

Minutes

LICENSING SUB-COMMITTEE

30 July 2019

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Teji Barnes John Oswell</p> <p>LBH Officers Present: Steven Dormer, Licensing Officer Kerrie Munro - Legal Services Officer Anisha Teji- Democratic Services Officer</p> <p>Responsible Authorities: PC Dave Butler - Metropolitan Police Stephanie Waterford - Licensing Authority Representative Mark Oakley - Anti-Social Behaviour and Environment Team</p> <p>Also Present: Licence Holder - Mahalaxmi Catering Ltd Designated Premises Supervisor - Shiba Hari Tiwari Licence Holder's representative - Debbie Hough Bollard Councillor Becky Haggart (Ward Councillor for Eastcote and East Ruislip) – Interested Party Holly Cant and Emily Leather – Interested Party John Bawden – Interested Party</p>
11.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
12.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
13.	<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 items of business marked Part I would be considered in public.</p>
14.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>

15. **APPLICATION TO VARY A PREMISES LICENCE: AROMA LOUNGE** (*Agenda Item 5*)

Introduction by Licensing Officer

Steve Dormer, Licensing Officer at the London Borough of Hillingdon introduced the report and photographs relating to the application to vary a premises licence for Aroma Lounge, 134 Field End Road, Eastcote, Middlesex HA5 1RJ. A background and chronology of events was provided.

The premises had previously operated as a restaurant where patrons could only purchase alcohol as part of a table meal. The application before the Committee related to removing the restriction on alcohol being sold as part of a table meal, to increase the amount of permitted persons from 65 – 90, increase the hours of operation and to include the provisions of live music.

There were residents that lived in close proximity of the premises and they had raised concerns in relation to the premises potential contributing to ongoing issues of anti-social behaviour and noise levels in the area.

Since the initial application, the Licence Holder had reduced the licensable activities by one hour on Fridays and Saturdays and closing the premises by 1:30 am on Friday and Saturdays. The Licence Holder had also complied with the regulations in the application process.

A recommendation was made to grant the licence in accordance with the amendments by the Licence Holder and appropriate conditions to be added to satisfy the four licensing objectives.

Representation by the Licence Holder

The Licence Holder - Mahalaxmi Catering Ltd, Designated Premises Supervisor - Shiba Hari Tiwari and the Licence Holder's representative - Debbie Hough Bollard addressed the Committee.

The Licence Holder had successfully operated another premises in the same format in North Wembley. The premises in question had previously operated as an Indian restaurant, catering for the Asian community. The premises was also available for weddings and other party events. Further, the ceiling had been modified and sound proofed to avoid causing increased levels of noise to residents living above the premises.

An application had been made for the variation of an existing premises licence, which permitted the sale of alcohol from 10:00 – 24:00 Mon – Sat and 12:00 – 23:30 on Sundays.

A chronology of the application process was provided and it was highlighted that there was no evidence before the Committee to support the assertions of anti-social behaviour on Field End Road.

Each of the representations made by the responsible authorities and interested parties were explored by the Licence Holder's representative. It was submitted that the premises was unlikely to cause any issues due to the type of clientele that would be attracted, the reduced hours of operations, the reminder signs to keep noise to a minimum, disallowing customers to take drinks out with them, the area being regularly

monitored by staff and the fact that there would only be unamplified music during occasions such as weddings and parties. It was also submitted that the licensing hours had been reduced and the last food orders would be 22:30 Sunday to Thursday and 23:15 Friday to Saturday. Further, it was submitted that there was no need for door supervisors however this would be monitored and reassessed if it became necessary.

During Member clarifications, it was explained how access to the backside alley way would be provided. It was confirmed that there would be two points of smoking with no more than three to four people accessing this at any one time. It was estimated that wedding and parties would take place once or twice a fortnight but the service would only be provided to regular customers. There would be more staff available to monitor the higher number of people. Additional information about security was provided and, it was confirmed, that any incidents would be recorded in the incident log book with the Licence Holder's personal contact number being provided to residents in case there were any concerns.

Representations by Responsible Authorities

Licensing Authority

Stephanie Waterford spoke on behalf of the Hillingdon Licensing Team and provided clarification in relation to the timing of the representations, the pre consultation email and submitted that unamplified music could also cause disturbance to residents.

Measures had been put place as cited in the addendum and the Licence Holder had met with officers to provide further information on the business model and type of operations that would be carried out. It was submitted that the amendments to the application were welcomed and in keeping with the surrounding licenced premises.

A number of suitable measures had been promoted within the addendum however it was submitted that the Committee may consider that further measures be relevant. The Committee was also asked to consider all the representations made and the measures suggested in the addendum to form a basis for suitable conditions.

Anti-Social Behaviour and Environment Team

Mark Oakley on behalf of the Anti-Social Behaviour and Environment Team addressed the Committee. Concerns were raised in relation to the smoking at the front of the premises which could lead to an increase in noise level. The suggestion to allow patrons to smoke at the rear of the property was welcomed. Concerns were also raised in relation to the families living above the property as it was submitted that live music could sometimes be as loud as amplified music. The standard of sound proofing installation was questioned.

The number of occasions every month could change and it was submitted that there was ambiguity in this area. It was also submitted that 12:30 should be the closing time on Fridays and Saturdays and 11:30 on Sunday to Thursday. The 12:00 last entry was welcomed.

The Metropolitan Police

PC David Butler on behalf of the Metropolitan Police addressed the Sub-Committee and submitted that the original application did fall between the standards in a challenging area. However, after meeting with the Licence Holder, many concerns regarding the operating procedure had been allayed. The concerns in relation to anti-

social behaviour in the area were noted, however the Police was satisfied with the new suggested operating times. Support of the proposed application was provided with the suggested amended conditions.

There was no evidence of stats to present to the Committee.

Representations by Interested Parties

Councillor Becky Haggart - Ward Councillor for Eastcote and East Ruislip addressed the Committee and asked for the application to vary the premises licence to be refused. It was submitted that the premises would have a multi-cultural use and the hours of operation were too late. A number of other reasons against the application were provided:

- Due to the location of the premises, the amount of people within close proximity would increase and there was a chance that there would be a public nuisance crime. Eastcote was different from Wembley as it was a lot smaller and similar to a village.
- Although there were no anti-social behaviour statistics of evidence or Members Enquiries before the Committee, residents had made a number of complaints about anti-social behaviour in the area.
- Noise travelled far particularly in smaller areas.
- The Ward population in Eastcote and East Ruislip held the highest community of residents being over 75+.
- 90 people in such a small area would have a massive impact on residents in close vicinity of the premises.
- This type of request did not belong in Eastcote area.

Holly Cant and Emily Leather addressed the Committee and submitted that there were already issues with other premises in the area. However, as they closed at 11 pm, residents experienced that the noise only lasted a short while after. It was submitted that it was unfair for residents to deal with the potential consequences of that kind of licence in that area.

John Bowden addressed the Committee and reiterated the issues of anti-social behaviour and noise. It was submitted that if the application was granted, the issue would get worst. The measures discussed would not prevent the concerns raised although it was encouraging that weddings and parties would only be held occasionally.

Discussion

During the Licensing Sub-Committee's discussion, the following points were noted:

- Although the Licence Holder had checked whether the sound could be heard from outside and confirmed that it could not, an official acoustic report could be provided to the Committee and the Licensing Authority.
- Under the provisions of the Live Music Act any live entertainment, unamplified, was deregulated before 11 pm. After 11 pm it was regulated and therefore subject to conditions. Conditions could be imposed prior to 11pm but only where there was evidence of nuisance found.
- The position on smoking at the back was clarified and the issue of security.
- The Licence Holder explained how noise would be managed when patrons left the premises.
- It was clarified that amplified music would be played until no later than 11pm but

this was only likely to be during occasions.

Closing submissions

In his closing submissions, Mr Bawden asked for residents to be put first as if the application was granted, it would result in increased noise levels and potential anti-social behaviour. The submissions were supported by Ms Cant.

Councillor Haggart submitted that the application kept changing and there were not enough conditions in place to manage the concerns raised.

There were no further submissions from the Metropolitan Police and Licensing Authority and the Licensing Officer. Mr Oakley reiterated that the premises in North Wembley was a different location and it was not fair to use that as a comparison as they were very different.

The Licence Holder's representative confirmed that the premises would still be used a restaurant and reiterated that there was no evidence to demonstrate how the premises would contribute to the concerns of anti-social behaviour. It was submitted that the Licence Holder should not be "*tarred with the same brush*" and asked for more to be done to address the issues in the area.

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.

The Decision

The Sub-Committee 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, in particular 9.42 to 9.44.....10.10.....10.13.....14.51-14.52.....14.19.....21.1-21.4....., the Hillingdon's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty.

The Sub-Committee took into account its duty to take all steps necessary in order to determine the application in a manner which upholds the Licensing objectives.

The Licensing Sub-Committee decided on a balance of probabilities to grant the application to vary the premises licence subject to the additional conditions:

1. The entry admission number will increase from 65 to 90;
2. The operating hours for Friday and Saturday will be replaced to 12 noon to 1am;
3. The Licensable activities will be replaced to Friday and Saturday 12 noon to 24h30;
4. Last entry to the premise shall be 23:30hrs;
5. The Applicant must put in place controls and equipment within the premises to ensure the noise levels comply with legal limits.

Right of Appeal

The relevant Licence Holder for the variation of the premises license 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
The meeting, which commenced at 2.00 pm, closed at 5.20 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655. 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.