

Minutes

LICENSING SUB-COMMITTEE

8 November 2021



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

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| | <p>Committee Members Present: Councillors Alan Chapman (Vice-Chairman) Lynne Allen John Hensley</p> <p>LBH Officers Present: Chantelle McLeod, Legal Officer Jhini Mukherjee, Licensing Officer Anisha Teji, Democratic Services Officer</p> <p>Interested Parties: Councillor Nicola Brightman</p> <p>Also Present: Mr Azziz Shaikh, Applicant</p> |
| 31. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p> |
| 32. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p> |
| 33. | <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 4</i>)</p> <p>It was confirmed that all items would be heard in Part I.</p> |
| 34. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>)</p> <p>None.</p> |
| 35. | <p>RESUMED HEARING: APPLICATION FOR THE GRANT OF A PREMISES LICENCE: HERBIES PIZZA, 298 KINGSHILL AVENUE, HAYES UB4 8BX (<i>Agenda Item 6</i>)</p> <p>Introduction by Licensing Officer</p> <p>Jhini Mukherjee, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the application for a new premises licence in for</p> |

Herbies Pizza, 298 Kingshill Avenue, Hayes UB4 8BX. A background and chronology of events was provided.

The Committee was informed that this matter had been adjourned twice on two previous occasions. The application had been submitted by My Shoaib Tariq Raja and Mr Azizz Shaikh, both directors, on behalf of Laash Pizza Limited, trading as Herbies Pizza. The application requested the authorisation of late-night refreshments to enable the provision of hot food and drink between the hours of 23.00 and 02.00 Sundays to Thursdays and 23.00 and 03.00 on Fridays and Saturdays. Representations in objection of the application had been received from Councillor Nicola Brightman.

A recommendation was made to grant the licence until midnight Sunday to Thursday and 1.00am on Friday and Saturday.

Representations by applicant

The applicant – Mr Azizz Shaikh addressed the Committee.

The Committee was informed that Herbies Pizza was a small takeout pizza shop and there was no alcohol served or any music played on the premises. A similar business was operating at another location and no complaints had been received at either site. A request had been made to extend the business hours of operation from 23.00 and 02.00 Sundays to Thursdays and 23.00 and 03.00 on Fridays and Saturdays.

Responding to Member clarification questions, it was confirmed that the Applicant had been operating on the site for nearly a year and there been no incidents involving the Police or Anti-Social Behaviour Teams. Concerns were raised regarding noise and distance that the extended operating hours would include such as the increase in vehicular movement and shutting car doors. It was confirmed that there was no control outside the property however there had been no previous complaints regarding any noise. Customers would generally sit inside the premises to eat and there were less people around after 11pm. The premises also had noise proof glass which limited sound and there was rarely any noise that went outside.

It was also clarified that the current hours of business did not extend beyond 11 pm the current closing time was around 10:30 or 10:45 every day. The applicant had been associated with the site since September 2020 and it was explained that Laash Pizza Limited was the legal name and Herbies Pizza was the trading name.

In response to Member questions on how noise would be managed in a residential area, it was explained that the applicant had a good relationship with residents and there had never been an issue. Notice had been provided to residents of the proposed hours and there was no comment. It was not a business that generated much noise such as a pub and after around 10 – 1030 the parade was quiet. It was highlighted that the focus of the extended hours was to increase delivery options rather than collection and the aim of this was to increase business so that the company could survive. Delivery would also be conducted mainly by car rather than mopeds.

Representations by Interested Parties

Councillor Nicola Brightman addressed the Committee and submitted that the primary concern of residents was that the hours of operation would be too late in a residential area. There was no requirement for a pizza business that operated until 3am. It was highlighted that there were no other shops on the parade that opened that late and any

late activity would lead to an increase in noise, resulting in a disruption to sleep.

Responding to Member clarification questions, it was confirmed that although there had been complaints previously in relation to a nearby pub, there had been nothing recently regarding noise or disturbance.

Discussion

- It was noted that there had been no representations from responsible authorities such as the Antisocial Behaviour Team or the Police in relation to potential noise disturbances.
- The Licensing Authority had made representations, as detailed in Appendix 5 of the agenda pack. The Operating Schedule provided by the Applicant was not extensive enough to uphold the four licensing objectives and conditions were recommended by the Licensing Authority acting as the Responsible Authority under the Act which the Applicant agreed. It was submitted that these conditions were appropriate and sufficient to promote the licensing objectives. If the Committee was not minded to approve the hours of operation indicated in the application form, the Applicant requested the hours of operation of at least a 1am closing time Sunday to Thursday and a 2:00 or 2:30 Friday to Saturday.
- It was confirmed that the residents considered a 3am close time to be too late.
- It was noted that the decision would only be made on all the information put before the Committee.

Closing remarks

There were no further submissions from the Interested Parties or Licensing Officer.

The Applicant reiterated that there had been no previous issues or complaints regarding noise and disturbance. The applicant asked the Committee to consider the hours of operation to enable the business to survive.

Committee Deliberation

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

All parties were invited back to the meeting for the Chairman to announce the decision of the Sub-Committee.

The Decision

The decision of the Sub-Committee is to GRANT the application for a Premises Licence; Between Sunday to Thursday, the licence shall be valid from 2300 hours to 0000 hours with the premises to be vacated by 0030 hours. On Friday's and Saturday's, the licence shall be valid from 2300 to 0130 hours with the premises to be vacated by 0200 hours. The premises must also comply with the following condition(s):

1. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.
2. 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
 - f) any visit by a relevant authority or emergency service.
3. There shall be a minimum of 2 adult members of staff on the premises after 23.00 hours each day of trading until closing.
 4. Regular checks shall be carried out to ensure that the area direct outside the premises is free from litter or rubbish.
 5. Signage shall be displayed at the premises stating their hours of operation.
 6. No stock deliveries to the premises shall take place between 2000 hours and 08:00 hours.
 7. No disposal of waste shall take place between 2000 hours and 08:00 hours.
 8. Doors and windows shall be kept closed from 23:00 hours until closing to prevent transmission of noise.
 9. Delivery drivers and staff shall be instructed to respect the needs of local residents including:
 - i. entering and leaving their vehicles quietly and considerately
 - ii. not leaving their vehicle engines running
 - iii. ensuring that any recorded music being played in their vehicle is kept to a low volume at the premises
 - iv. parking their vehicles considerately
 - v. using any smoking area quietly when on a smoking break
 - vi. leaving the premises quietly at the end of their shift

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

The Applicant will be deemed to have received this decision letter, two days 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 12.22 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.