

Minutes

LICENSING SUB-COMMITTEE

28 January 2022



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

	<p>Committee Members Present: Councillors Simon Arnold (Chairman) Carol Melvin John Morse</p> <p>LBH Officers Present: Mark McDermott, Licensing Officer Chantelle McLeod, Legal Advisor Anisha Teji, Democratic Services Officer</p> <p>Interested Parties: Lauren O'Connell, Objector</p> <p>Responsible Authorities: Adam Stitson, Anti-Social Behaviour Team Lois King, Licensing Authority</p> <p>Applicant and Applicant's representative: Applicant – Mr Senel Tursun Applicant's representative- Mr Mahir Kilic</p>
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
3.	<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 heard in Part I.</p>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
5.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: REIS RESTAURANT, 85 HIGH STREET, RUISLIP HA4 8JB (<i>Agenda Item 5</i>)</p>

Introduction by Licensing Officer

Mark McDermott, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the application for a new premises licence for Reis Restaurant, 85 High Street, Ruislip HA4 8JB. A background and chronology of events was provided.

An application was made to authorise the sale of alcohol on Sundays to Thursdays from 10:00 to 00:00 hours and on Fridays and Saturdays 10:00 to 02:00 hours. Regulated entertainment indoors (provision of live music, recorded music and dance performances), Sundays to Thursdays from 23:00 to 00:00 hours and Fridays and Saturdays from 23:00 to 02:00 hours. Late night refreshment on Sundays to Thursdays from 23:00 to 00:00 hours and on Fridays and Saturdays from 23:00 to 02:00 hours.

The application also sought an extension to the above hours for licensable activities until 05:00 hours on New Year Eve. Closing times Sunday to Thursday from 10:00 - 00:00 hours and Friday to Saturday 10:00 - 02:00 hours

Three representations had been received; from a local resident, the Licensing Authority, and the Anti-Social Behaviour Team. Although engagement between all three parties was encouraged, an agreement had not been reached.

A recommendation was made to grant the licence but with a reduction of hours as suggested by the Responsible Authorities adding additional conditions as deemed appropriate to uphold the licensing objectives.

Representations by Applicant and Applicant's representative

The Applicant – Mr Senel Tursun and the Applicant's representative- Mr Mahir Kilic – addressed the Committee.

As a background to the application, an explanation of the layout of the premises was provided to the Committee. It was highlighted that the premises would be used as a restaurant not as a pub or a bar.

The Committee was informed that the application was subject to three representations and the Applicant had proposed conditions to promote the Licensing Objectives.

An amendment to the application was made with the proposed hours for sale of alcohol and regulated entertainment indoors (provision of live music, recorded music and dance performances), Sundays to Thursdays from 23:00 to 23:00hours and Fridays and Saturdays from 23:00 to midnight. Late night refreshment would remain as the original hours requested as Sundays to Thursdays from 23:00 to 00:00 hours and on Fridays and Saturdays from 23:00 to 02:00 hours. It was noted that there would only be live music, recorded music and dance performances on rare occasions.

It was acknowledged that there would be some noise to neighbouring properties but not more than what was expected from a high street property. To provide further reassurances, the Applicant would arrange a noise acoustic assessment, and this would be shared with the Responsible Authorities and Licensing Officer.

The Legal Advisor confirmed that amendments to the application could be made and

the Committee was advised to consider the application based on all the representations made before it today.

In response to Member questions, it was noted that the outside element of the application had been removed. It was also confirmed that the main purpose for the premises was a fine dining restaurant and entertainment was part of the experience. Entertainment would include belly dancers and live music but not on a regular basis. Alcohol would also only be sold with meals.

Representations by Responsible Authorities

The Licensing Authority

Lois King, on behalf of the Licensing Authority addressed the Committee and noted that there had been serious concerns regarding the Prevention of Crime and Disorder, Prevention of Public Nuisance Licensing Objective and the Protection of Children from Harm Licensing Objective.

It was submitted that there had initially been lack of clarity about the premises and the activities and additional clarification was sought. The Applicant confirmed that there would not be remote sales of alcohol and the Licensing Authority was encouraged by this.

There were still concerns regarding the disturbance caused to the close proximity of residents and the Committee's attention was drawn to relevant paragraphs of the Council's Licensing policy. Additional conditions regarding sound management, the management of take away and delivery disturbance and the dispersal of customers was requested.

The reduction in the proposed hours for licensable activities was welcomed and it was recognised that the business needed to trade without undermining the Licensing Objectives.

Anti-Social Behaviour Team

Adam Stitson, on behalf of the Anti-Social Behaviour Team Leader LBH, addressed the Committee.

The submissions made by the Licensing Authority were reiterated and the recommendation had been made on the basis of the Prevention of Public Nuisance Licensing Objective. The Applicant's submission about the reduction in the hours of licensable activities was welcomed.

It was noted that this premises had previously operated as a bank and did not cause any nuisance to residential and neighbouring properties. The bank observed normal business hours.

The Anti-Social Behaviour Team welcomed the proposal of a noise limiter and suggested a sound insulation on the ceiling to minimise sound transference to neighbouring properties. It was also suggested that a comprehensive plan on customer dispersal be submitted to the Council on how noise would be managed from the disturbance of takeaway and delivery vehicles.

It was also highlighted that the Anti-Social Behaviour Team were proactive in

monitoring issues and investigating issues of noise disturbance.

In response to Member questions, it was explained that a condition specifying noise reduction and decibel levels was difficult due to technicalities.

Representations by Interested Parties

Lauren O'Connell addressed the Committee and submitted that the biggest concern with the proposed application was the impact of disturbance on family life. As detailed in the agenda pack, there was a concern about noise and the impact on residents. It was noted that the premises was originally a bank and there was already noise disturbance from other similar premises on the high street.

Discussion

- In relation to potential traffic caused by take away and deliveries, it was initially explained that the takeaway and deliveries element had been removed from the application. No deliveries would be undertaken, and a variation to the application would be requested in the future. Alcohol would not be available for remote sales.
- Further clarification was sought on the takeaway and deliveries element of the application and it was then confirmed that there would be takeaways and deliveries. Any noise and disruption from delivery vehicles would be addressed in the dispersal policy. It was also suggested that the delivery pickups would be from an allocated point at the end rear side of the premise.
- The applicant accepted the suggestion to reduce the New Year's Eve hours of operation to a 03:00 closure.
- It was reiterated that the premises would operate as a fine dining restaurant and a dispersal policy managing crowd controls would be shared with the Council.
- The Applicant had experience in managing premises of this nature and operated other premises outside of the Borough.
- It was emphasised that this was a new application and there had been speculation regarding potential issues. There were a number of recourses available for authorities to take action if there were any issues or breaches of conditions such as a review mechanism. The Committee was urged to consider the application based on the information before it. The proposed conditions prevented the issues raised from arising.
- The Applicant had not yet started work at the premises. Subject to the outcome of planning permission, an acoustic engineer would be instructed, and a sound evaluation would be carried out. A plan would then be created on how sound could be managed to protect neighbouring properties and residents.
- In terms of assurances that the premises would not revert to a late-night disco, it was explained that any potential concerns and complaints could be investigated by Responsible Authorities.
- In order to manage disturbance caused by smoking outside of the premises, it was explained that smoker numbers would be restricted and monitored by staff. The Applicant welcomed a condition on this matter to prevent any disturbance to neighbouring properties and residents. The prevention of readmittance was also suggested.

Closing remarks

In closing submissions, the Licensing Authority reiterated that the application was

ultimately a decision for the Licensing Sub Committee. The Licensing Sub Committee was asked to have consideration to any appropriate conditions and the Licensing Objective.

The Anti-Social Behaviour Team urged the Applicant to work with responsible authorities to prevent any issues arising.

Ms O'Connell emphasised the disturbance to family life and asked the Committee to bear this in mind.

There were no further submissions from the Licensing Officer.

In closing, the Applicant's representative submitted that the issues raised could be managed by all the conditions proposed and these would also promote the Licensing Objectives. It was highlighted that the conditions needed to be appropriate and proportionate. The dispersal policy would be sent to the Responsible Authorities and Licensing Officer for review and be agreed before any operation commenced. The Committee was asked for the licence to be granted and that the applicant was happy to comply with any conditions.

Committee Deliberation

All parties were asked to leave the room 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 new premises licence subject to the following conditions:

The opening hours between Sunday and Thursday shall be between 1000 hours and 2330 hours with the sale of alcohol until 2300 hours. The opening hours on Fridays and Saturdays shall be between 1000 hours and 0000 hours with the provision of the sale of alcohol until 2330 hours. The opening hours may be extended on New Years' Eve with the provision of licensable activities until 0300 hours. The premises must also comply with the following conditions:

The Prevention of Crime and Disorder

1. The Designated Premises Supervisor (DPS), a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times.
2. A CCTV system covering the interior and exterior of the premises will be installed to current Metropolitan Police/Home Office standards and shall be kept operational at all times.
 - a) It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
 - b) At least one member of staff trained to operate the CCTV system and

download images shall be on duty at all times. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.

3. Challenge 25 shall be operated as the proof of age policy.
4. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.
5. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
 - a) All crimes reported
 - b) Lost property
 - c) All ejections of customers
 - d) Any complaints received
 - e) Any incidents of disorder
 - f) Any seizure of drugs or offensive weapons
 - g) Any faults in the CCTV
 - h) Any refusal in the sale of alcohol
 - i) Any visit made by a relevant authority or emergency services
6. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:
 - a) That CCTV & challenge 25 are in operation;
 - b) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
 - c) Of the permitted hours for licensable activities & the opening times of the premises;
 - d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

Public Safety

1. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.

The Prevention of Public Nuisance

1. No noise generated on the premises, or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Sound proofing by a qualified acoustics engineer to be installed so as to reduce noise emanating from the venue.

3. A noise limiter shall be in use to ensure that any noise emanating from the speakers does not cause a nuisance to nearby residents.
4. Windows and doors must be closed during regulated entertainment to prevent the transmission of noise.
5. Dispersal policy to be provided to and approved by the Anti-Social Behaviour and Environmental Team.
6. There shall be no admittance or readmittance to the premises after an hour before closing time.
7. Delivery drivers and staff shall be instructed to respect the needs of local residents including:
 - a) entering and leaving their vehicles quietly and considerately at a designated area of the premises
 - b) not leaving their vehicle engines running
 - c) ensuring that any recorded music being played in their vehicle is kept to a low volume at the premises
 - d) parking their vehicles considerately
 - e) using any smoking area quietly when on a smoking break
 - f) leaving the premises quietly at the end of their shift
8. The front of the premises shall be kept tidy at all times and be swept at close.
9. Relevant notices will be prominently displayed by the entry/exit door and point of sale (as appropriate).
10. No incoming deliveries or disposal of waste shall take place between 2000 hours and 08:00 hours.
11. An incident book shall be kept at the premises and made available to the police or responsible authority.
12. A contact number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

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

	<p>uphold the licensing objectives</p> <p>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.</p>
	<p>The meeting, which commenced at 10.00 am, closed at 1.44 pm.</p>

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. 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.