

## Minutes

### LICENSING SUB-COMMITTEE

30 September 2020

Meeting held at VIRTUAL - Live on the Council's YouTube channel: Hillingdon London



	<p><b>Committee Members Present:</b> Councillors Martin Goddard (Chairman) Alan Chapman Lynne Allen</p> <p><b>Witnesses Present:</b></p> <p><b>LBH Officers Present:</b> Jhini Mukherjee, Licensing Officer Kerrie Munro Liz Penny, Democratic Services Officer</p> <p><b>Also Present:</b></p>
31.	<p><b>RESUMING: APPLICATION FOR THE GRANT OF A PREMISES LICENCE: THE VILLAGE CAFE</b> (<i>Agenda Item 1</i>)</p> <p><b>Introduction by the Licensing Officer</b></p> <p>The Licensing Officer at the London Borough of Hillingdon, introduced the report relating to the new application for a premises licence for The Village Café, High Point Village, Hayes, UB3 4FL. The background and chronology of events were provided.</p> <p>Members noted that, although objectors had referred to police CAD numbers in their submissions, no representations had been received from the police in relation to this application. At the request of Members, and with the agreement of the Legal Advisor and the Applicant, an adjournment was proposed to enable the Licensing Team to obtain further details from the Police in relation to the following questions posed by the Sub-Committee:</p> <ol style="list-style-type: none"><li>1) Were the referenced CAD numbers valid?</li><li>2) Did the incidents take place on the applicant's premises (or in the wider vicinity)?</li><li>3) What was the outcome?</li></ol> <p>It was agreed that, on receipt of a response from the police, Democratic Services would communicate the additional information to all interested parties and would set a date for the Licensing Sub-Committee to reconvene.</p> <p>A recommendation to adjourn the meeting was moved by the Chairman and agreed unanimously by the Sub-Committee Members.</p> <p><b>RESOLVED: That the meeting be adjourned.</b></p>

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The hearing resumed on 30 September 2020 at 09.30. It was confirmed that all interested parties had received the additional information from the Metropolitan Police in relation to the CAD numbers.

**Introduction by the Licensing Officer:**

The Licensing Officer at the London Borough of Hillingdon, introduced the report relating to the new application for a premises licence for The Village Café, High Point Village, Hayes, UB3 4FL. The background and chronology of events were provided.

The Sub-Committee was informed that the application was to licence a lock up shop unit which would be operated as a licensed café. There were two other restaurants in the area – the Loaded Burger and TakaaTak with terminal hours ranging from 23:00 on weekdays to 01:00 at weekends. The café had benefited from a premises licence from September 2016 until the licence was surrendered in November 2018. Members were informed that the premises would operate as a food-led establishment and not exclusively or primarily for the retail sale of alcohol. The premises would close at 23:00 hours every day therefore live music would not need to be licenced, as it is deregulated. . No objections had been received from the Metropolitan Police on the grounds of crime and disorder but five representations in objection had been received from other interested parties.

In response to questions from the Sub-Committee, it was confirmed that, between 2016 and 2018, the local authority had received no requests for a review in relation to these premises. One complaint regarding alleged anti-social behaviour had been received by the ASBET team, but nothing had been established in relation to this. It was noted that complaints had to be specifically attributable to the premises in question – not all problems in the local area could be linked to these premises.

**Representation by the Applicant:**

Ms Jana Tamoeva, applicant, addressed the Sub-Committee advising that she had tried for two years to run the premises as a café but this venture had been unsuccessful. She now had a new business plan – the proposal was to run the business as a bakery / family restaurant. The large kitchen to the rear would be divided into two parts – one to serve the bakery and one for the restaurant. The restaurant would be open between the hours of 11:00 and 23:00.

Ms Tamoeva stated that she fully understood the concerns of the objectors. She acknowledged that there had been problems with young men outside the café smoking marijuana. This had been upsetting for everyone. However, it was claimed that the antisocial behaviour had been exaggerated and it was noted that it bore no relation to the consumption of alcohol. It was anticipated that the new family restaurant would attract a different clientele and Members were informed that alcohol would only be served with a meal.

In response to questioning from the Sub-Committee, it was confirmed that Ms Tamoeva had originally been one of three business partners; however, the business had been too small to justify this and Ms Tamoeva had been the sole Manager of the business since 2018.

Ms Tamoeva informed Members that, at present, the café was open from 07:00 to 23:00. Under the provisions of the old licence (which was surrendered in November 2018) the cafe was licensed to sell alcohol outside until 22.00 and inside until 23.00. Under the new business model, the restaurant would be food-led and customers would only be served alcohol when seated at a table ordering a starter or main course.

Following requests for clarification, the Sub-Committee was reassured that Ms Tamoeva had accepted all the additional conditions proposed by the Licensing Team Manager as set out on page 35 of the agenda pack.

Councillors enquired whether the applicant had, in the past, contacted the local authority or the Police to report incidents of marijuana smoking and antisocial behaviour. It was confirmed that she had not. The applicant commented that such episodes had happened periodically and, when approached, the perpetrators ran away. In response to Members' questions, it was confirmed that the applicant did not keep an incident book to record crime or antisocial behaviour – she felt that the occurrences were not serious enough and had no evidence. However, Ms Tamoeva affirmed that she had met with the Council's ASBET team in July 2020 – the team had allegedly spoken to the young people in question but there was no evidence to support this.

The Sub-Committee requested further clarification regarding the background to the business. It was confirmed that from 2016 – 2018 one of the other three partners had been the personal licence holder. In 2018 the other partners had left and there had been no licence holder since. Ms Tamoeva had continued to run the business.

Members were advised that the proposed bakery would operate as a takeaway. People would not be permitted to enter the premises and sit at the tables while the restaurant was closed. It was confirmed that Ms Tamoeva's daughter – Giti Avdalova – was originally to be the named Designated Premises Supervisor – this had now changed and Ms Tamoeva would be DPS.

The Sub-Committee raised further concerns in relation to the policing of the external area. It was confirmed that the internal CCTV was the property of the business, while the external CCTV belonged to the complex. Despite this, Ms Tamoeva stated that she could easily monitor what was happening in the external area as it was clearly visible from inside the premises.

Members pointed out that, as a proprietor, Ms Tamoeva was responsible for the entirety of the premises and had a legal responsibility to monitor what was happening throughout to ensure customers were behaving in an acceptable manner both inside and outside the café. This was of vital importance and Ms Tamoeva had not taken appropriate action to deal with crime and antisocial behaviour in the past. Ms Tamoeva commented that, should she encounter difficulties with crime or antisocial behaviour in the future, she would immediately call the police. The applicant confirmed that she was familiar with the four licensing objectives and understood that she was responsible for ensuring that these were upheld at all times. Ms Tamoeva confirmed that she was willing to install her own CCTV cameras to monitor the external area.

With regard to live music and in response to questions from Councillors, the applicant confirmed that she had originally intended to install a mezzanine and grand piano on the premises – the plans had now been scaled back and this was no longer the intention.

**Representation by Interested Parties:**

Ms Agnes Meszaros, objector, addressed the Sub-Committee. Key points raised included:

- Ms Meszaros was a shift worker who often slept during the day – she was aware of the problems of noise in the area and the matter of live music should be carefully explored;
- Ms Meszaros was reluctant to use the premises due to the frequent presence of young men seated at the external tables – this was intimidating;
- It was vital that, if the licence were granted, the antisocial behaviour be controlled – perhaps by police spot checks;
- The square was private land with public access – residents would prefer it to be exclusively for the use of residents. Additional alcohol consumption on the square would be off-putting;
- The flats were very hot in the summer and balcony doors had to be left open – noise pollution was a problem.

Members noted the concerns of the objector but affirmed that the square was in the public realm and would continue to be so – this was not a matter for the Sub-Committee. The Sub-Committee could only consider whether the conduct of the business premises was in compliance with the Licensing Act.

Ms Emese Balogh, objector, addressed the Sub-Committee. Key points raised included:

- The sale of alcohol, long opening hours and playing of amplified music did not appear to fit well with the family-orientated business model;
- The siting of the premises was inappropriate for such an establishment; in contrast, the Loaded Burger had no external tables and created no noise issues;
- The matter of drug use at the Village Café was of considerable concern. It was alleged that drugs were being dealt and consumed at the external tables. Ms Balogh stated that alcohol had also been sold to inebriated customers and fighting sometimes broke out at the premises;
- Ms Balogh claimed that the Manager had witnessed the drug use but did nothing and never called the Police. The use of drugs at the premises was an ongoing problem;
- Ms Balogh had informed the Licensing Team about antisocial behaviour at the premises and had evidence to prove this;
- On 2 August 2020, Ms Balogh claimed that she had smelt marijuana so had called the police (CAD ref. 5876). The young people had dispersed and Ms Balogh had approached the Manager with the remains of a cigarette found at the table. The Manager allegedly told Ms Balogh to leave and threatened to call the Police;
- Ms Balogh felt the response from the Metropolitan Police regarding the CAD numbers was inadequate. In relation to point 1) CAD number 3908 did not relate to 14 November but had occurred on a different date; CAD 3864 was irrelevant, points 2) and 6) were unhelpful; point 3) contradicted point 1) and points 4) and 5) related to the Piazza not to the coffee shop;
- Ms Balogh stated that she had contacted the Police and had received an update – in relation to CAD 5876, the Police had driven past the area but had not seen anything suspicious; with regard to crime reference 0915987, the Police had attended 9 hours later and had found nothing. Ms Balogh had a list of all the CAD numbers pertaining to incidents at the premises.

In response to questions from the Sub-Committee, Ms Balogh was unable to confirm when the incident outlined in her submission on page 45 of the agenda pack had occurred (“alcohol being served to customers who were already completely intoxicated”). Ms Balogh also confirmed that it was she who had contacted the Police on 96 occasions between 14 September 2019 and 15 September 2020 as noted in the response received by the Metropolitan Police.

Mr Richard Smith, objector, addressed the Sub-Committee. Key points highlighted included:

- The premises were not suitable for alcohol and music;
- Noise pollution from the Village Café was an issue – sometimes loud music was played inside the premises;
- Re. Takktak restaurant – the external tables were away from the premises and there was no noise pollution;
- The single door at the Village Café meant that noise was able to escape and escalate as people entered and left the premises – the café was effectively located in an echo chamber which amplified the noise. A double entrance door would resolve this;
- The applicant did not monitor the external area adequately;
- A door supervisor was required as the applicant was clearly incapable of controlling those demonstrating antisocial behaviour outside the café;
- In November 2019, fireworks had been let off outside the café – the applicant was aware of these issues but took no action;
- Photos and a video clip had been submitted which were presented to the Sub-Committee.

### **The Discussion:**

In response to questions from Members, Ms Tamoeva stated that she was not willing to allow people to smoke marijuana outside her premises as this brought her business into disrepute. In future she would take the issue seriously by reporting issues to the Police, and the Council.

Ms Tamoeva advised the Sub-Committee that her intention was to run a family business - 5 family members, a chef and a baker would be employed there. During busy periods, 6 people would be on site and there would be at least 5 workers on the premises at 22:00. She did not feel a door supervisor was required as it was a small business, this would be an extra expense and there was no bar and the staff would be able to deal with any issues themselves. If they were unable to cope, they would consider employing extra help in the future. Ms Tamoeva informed Members that she wished to run a good restaurant to serve the local community – she would work to build a good relationship with local residents. The Sub-Committee advised the applicant to reach out to local residents and ensure her contact details were readily available – both via the concierge and in the café.

The Sub-Committee sought clarification regarding the operating hours at the premises. It was confirmed that the restaurant would open from 11:00 – 23:00 and the bakery from 07:00 – 17:00. The external tables would be brought in at 22:00 and the kitchen would close at 22:30. At the request of Councillors, Ms Tamoeva agreed that alcohol would not be served after 21:30 externally and only until 22:30 internally to allow for drinking up time.

In response to Councillors’ questions, Ms Tamoeva commented that she did not feel a

double door was necessary as the existing single door was solid and double glazed. Customers would be asked to leave quietly at all times.

### **Closing Remarks:**

Mr Richard Smith, objector, reiterated his request for a double door at the premises as this would assist in resolving the noise issue. He did not believe the applicant had demonstrated that she was capable of running this business.

Ms Emese Balogh, objector, stated that she had no confidence in the management at the premises and felt the Manager was unwilling to deal with the drug issue. Granting the licence would make the situation worse.

Ms Agnes Meszaros, objector, emphasized the need to focus on a family business and deal with the issues of antisocial behaviour. Customers would not frequent the premises if they were scared to do so.

At the request of the Sub-Committee, Jhini Mukherjee, Licensing Officer, confirmed that the complaint in April 2018 (ref. 6597581) related to the use of drugs at the premises. Ms Mukherjee advised Members that the premises would operate as a restaurant, not a bar and music would not be played at a loud volume.

Ms Tamoeva, applicant, reassured the Sub-Committee that she would try to do her best for the community and her neighbours and wanted to create a safe environment for everyone.

All parties were informed that the decision would be announced on the Council's Youtube Channel: Hillingdon London by the end of the day.

### **Committee Deliberation:**

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

The Chairman announced the decision of the Sub-Committee on the Council's Youtube Channel: Hillingdon London.

## **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 17.1 to 17.3, 21.1 to 21.5, and has had due regard to s.149 Equality Act 2010, and the revised Guidance issued by the Secretary of State under Section 182 of the Act.**

**The decision of the Sub-Committee is to GRANT the application for a Premises Licence subject to the following CONDITIONS:**

- 1. The Operating Hours for the premises will be Monday to Sunday from 7:00 hours to 23:00 hours;**
- 2. The Operating Hours for the sale of alcohol by retail Monday to Sunday are from 11:00 hours to 22:30 hours;**
- 3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal;**
- 4. The supply of alcohol shall be by waiter or waitress service only;**
- 5. There is to be no alcohol served or consumed at the external tables;**
- 6. Patrons must consume alcohol inside the business premises only (not outside);**
- 7. There are to be double entry doors installed at the business premises through which patrons will enter;**
- 8. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises and at the point of sale;**
- 9. The premises shall have clear and visible signage asking customers to leave quietly and behave in an orderly fashion at their tables (outside);**
- 10. Notices will be displayed at the exterior of the premises and at the exit point asking customers to respect the needs of the local community and to leave or use the outside area quietly;**
- 11. An internal and external CCTV system shall be maintained in good working order and shall record at all times the premises are open, covering all public areas of the licensed premises, including all public entry and exit points, and all external tables surrounding the business. The recordings shall be kept for 31 days and be provided to authorised officers of the**

**Council and to the Police on request;**

- i. The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door;**
- ii. A CCTV monitor shall be provided at the area alcohol is stationed which has the capability to show images of all the cameras for the information of staff;**
- iii. 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;**
- iv. No sale of alcohol shall take place when the CCTV system is not fully in good working order;**
- v. 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;**
- vi. CCTV on the operating schedule will be amended to read as "VCR tapes or digital recordings shall be held for a minimum of 31 days after the recording";**
- vii. The premises shall maintain at least four CCTV cameras in good working order; and**
- viii. The details of the internal and external CCTV layout must be agreed with the Licensing Authority authorised officer from Hillingdon Borough Council.**

**12. The premises shall adopt a challenge 25 scheme and staff shall be trained accordingly;**

**13. A challenge 25 policy will be in force, where any person looking under the**

**age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. 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;**

**14. Staff will be trained in first aid;**

**15. There shall be a Designated Premises Supervisor or Personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol;**

**16. No customers can enter or re-enter the premises after 22:30 hrs;**

**17. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following:**

**(a) all crimes reported to the venue;**

**(b) any complaints received concerning crime and disorder;**

**(c) any incidents of disorder;**

**(d) any faults in the CCTV system;**

**(e) any refusal of the sale of alcohol; and**

**(f) any visit by a relevant authority or emergency service.**

**18. The Premises Licence Holder shall ensure that the Incident Log Book is checked, signed and dated on a weekly basis by themselves or an authorised employee acting in place of the Designated Premises Supervisor;**

**19. Any deliveries to the premises and emptying of glass goods shall take place between 9h00 and 18h00;**

**20. Staff will be trained regarding appropriate steps to uphold the licensing**

**objectives, to prevent underage sales and use the Incident Log Book, within 2 months of the Premises Licence being granted or of beginning employment. Records will be kept of such training, which must be signed and dated by the members of staff who have provided and received that training.**

- 21. The business external back doors shall be kept closed between 7pm and 9am, except for the immediate access and egress of the staff in the performance of their designated duties or to exit in the event of an emergency;**
- 22. A direct telephone number for the Designated Premises Supervisor / Personal Licence Holder at the premises shall be publicly available at all times the premises is open;**
- 23. Fire safety alarm system shall be installed and in working order at all times;**
- 24. Staff must be trained in respect of evacuation procedures;**
- 25. All refuse shall be kept in the businesses specific waste containers internally and externally to the premises; and**
- 26. Staff shall monitor customers smoking outside the premises on a regular basis to ensure patrons do not cause a public nuisance. There is a limit of three customers smoking outside at one time.**

### **Right of Appeal**

**The Applicant for the Premises Licence or any other person who made relevant representations to the application may appeal against the Council's decision. You must do so in writing within 21 days of being notified of the Council's decision. A fee must be paid to the Magistrates Court and the application sent to the Justice Clerk at the Uxbridge Magistrates Court.**

The meeting, which commenced at 9.35 am, closed at 1.07 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - 01895 250636 or email: [democratic@hillingdon.gov.uk](mailto:democratic@hillingdon.gov.uk) on . 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.**