, the Police had no concerns.

Adam Stitson, Housing Standards Team Leader was present on behalf of Nathan Welch, ASB & Environment Officer, who was unable to attend the hearing.

Mr Stitson confirmed that while Temporary Events on site could raise general concerns over noise and nuisance to neighbours due to extended opening hours, no complaints had been received by the ASB team or the Out of Hours team. The acoustic assessment had ruled that doors were sufficient to contain noise from the premises, though it was recommended that staff undertake periodic assessments of noise levels. In addition, similar premises had put measures in place to avoid public nuisance, such as staggered leaving times, ensuring taxis are present outside for patrons to leave immediately, and stationing staff as guides along nearby roads, all of which could be adopted at Home Bar & Restaurant.

Mr Stitson confirmed that as per Appendix 3a, one visit to the premises had been carried out by the Out of Hours team, on 21 December 2017. The visit had not raised any concerns relating to noise. Temporary Events had been held on site in the recent months, without issue. No member Enquires relating to the premises had been received.

Stephanie Waterford, Licensing Services Manager, confirmed that the concern relating to the extension to the time for the sale of alcohol, had been allayed following the proposed reduction in requested times.

***Discussion:***

The Committee sought clarity on whether an incident log book had been presented to Mr Meens upon his visit to the premises. Mr Meens confirmed that a log book had been presented, but that it was empty. Instead, incidents were recorded on a mobile phone.

Members sought clarity on the feasibility of staff conducting a litter pick at the rear of the premises. Mr Meens confirmed that the Harecroft Estate was not easily accessible to pedestrians, and therefore a litter pick would be difficult.

Members confirmed that the, irrespective of the outcome of the hearing, responsible authorities could request a review of the premises licence at any time, should there be a concern agreed between residents and Council officers.

All comments included in the meeting papers from parties not present were noted.

***Committee Deliberation:***

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

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

***Decision:***

**The Sub-Committee considered all of 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 that Act, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.**

**The decision of the Sub-Committee was to grant the variation to the premises as follows:**

- The sale of alcohol to 01:00 on Fridays and Saturdays;
- The sale of late night refreshment to 23:30 on Fridays and Saturdays;
- The modification of condition 5 to restrict admission and re-admission to 23:30 on Fridays and Saturdays;
- Replace condition 16 with a new condition to require an incident log to be kept and maintained that will include all noise complaints. This log must be made available and produced to the Responsible Authorities upon request; and
- The insertion of a new condition to require SIA door supervisors on Fridays (18:00 until close of business) and on Saturdays (20:00 until close of business).

**For the avoidance of doubt, the closing hours of the Premises were not be increased.**

**The Sub-Committee based its decision on the licensing objective to prevent public nuisance.**

**RIGHT OF APPEAL:**

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision. A copy of the appeal

should be sent to the Council's Licensing Service.

The Licence Holder will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by first class mail.

The meeting, which commenced at 11.10 am, closed at 12.30 pm.

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

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.**