

Minutes

LICENSING SUB-COMMITTEE

16 January 2020

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



	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Lynne Allen Teji Barnes</p> <p>LBH Officers Present: Glen Egan, Office Managing Partner - Legal Services Jhini Mukherjee, Licensing Officer Luke Taylor, Democratic Services Officer</p> <p>Also Present: Mrs Anita Morar, Applicant Mr Dilip Morar, Applicant</p> <p>Interested Parties: Ms Susan Toms, Ruislip, Northwood & Eastcote Local History Society</p>
47.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
48.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
49.	<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 marked Part I and would be considered in public.</p>
50.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
51.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: COW BYRE TEA ROOMS / BISTRO, BURY STREET, RUISLIP, HA4 7SU (<i>Agenda Item 5</i>)</p> <p>Introduction by the Licensing Officer:</p> <p>Ms Jhini Mukherjee, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to an application for a premises licence in respect of Cow Byre Tea Rooms / Bistro, Bury Street, Ruislip, HA4 7SU.</p>

The premises was a well-established café until 2018, when it was vacated, and the new tenants, Mrs Anita Morar and Mr Dilip Morar, had applied for a licence to sell alcohol between 17:00 and 23:00 on Thursday, Friday and Saturday, as well as provide live entertainment on the same days between 19:00 and 23:00. Ms Mukherjee noted that although the live entertainment was included in the application, this did not need to be included due to deregulation.

The application received two representations, from Ruislip, Northwood and Eastcote Local History Society, and Eastcote Conservation Panel, relating to the prevention of crime and disorder and the prevention of public nuisance. The representations expressed concern that the sale of alcohol in the concealed location of the premises would attract more anti-social behaviour.

It was confirmed that the Metropolitan Police had no objection to the application and responsible authorities were satisfied with the application.

Ms Mukherjee also confirmed that, while a representation was received from the Eastcote Conservation Panel, a further email from the interested party stated that they understood their concerns did not fit within the criteria of the Licensing Sub-Committee and could not be considered.

Representation by the Applicant:

Mr Morar commented that he understood the concerns of local residents, and also had no desire to open a premises that would attract anti-social behaviour. Mr Morar stated that the premises sought to retain the existing charm of the premises, while modernising the premises and serving food, and offering themed ticketed monthly events run by a local chef, that were aimed at more mature members of society. The premises would serve alcohol with meals.

The Sub-Committee was informed that the applicants were happy to adhere to a closed door policy and would be happy to go beyond the conditions proposed to install a sound limiter at the premises.

The Chairman sought clarification on the timing of the proposed monthly events, and Mr Morar noted that these events would coincide with the licensed days at the premises.

Representation by Interested Parties:

Ms Susan Toms, representing the Ruislip, Northwood and Eastcote Local History Society, addressed the Sub-Committee and noted that she was representing a society of over 100 members, and while the society was not anti-business, it was concerned for an important site.

Ms Toms commented that the Society had two concerns. The first was that granting the application would lead to an increased risk of damage and vandalism to the historic Manor Farm Site. Ms Toms noted that she understood the venue was not seeking to encourage mass drinking, but by serving alcohol in a secluded site with poor lighting and an irregular police presence, the buildings may be more prone to possible damage. The Sub-Committee was informed that the buildings were restored by Lottery funding in 2007 and 2008, and that any further damage would now be at the cost of the Council, and restoring listed properties was very expensive.

The Ruislip, Northwood and Eastcote Local History Society's second concern was regarding the prevention of noise. Ms Toms stated that noise may spill outside in evenings, and the applicants' hopes to provide an outdoor seating area at a later date would lead to noise pollution. The Sub-Committee heard that the live music would also carry, and while there are events held in the licensed Great Barn at the site, noise concerns meant that doors must be kept closed at that premises.

Councillors suggested that it may be possible that opening up the area may make it safer, despite a lack of police presence, as the lighting and activity in the area could encourage transparency. Ms Toms noted that she could understand that point, but it was still a risk, and while the clientele of the premises may not be a problem, the noise and activity could attract others to the site.

The Chairman noted that any concerns regarding lighting fell outside the remit of the Sub-Committee, and stated that these should be relayed to the local Ward Councillors.

The Discussion:

The Chairman noted that the licence to serve alcohol was between 17:00 and 23:00, but the premises closed at 23:00. The applicants were asked what would happen if a patron ordered a drink one minute before closing, and informed the Sub-Committee that the bar would take last orders at 22:30, which would allow thirty minutes "drinking up time".

Responding to the Sub-Committee's questioning, the applicants confirmed that the music provided would be electric guitar and that they did not have any experience running a licensed premises.

The Sub-Committee questioned the applicants regarding the licensing objectives, and the applicant confirmed that they would be happy to retain CCTV images for a minimum of 28 days and that, if CCTV was not operating for whatever reason, no licensable acts would take place at the premises.

With regards to security, the applicants noted that they would like to hire a SIA-accredited member of staff for security, who would operate during the licensable hours. Mr Morar also confirmed that they would be happy to sign up to Pubwatch.

The applicants commented that they had spoken to the site managers regarding external signage to encourage customers to keep noise to a minimum and dispose of litter appropriately. Additionally, a logbook would be kept of any nuisances that take place at the venue, and this would be in the control of the Duty Manager on any given night.

Members heard that the maximum number of covers at the venue was 35, and that the ticketed events would be aimed at over-25s.

The Sub-Committee welcomed the use of a noise limiter at the premises, and were informed that the layout of the venue did not currently include two sets of entry doors. The applicants confirmed that they planned to engage with local residents, and would be directly contactable should there be any concerns from residents.

The applicants also noted that they would be open to a condition that controlled the hours that bottles and glass could be recycled or removed from the premises, so not to cause noise disturbances.

Closing Remarks:

Ms Toms noted that she was reassured by some of what she had heard, and although noise concerns still remained, it was good to hear that trained staff and security would be on duty at the premises during licensable hours. Ms Toms asked, if the licence was granted, whether it was possible to review the licence again at a future date in case any issues occurred at the premises.

Ms Mukherjee noted that although there were concerns from residents about a future outdoor area that did not feature in this application. As such, it could not be taken into account when making a decision, but if there was an application for this in the future, it would be a full application that would include a consultation period that would allow residents to have a say.

The applicants commented that they hoped they had reassured the Sub-Committee and residents over any concerns, and thanked the Sub-Committee for the opportunity to speak to them.

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 has considered all the relevant evidence made available to it and in doing so has taken into account:

- The Licensing Objectives, Licensing Act 2003;
- Hillingdon's Licensing Policy, particularly paragraphs 7.6, 9.1, 14.1, 17.1-17.3, 20.2, 21.1-21.4 and;
- Guidance issued by the Secretary of State under Section 182 of the Act in particular paragraphs 9.42 to 9.44, 10.4, 10.8, 10.10 and 14.19.

The Sub-Committee welcomed the stance adopted by the applicant in addressing concerns raised by the Sub-Committee and residents.

The decision of the Sub-Committee is to:

Grant the application subject to the following conditions:

1. The Premises Licence shall be issued for the sale and consumption of alcohol on the premises.
2. The Premises timings for the sale of alcohol are Thursday, Friday and Saturday from 17:00 - 22:30. The Premises shall close at 23:00 hours.
3. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. The form of

identification shall contain their photograph, date of birth and a holographic mark.

4. Any deliveries to the premises and emptying of glass goods shall not be undertaken between the hours of 20:00 and 08:00.
5. An incident log shall be kept with records of:
 - a) all refusals of sale of alcohol;
 - b) any incidents and complaints regarding crime, disorder and nuisance;
 - c) any authorisations to staff for the sale of alcohol;
 - d) any visit from the Local Authority;
 - e) All instances when the CCTV is not fully in working order.
6. The Premises Licence Holder shall ensure that the incident log is checked, signed and dated on a weekly basis by himself or an authorised employee acting in place of the Designated Premises Supervisor.
7. The incident log will be held and maintained at the premises and will be available for immediate inspection immediately upon request of the Metropolitan Police Services and/or any Responsible Authority.
8. The premises shall install a CCTV system prior to opening the premises for business.
9. 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 and immediate vicinity of the premises.
10. The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door.
11. A CCTV monitor shall be provided at the bar which has the capability to show images of all the cameras for the information of bar staff.
12. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 31 days.
13. 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.
14. An incident log shall be maintained to record all instances when the CCTV is not fully in good working order. The log will record the date the malfunction was noted, the date repair work was requested and the date that the repair work was carried out.
15. No sale of alcohol shall take place when the CCTV system is not fully in good working order.
16. A Noise Limiting Device approved by the Council shall be installed on the Premises.

17. Suitable accredited Security Industry Authority staff shall be present on the Premises between 17:00 and 23:00.

Right of Appeal

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 Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

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 advises 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 are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives.

The meeting, which commenced at 10.00 am, closed at 11.16 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on 01895 250 693. 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.