

Minutes

LICENSING SUB-COMMITTEE

15 February 2021

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



	<p>Committee Members Present: Councillors Simon Arnold (Chairman) Raymond Graham John Oswell</p> <p>Witnesses Present:</p> <p>LBH Officers Present: Jhini Mukherjee, Licensing Officer Kerrie Munro Daniel Ferrer, Licensing Team Manager</p> <p>Also Present:</p>
16.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>All Members were present.</p>
17.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
18.	<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 would be considered in public.</p>
19.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
20.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE - COCO LEISURE LTD, 35A GREEN LANE, NORTHWOOD, HA6 2PX (<i>Agenda Item 5</i>)</p> <p>It was noted that written representations had been received from Reverend Ann Lynes of Holy Trinity Church, Northwood; although she was unable to attend the hearing.</p> <p>INTRODUCTION</p> <p>Jhini Mukherjee, Licensing Officer, introduced the application for the grant of a new</p>

premises licence for a bar/restaurant in respect of COCO Leisure Ltd, 35A Green Lane, Northwood, HA6 2PX. Members were informed that the site was on Northwood High Street surrounded by premises of mixed retail and residential use.

It was noted that the previous premises licence, shown as Appendix 9 to the officer's report, had lapsed in August 2020 when the parent company, Azzuri Restaurants Limited, went into administration. It was further noted that the application before Members was for similar terms to the previous licence regarding licensable activities such as: late night refreshment, sale of alcohol and the playing of recorded music and provision of dance. However, the application sought additional hours to the timings of these licensable activities.

The Sub-Committee noted the four representations which had been received from the Licensing Authority, Mr Trevor Sherling on behalf of the Northwood Residents' Association, local resident Mr John Dolling and the Vicar of Holy Trinity Church Northwood Reverend Ann Lynes. Ward Councillors Carol Melvin and Scott Seaman-Digby had also emailed in support of the objections made.

It was highlighted that the officer's recommendation was to grant the licence with the additional conditions set out in the Licensing Authority's representation, shown as Appendix 2 to the officer's report.

THE APPLICANT

The Licence Holder's representative, Mr Puthrasingam Sivashankar, addressed the Sub-Committee. It was highlighted that, after considering the representations made by the responsible authorities and other interested parties, the applicant had agreed to amend the proposed hours for licensable activities as listed on page four of the officer's report. The following changes to licensable activities were proposed for Sundays through Thursdays:

- Sale of Alcohol – 10:00 to 00:00
- Regulated Entertainment – 23:00 to 00:30
- Late Night Refreshment – 23:00 to 00:30
- Premises to close at 00:30

No amendments were made to the hours applied for in the original application with regard to Fridays and Saturdays.

Members' attention was drawn to the addendum, the Sub-Committee were notified that the applicant was minded to agree to the prospective conditions set out in the Licensing Authority's representation, with exception to condition two that "The supply of alcohol shall be by waiter or waitress service only". It was deemed that, if the condition were to be applied and with the provision of dancing as listed in the licensable activities, there may be patrons who order their drinks at the bar which would breach the condition. The Licensee did not want to open themselves up to criminal prosecution.

A query was raised as to the justification for the proposed 03:00 hours closing time of the premises on Fridays and Saturdays. It was noted that in the application, licensable activities would cease at 02:00 hours, this would allow for sufficient drinking up time and would alleviate potential public nuisance issues by supporting a gradual dispersal of patrons from the premises. It was further noted that, should the Sub-Committee wish to amend this, the applicant would be happy with a 30 minutes dispersal time rather than the proposed one hour.

By way of clarification, Mr Sivashankar confirmed that there was a typographical error on the original application form listed as Appendix 1 to the officer's report. Under part D of section 18 the form should have stated "Music will be played at a level that would not cause a nuisance to nearby residents".

RESPONSIBLE AUTHORITIES

Daniel Ferrer, on behalf of the Licensing Authority, addressed the Sub-Committee. Members were informed that the Licensing Authority had raised representations in relation to three of the licensing objectives, prevention of crime and disorder, prevention of public nuisance and public safety.

The style of the operation was deemed to be concerning as the application had stated the premises to be a "Bar/Restaurant with an outdoor rear garden". The concerns lay with the operation leaning towards a vertical lead drinking establishment. The conditions proposed by the Licensing Authority in Appendix 2 were methods of maintaining the operation as a restaurant and preventing the premises from becoming a vertical lead drinking establishment. It was noted that the applicant had agreed to most of the prospective conditions listed in Appendix 2 which was encouraging; however, Mr Ferrer highlighted concerns that the waiter/waitress service condition had not been agreed to and that the timings of SIA approved door supervisors were not robust enough to adhere to the licensing objectives.

The Sub-Committee were informed that the prevention of public nuisance was a key licensing objective, with particular regard to Friday and Saturday nights when the proposed end time of licensable activities was 02:00 hours; this was deemed to have an impact upon residents within the vicinity of the premises. It was noted that the Licence Holder's representative had addressed concerns around premises closing times from Sunday to Thursdays.

Regarding any potential nuisance caused by the playing of recorded music at the premises, the Licensing Authority were minded to have a sound limiter installed on any public address or speaker system. This would circumvent public nuisance issues in relation to noise emanating from the establishment.

In terms of public safety, should the operational times be agreed by the Sub-Committee, the Licensing Authority would like to see an earlier start time for SIA door staff; their role in ensuring public safety, prevention of crime and disorder and prevention of public nuisance was deemed vital when performing activities such as bag searches, identification checks and capacity checks.

The Sub-Committee were further informed that applicant engagement had been a smooth process and both parties welcomed any comments and further discussion.

By way of clarification, Mr Sivashankar informed the Sub-Committee that the rear garden area was not going to be used for any licensable activities and patrons would only be using indoor areas whilst at the premises.

OTHER PARTIES

Mr Trevor Sherling, on behalf of the Northwood Residents' Association (NRA), had submitted representations on the application and raised a number of concerns regarding the proposals. Key points raised included:

- It was noted that the NRA did not object to the consumption of alcohol when purchased as part of a meal and consumed on the premises;
- There were concerns relating to the impact of noise and nuisance on neighbouring residential streets and properties from the dispersal of patrons and staff from the premises, especially with regard to Fridays and Saturdays;
- The NRA requested that the sale of alcohol should end at 22:30 hours with no customers entering or re-entering the premises after 22:30 hours. Although they would be happy if the timings mirrored that of the previous ASK Restaurant's licence;
- The NRA requested a restriction on patrons taking drinks outside of the premises. Further to this, a condition was requested to ensure that all alcohol sold must be consumed inside the premises and as part of a meal;
- There were objections to the sale of alcohol as a takeaway service which was deemed to encourage more pedestrian traffic in and around the establishment;
- A restriction on the playing of amplified music would be welcomed to ensure that no noise emanated from the premises to avoid disturbance. To that effect there was a request for an entrance lobby to prevent music emanating as customers enter or egress from the property;
- Concerns were raised with regard to the number of establishments in the vicinity able to sell alcohol as a stand-alone purchase.

Mr John Dolling, a local resident, had submitted representations on the application; he addressed the Sub-Committee and raised a number of key points:

- It was unclear whether the late opening hours proposed in the application were really for a family restaurant;
- Further concerns were raised in relation to the lateness of the proposed operating hours and the potential for those egressing from the premises to cause public nuisance, particularly for residents situated on Green Lane. It was noted that even those who are not intoxicated had the potential to cause noise that would be deemed disturbing for residential properties in the vicinity;
- A request for earlier closing times was made with regard to Fridays and Saturdays; Mr Dolling clarified that he was happy with the Sunday to Thursday closing times as proposed earlier in the meeting by the Licence Holder's representative.

DISCUSSION

The Sub-Committee were sympathetic towards those who had made representations on the application, including the Reverend Ann Lynes who was unable to attend the hearing. Members also noted that the removal of the rear garden in terms of operating licensable activities had eased a number of initial concerns.

Mr Sivashankar queried the necessity of a waiter/waitress service when the previous licence for the ASK restaurant did not have such a condition imposed upon it. It was noted by the Licensing Authority that this was the case, however the waiter/waitress service condition, paired with the sale of alcohol for consumption as ancillary to a meal condition, was deemed to ensure that the premises is operated as a restaurant and steers away from a vertical lead drinking establishment. It was further noted by Mr Dolling that the lack of a waiter/waitress service would not be a cause for concern had the proposed operating times not been so late into the evening on Fridays and Saturdays.

CLOSING REMARKS

On behalf of the Licensing Authority, Mr Ferrer highlighted key remaining concerns around the lateness of the operating hours on Fridays and Saturdays and that clarification was sought as to the starting times of SIA approved door supervisors; the application sought a 23:00 start time where the Licensing Authority deemed this to be too late.

Upon making his closing remarks, Mr Sherling reiterated that the establishment was a restaurant as opposed to a vertical lead drinking establishment, hence the request for alcohol to only be consumed as ancillary to a meal, and that the NRA would like to see restrictions against patrons drinking outside the premises and any amplified music emanating from the premises.

Mr Sivashankar clarified that there was a lobby area being introduced at the establishment which would alleviate concerns that noise would emanate from the premises when patrons enter and egress. It was also noted that the applicant would be happy to agree to a condition demanding that patrons do not consume alcohol outside of the premises; although it was highlighted that off-sales had been applied for, this was for the purpose of being able to sell alcohol with a takeaway meal. It was confirmed that patrons would not be able to visit the premises only to consume alcohol.

It was noted by Mr Sivashankar that SIA door supervisors would be present only on days where the premises was to remain open beyond 00:30 hours and that the door supervisors would start at 23:00 hours. The applicant had agreed for a dispersal policy to be retained by the Licensing Authority and should issue be raised by the police or Licensing Authority, they applicant would be happy to look at the door supervisor starting times. It was also highlighted that there had been no police representation against the application, noting that the application was not deemed to cause any crime and disorder issues.

Mr Sivashankar closed by informing Members that the owners had invested heavily in the premises to bring it up to a high standard following the lapse of the previous Premises Licence and the departure of the previous owners.

THE DECISION

The Sub-Committee considered all advance relevant written evidence and verbal submissions at the hearing.

In doing so, the Sub-Committee took into account the Licensing Objectives, the Licensing Act 2003 as amended, Hillingdon's Statement and Licensing Policy, and Statutory Guidance issued by the Secretary of State under Section 182 of the Act, in particular paragraphs 9.42 – 9.44, 10.2, 10.8, 10.10, 10.13, 10.15, 14.19, 14.51 and 14.52. The Sub-Committee had due regard to its Public Sector Equality Duty, under s.149 of the Equality Act 2010, as amended.

After deliberations in private session, the decision of the Sub-Committee was to **grant the Premises Licence**, subject to the below conditions. The Sub-Committee's reasons for this decision would be published in the written Decision Notice.

- 1) The Premises opening hours shall be Sunday to Thursday between 10:00 to 00:30 hours and Friday to Saturday 10:00 to 01:00 hours;
- 2) The Premises Licence for sale of alcohol, provision of recorded music, provision of dance, and late-night refreshment, shall be Sunday to Thursday 10:00 to

00:00 hours, and Friday to Saturday 10:00 hours to 00:30 hours;

- 3) The Premises Licence shall be issued for the on-sale consumption of alcohol with table meals, and off-sales for takeaways only;
- 4) Patrons must consume alcohol inside the business premises only (not outside, including the Premise garden);
- 5) No customers can re-enter the premises Sunday to Thursday after 23:45 hours, and Friday to Saturday after 00:15 hours;
- 6) The business' external back doors shall be kept closed between 20:00 hours and 09:00 hours, except for the immediate access and egress of persons;
- 7) Any deliveries to the premises and emptying of glass goods shall take place between 09:00 hours and 18:00 hours;
- 8) 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;
- 9) Staff will be trained regarding appropriate steps to uphold the licensing objectives within 2 months 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;
- 10) An incident log shall be kept with records of:
 - a. all refusals of sale of alcohol;
 - b. any 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;
 - f. Emergency Officers attending the premises.
- 11) 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;
- 12) The incident log will be held and maintained at the premises and will be available for inspection immediately upon request of the Metropolitan Police Services and/or any Responsible Authority;
- 13) An internal and external CCTV system shall be maintained in good working order and shall record at all times that 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;

The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door;

A CCTV monitor shall be provided at the area in which alcohol is situated which has the capability to show images of all the cameras for the information of staff;

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;

No sale of alcohol shall take place when the CCTV system is not fully in good working order;

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;

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";

The premises shall maintain at least four CCTV cameras in good working order; and

The details of the internal and external CCTV layout must be agreed with the Licensing Authority authorised officer from Hillingdon Borough Council.

14) A fire safety alarm system shall be installed;

15) Staff must be trained in respect of evacuation procedures;

16) All refuse shall be kept in waste containers;

17) No noise shall emanate from the premises, nor vibration transmit through the structure of the premises, that gives rise to nuisance;

A Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of the Police, or an authorised officer of the Anti-Social Behaviour Environmental Investigation Team, Licensing Authority Team or equivalent Officer within the Council, to ensure that no noise nuisance is caused to local residents or businesses;

The Designated Premises Supervisor, or Manager shall then secure this by key or password to the satisfaction of officers from the Police, Anti Social Behaviour Investigation Environmental Team, Licensing Authority Team or equivalent Officer within the Council and access shall only be by persons authorised by the Premises Licence holder;

The limiter shall not be altered without prior agreement by the Police, Anti-Social Behaviour Investigation Environmental Team, Licensing Authority Team or equivalent Officer within the Council. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the above Police or authorised Officers. No additional sound generating equipment shall be used on the premises without being routed through the

sound limiter device.

18) A written dispersal policy shall be kept at the Premises and the Licence Holder shall ensure all staff members are trained the policy;

19) Notices shall be prominently displayed near the entrance and exit doors requesting that patrons respect the needs of local residents and leave the area quietly;

20) Staff shall monitor customers smoking outside the premises on a regular basis to ensure patrons do not cause a public nuisance.

RIGHT OF APPEAL

If any individual who made relevant representations to the application feels aggrieved by the decision of the Sub-Committee to grant the application, they may appeal to the Justice Clerk under section 181 and schedule 5 of the Licensing Act 2003 to Uxbridge Magistrates' Court, The Court House, Harefield Road, Uxbridge, UB8 1PQ, within twenty-one days of the date of notification of the 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 meeting, which commenced at 10.00 am, closed at 1.01 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@hillington.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.