

Minutes

LICENSING SUB-COMMITTEE

11 July 2018

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



	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Lynne Allen Eddie Lavery Roy Chamdal (Chairman) Lindsay Bliss</p> <p>Witnesses Present: Stephanie Waterford, Licensing Authority Councillor Lindsay Bliss (Ward Councillor) Kerry Foster, Local Resident Mark Bensilum, Local Resident Harpreet Rai, Local Resident</p> <p>LBH Officers Present: Steven Dormer, Licensing Officer Beejal Soni, Licensing Lawyer Liz Penny, Democratic Services Officer</p> <p>Also Present: Mr Craig Baylis, Applicant's Representative Mr Peter Sharpe, Property Manager for Starbucks Carla Roberts, District Manager for Starbucks</p>
37.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
38.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
39.	<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 the item of business was marked Part I and would be considered in public.</p>
40.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>

41. **APPLICATION FOR A GRANT OF A PREMISES LICENCE : STARBUCKS COFFEE SHOP** (*Agenda Item 5*)

Introduction by Licensing Officer:

The Licensing Officer, Steve Dormer, introduced the application and informed the Sub-Committee that this was an application for the grant of a Premises Licence at Starbucks Coffee Shop, Yeading. The application was for a licence to serve hot food and drinks between the hours of 23:00 - 05:00 only; it was not an application for a 24 licence as the hours of opening had already been agreed by the Council's planning department.

Mr Dormer informed the Committee that, in Autumn 2017, he had been made aware of issues in the area relating to antisocial behaviour and car race meetings. Physical measures had since been put in place to deter said antisocial behaviour and the site had been secured. A significant number of representations in objection to the application had been received from a local MP, Ward Councillors and local residents. Some residents had expressed concern that, if the licence were granted, this would set a precedent for the future. The Licensing Officer confirmed that this would not be the case since each application would be judged on its own merits.

The Sub-Committee heard that the applicant (Starbucks) had agreed to take a number of measures to mitigate the issue of antisocial behaviour in the area. It was confirmed that, should they arise, any future issues regarding Starbucks would be followed up and addressed accordingly.

Mr Dormer saw no reason for the Sub-Committee to reject the application and recommended that the licence be granted subject to the planned works to secure the car park being completed.

Members sought clarification regarding the measures to be taken to remove litter and waste from the area during the hours of operation. Mr Dormer confirmed that lockable bins and bin storage would be made available. It had also been agreed that high jet washers would not be used late in the evening and sufficient measures would be taken to ensure refuse did not become a problem.

Members queried whether local residents had been consulted on this matter and whether the applicant had liaised with them. The Licensing Lawyer confirmed that the standard procedure was to notify Ward Councillors only; there was no process in place to notify residents or residents' associations directly and no representations had been received from the Antisocial Behaviour Team or from the police. It was noted that, in the addendum to the meeting, the police had indicated that they were satisfied with the applicant's approach and did not intend to make a representation.

Members sought further clarification regarding car park security and barriers. Mr Dormer confirmed that the intention was to move the main barrier so as to ensure that the site remained safe and secure. Should the barrier be broken, Council officers would investigate to ensure compliance with the four licensing objectives.

Representation by the Applicant:

My Baylis, Agent, spoke on behalf of Starbucks. He was accompanied by Mr Peter Sharpe, Property Manager and Carla Roberts, District Manager. Mr Baylis stated that planning permission had already been granted at the site. He had originally been unaware of the issues relating to car races within the site. Mr Sharpe had liaised with

the local police and the Licensing Manager and had been informed that barriers were in place to resolve the problem. Mr Baylis informed the Sub-Committee that Starbucks planned to move the barriers from their current location to restrict access to the site and also intended to install raised bollards. It was confirmed that the proposed work could be undertaken within one or two months approximately and, in the meantime, the licence would not be used. For security reasons, Mr Baylis suggested that a condition could also be added stating that the licence would not be used should the barriers be broken at any time. Mr Baylis further confirmed that there would be two litter picks every day, a large bin store was available and surrounding areas would be washed down regularly.

Members drew attention to the reference to 'sufficient measures' on page 25 of the report and requested further clarification. With regards to litter picks, the District Manager confirmed that hand-held manual litter pickers would be used and these would take place three times a day; once in the early morning, once in the afternoon and once in the evening. There would be no litter picks between the hours of 11pm and 5am, sweeping would be restricted to the internal areas of the store during the night and no electronic equipment would be used.

With regards to the prevention of public nuisance, the Sub-Committee was informed that signs and CCTV cameras would be in place to monitor this. Incident forms would also be in use. Any issues would be reported to the police; for safety reasons, staff would not be expected to patrol the car park at night. External security would also be employed through the Landlord - Deutsche Bank; however, this would be on an ad hoc basis to act as a deterrent only and there would not be a 24 hour presence. The security staff were tasked with patrolling up to 21:30 hours and were responsible for locking the gates at that time.

With reference to the proposed bollards and barriers, Members requested clarification regarding the efficacy of these measures and expressed concern that, in some areas, there would still be sufficient room for a car to pass through. The applicants stated that they could introduce extra measures to ensure that this was not possible. Members were informed that the proposed long knee rail adjacent to the parking area would be made of wood; maintenance of this rail would be the responsibility of Savills - the Managing Agent.

The Sub-Committee expressed concern regarding the potential issue of noise disturbance resulting from the use of the external seating area at night-time and asked if the use of said area could be restricted at certain times. Representatives of Starbucks stated that no restrictions were proposed. The proposal was for approximately 42 seats in the external area and 24-30 inside. Members were assured that CCTV cameras would be in place and three of these would be facing the car park area. Stephanie Waterford, Licensing Services Manager, commented that the application had regard to all four licensing objectives and had been discussed at length with local police. Stephanie noted that the new proposal did not change the car park therefore felt there was no reason to represent against the application.

Representation by the Interested Parties:

Councillor Bliss, Yeading Ward Councillor, spoke in objection to the proposal. Councillor Bliss drew the Sub-Committee's attention to all the antisocial behaviour which had been prevalent in the areas for a number of years, to include drug taking, drinking, begging and car racing. Councillor Bliss expressed concern that those responsible for antisocial behaviour would congregate around Starbucks late at night and staff would be powerless to stop them. It would be the responsibility of the local

police to attend and their resources were already overly stretched.

Kerry Foster, local resident, spoke in objection stating that illegal car meets were still occurring until the early hours of the morning and residents were often unable to sleep. Police were unable to attend due to lack of resources therefore the problem was never resolved. The Council's ASBIT officers were also unable to help. Ms Foster reported that the requested barriers had finally been installed but were often not locked by 21:30 and the security companies employed by Savills were unreliable. Travellers had recently set up a site in the Starbucks car park.

Ms Foster stated that residents had not been consulted prior to planning permission being granted and no visible site notices had been in place in time for residents to object.

When questioned further, Ms Foster advised the Sub-Committee that she had raised the ongoing issues with the police and with Council ASBIT officers but no action had been taken. It was suggested that a Members' Enquiry would be another option for the future. Members asked whether the claim that there had been no antisocial activity since February was accurate. Ms Foster stated that this was not the case and there had been a case two weeks previously during which cars were speeding and 'doughnutting' in the local streets; some with no headlights and with number plates removed. It was acknowledged that, although larger car meets had become less of a problem, smaller groups continued to meet.

Mark Bensilum, local resident, also objected to the proposal informing Members that the barriers to the car park were often left unlocked and the problems of antisocial behaviour continued. It was felt that the presence of another trader, particularly one which operated all night, would not help the situation and would be difficult to manage. Mr Bensilum believed that motorcycles would be able to access the site and expressed concern regarding the flimsy nature of the proposed wooden knee rails. He advised the Sub-Committee that there had been a huge gathering in the area in the summer of 2017 and small gatherings persisted to date which had been reported to the police and to the ASBIT team who were unable to help.

Harpreet Rai, local resident, also addressed the Sub-Committee stating that the problems persisted in the area and included people carrying knives, travellers, theft and begging. Ms Rai stated that Starbucks were doing everything they could to protect and safeguard their staff and felt that the Council should do the same for local residents. Ms Rai informed Members that she was threatened with a knife on one occasion and the police did not attend until 2 or 3 days after the event. Ms Rai requested that the Sub-Committee refuse the application.

Discussion:

The applicants suggested that a condition could be added whereby Starbucks would operate exclusively as a drive-thru with no entry into the premises. Tables and chairs would all be placed inside the building.

Given that Starbucks paid Savills to manage the estate on behalf of themselves and the landlord, it was observed that Savills were responsible for maintaining the barriers and fixing the bollards as necessary. The applicants agreed to speak to Savills regarding the locking of the barriers at 21:30. They advised Members that they could withhold the service charge payable to Savills if necessary to ensure compliance with this.

Members asked whether local residents would be able to notify Starbucks staff of any issues with Savills. It was confirmed that they would be able to do so and this information would be officially recorded. It was also confirmed that there would be no deliveries between the hours of 23:00 - 05:00.

Local residents continued to express their dissatisfaction regarding the scheme and were not confident that the security of the site could be assured. The applicants confirmed that they would need to rely on local police should incidences of antisocial behaviour occur during the night.

With reference to the site notice, Steve Dormer, Licensing Officer, stated that when he visited, the notice was clearly displayed as some of the site was accessible. He confirmed that the advertising of the application, both via the site notice and in the newspaper, had been carried out in accordance with the guidelines. Ward Councillors had also been made aware of the application. Local residents disputed this and stated that the site notice was positioned in an area which was not visible from the road and was illegible. Residents felt the site notice should have been displayed on the outside perimeter of the premises.

Closing Remarks:

Local residents reiterated their concerns and stated that the Council had a responsibility to prioritise its residents. It was suggested that, were the application to be granted, conditions be put in place obliging Starbucks to close and not serve during incidences of antisocial behaviour in the surrounding area. Concern was expressed that, if the application were granted, the hard work done to date to control the antisocial behaviour in the car park would be undone. A potential reduction in property prices was another area of concern should the area become unattractive to prospective buyers.

Councillor Bliss stated that she was still not satisfied that adequate plans were in place to deal with issues of antisocial behaviour.

Mr Baylis spoke on behalf of Starbucks stating that they wanted to trade in a pleasant environment and would do everything possible to ensure this could happen.

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 DECISION

The Sub-Committee considered all the relevant evidence made available to it and in doing so took into account the Licensing Act 2003 objective to prevent public nuisance and Crime and disorder, Sections 2 and Paragraph 3.21 of the Guidance issued by the Secretary of State under Section 182 of the Act and

Paragraph 21.4 of the Council's Statement of Licensing Policy. The Sub-Committee carefully considered its decision, taking into account residents concerns and the demands of the legislation.

The decision of the Sub-Committee was to grant the licence subject to the following conditions:

- 1. Between the hours of 23h00 and 05h00 Monday-Sunday the premises shall operate as a drive thru only;**
- 2. A barrier system and bollard will be located in accordance with the plan contained in page 29 of the Agenda pack. The Premises Licence Holder will contact the site management in the event that the entry gate is not closed at 21h30;**
- 3. Staff and management of the premises shall ensure that patrons are reminded verbally and by means of prominently placed signage to leave the premises in a quiet manner;**
- 4. The premises shall operate a remote safety monitoring system or private security arrangement with audio and visual capability in order to ensure security provision in the event of crime or disorder occurring in the immediate vicinity of the licensed premises;**
- 5. The remote safety monitoring system will be operated by fixed or mobile panic buttons;**
- 6. The premises shall install a CCTV system on or before 3 August 2018;**
- 7. The CCTV system shall be maintained in good working order, covering all public areas of the licensed premises, including all public entry and exit points, the street environment and the till area. The CCTV will enable facial and/or number plate recognition of all persons whose image is captured in any light condition;**
- 8. The CCTV cameras shall continually record while the premises are carrying out licensable activities. The recording shall be kept available and unedited for a minimum of 31 days;**
- 9. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or any authorised officer of the London Borough of Hillingdon. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player;**

10. An incident log shall be maintained to record:

- a. All crimes reported to the venue;
- b. All activity that resulted in a call out to a private security company;
- c. Any complaints concerning crime and disorder;
- d. All instances when the panic button was engaged. The log will also record the manner in which the incident was dealt with;
- e. All instances when the entry gate has not been closed at 21h30;
- f. All instances when the bollards and knee rails have been damaged. The log will record the date when the damage occurred, the date when the site manager was notified of the damage and the date when it was repaired;
- g. All instances when the CCTV is not fully in good working order;
- h. Any visit by a Responsible Authority

11. No licensable activity shall take place when the CCTV system is not fully in good working order and/or when the bollard and/or knee rail is not in good working order and/or when the barrier is not lowered in the evening.

12. A contact telephone number shall be provided to residents to report any incident of crime, disorder and nuisance.

13. A quarterly liaison meeting will be held with residents to discuss any matters related to the licensable activity.

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 Sub-Committee advised as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions were not adhered to and/or if the premises were managed in a manner which did not uphold the licensing objectives.

The relevant applicant for 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.

The Decision Notice will be deemed to have been received one day after the date on the accompanying letter, which will be posted by 1st class mail.
The meeting, which commenced at 10.00 am, closed at 1.52 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny Liz Penny on 01895 250185. 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.