

Minutes

LICENSING SUB-COMMITTEE

14 March 2022



Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge

	<p>Committee Members Present: Councillors Simon Arnold (Chairman) Janet Gardner Colleen Sullivan</p> <p>LBH Officers Present: Neil Fraser, Democratic Services Officer Daniel Ferrer, Licensing Team Manager Chantelle McLeod, Legal Officer Jhini Mukherjee, Licensing Officer</p> <p>Also Present: Mr Panchal, Applicant's representative Mr Culaj, Applicant's representative Ms Mills, Interested party Ms Jones, Interested party</p>
6.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
7.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
8.	<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 as Part 1 and would be considered in public, with the Committee's deliberation taking place in private.</p>
9.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
10.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: TEN RESTAURANT, 10 VICTORIA ROAD, RUISLIP HA4 0AA (<i>Agenda Item 5</i>)</p> <p>INTRODUCTION</p> <p>Jhini Mukherjee, Licensing Officer, introduced the application, which sought a new premises licence for Ten Restaurant, 110 Victoria Road, Ruislip. The application</p>

requested authorisation for the sale of alcohol, regulated entertainment including live and recorded music, and late-night refreshment for the hours as set out in the report.

The officer confirmed that eight representations had been received; six of which were from local residents, one from Ward Councillor Michael Markham, and one from the Licensing Authority.

It was recommended that the Sub-Committee grant the application, though with due consideration of conditions and hours of operation.

THE APPLICANT

The applicant was represented by Mr Panchal of Personal Licensing Courses, and Mr Culaj, Manager of the premises.

The applicant confirmed that the premises was seeking to be a family restaurant serving sit-down meals and accompanying alcohol only, not a bar or nightclub. Mr Culaj was an experienced premises manager who had worked at various premises and who fully understood the four licensing objectives.

Actions had been taken to address concerns over noise/disturbance and public nuisance, including reducing the hours in which live music was performed and the installation of sound proofing, alongside dialogue with the Council's ASBET and Licensing teams regarding appropriate sound and decibel levels. Such actions would continue, including the installation of a noise limiter and consultation with local residents.

In answer to questions, the Sub-Committee was informed that circa eight properties were located above the premises, though the applicant had not yet contacted residents to discuss their concerns. Additionally, it was confirmed that the off sale of alcohol was sought only to allow diners to take unfinished wine with them upon leaving. Last orders for food and alcohol would be at 0030, and a dispersal policy would be in place to ensure patrons left in a quiet and orderly fashion.

Regarding dispersal, taxi numbers would be available for patrons to call and then wait inside for arrival, to prevent them from congregating outside. Drunk patrons would be refused service and asked to leave, while signs would be in place asking patrons to remain quiet and respectful of residents.

It was accepted that noise complaints had been received while renovation work had been undertaken, and for this the applicant apologised. On the matter of refuse management and complaints of uncollected refuse attracting vermin, a waste management policy was now in place, agreed with the Council. The number of bins had been increased to accommodate the higher amount of refuse, and complaints had been registered with the collection service regarding missed collections. If there were further issues with the service, an alternate provider would be sought.

Parking at the rear of the site was recognised as an issue. The site was small and often used by non-residents or non-patrons, resulting in blocked staff or resident vehicles. A 24hour telephone number could be made available to residents to call, should they find their cars blocked.

RESPONSIBLE AUTHORITY

Daniel Ferrer, Licensing Manager, addressed the Sub-Committee on behalf of the

Licensing authority, highlighting concerns regarding the licensing objectives of the prevention of public nuisance and public safety.

The playing of live and recorded music up to 0100 hours was felt to be a source of disturbance to residents, potentially exacerbated by patrons under the influence of alcohol. The measures agreed with ASBET were not considered sufficient, and additional conditions that the Sub-Committee could consider included the mandating of the installation of a sound limiter and regulation of noise and vibration levels from the premises. The hours of use for the external areas of the premises could also be reduced.

On the matter of public safety, a condition regarding exit management, (including maintenance of emergency exit routes), could be considered, together with the limiting of capacity to an appropriate number of patrons. It was suggested that an appropriate closing time could be 30 minutes after the cessation of licensed activities.

INTERESTED PARTIES

The Sub-Committee was addressed by Ms Mills and Ms Jones, residents living above the premises. The residents asserted that they had experienced issues regarding noise/disturbance, waste management and parking for several years, including when the premises was in operation under its previous name.

The car park was not felt to be sufficient for the premises, as it was used by various vehicle owners including delivery drivers to the restaurant, and was potentially to be taken, in part, by a new nearby development.

Ten Restaurant was contributory to an overall increase in restaurants in the area, which cumulatively had resulted in significant noise and disturbance to residents. The outside seated area was a significant source of noise, while the sound proofing currently in place was not sufficient to prevent noise escaping from the restaurant.

The noise and disturbance had resulted in reduced quality of life for residents. It was suggested that additional conditions limiting music volume and hours of operation could help to mitigate some of these issues. However, concerns remained over how effective these might be, including during summer months when windows were open.

DISCUSSION

In response to a question from Mr Ferrer, the applicant advised that the current capacity at the premises was 60-65, and the applicant was not seeking to increase this.

The residents in attendance advised that previous complaints to the Council regarding noise had resulted in visits from ASBET who had instructed management to reduce the volume played music, but this often rose again once officers left.

CLOSING REMARKS

There were no further remarks from the Licensing officer or interested parties.

The applicant closed by stating that work to address the reported issues had been undertaken in consultation with ASBET, and this would continue as required. The licensing objectives would be robustly supported, with sound proofing and a noise limiter to be in place, alongside reduced hours of operation. It was requested that the licence be granted.

THE DECISION

The Sub-Committee listened to all representations made and considered the Responsible Authorities' recommendations. In addition, the Sub-Committee welcomed the conditions offered by the Applicant and their willingness to commit to the licensing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- Licensing Objectives, Licensing Act 2003
- Hillingdon's Licensing Policy
- Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003

The decision of the Sub-Committee was to GRANT the application for a new premises licence subject to the following conditions:

1. The opening hours between Sunday to Monday shall be between 1200 hours and 0000 hours with the sale of alcohol until 2330 hours. Regulated entertainment including live and recorded music shall be until 2330 hours. Late night refreshment shall be until 2330 hours.
2. The Sub-Committee have considered the applicant's request to extend the opening hours by two hours on Christmas Eve, Boxing Day and New Years' Eve however, the Sub-Committee has determined that an application could be made for a Temporary Events Notice on these occasions.
3. The premises shall only operate as a restaurant in which customers are shown to their table and where the supply of alcohol is served ancillary to a substantial meal by a waiter or waitress.
4. Customers are permitted to take from the premises partly consumed alcohol that has been supplied ancillary to their meal providing it has been resealed.
5. The restaurant's maximum capacity shall be limited to 60 patrons.
6. No licensable activities shall take place at the premises until premises licence LBHIL 369/05 has been surrendered.

The Prevention of Crime and Disorder

7. 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.
8. 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.

9. Challenge 25 shall be operated as the proof of age policy.

10. 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.

11. 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

12. 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

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

14. The means of escape provided for the premises shall be maintained, unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

The Prevention of Public Nuisance

15. 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, this is to be approved by the Anti-Social Behaviour and Environmental Team.

16. Sound proofing by a qualified acoustics engineer to be installed so as to reduce noise emanating from the venue, this is to be approved by the Anti-Social Behaviour and Environmental Team.
17. A noise limiter shall be in use to ensure that any noise emanating from the speakers does not cause a nuisance to nearby residents, this is to be approved by the Anti-Social Behaviour and Environmental Team.
18. Windows and doors must be closed during regulated entertainment to prevent the transmission of noise.
19. Dispersal policy to be provided to and approved by the Anti-Social Behaviour and Environmental Team.
20. Waste management policy to be provided to and approved by the Anti-Social Behaviour and Environmental Team.
21. There shall be hourly noise patrols during regulated entertainment and a record kept of noise patrols.
22. There shall be no admittance or readmittance to the premises after an hour before closing time.
23. 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
24. Relevant notices will be prominently displayed by the entry/exit door and point of sale (as appropriate).
25. No incoming deliveries or disposal of waste shall take place between 2000 hours and 0900 hours.
26. An incident book shall be kept at the premises and made available to the police or responsible authority.
27. 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 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 meeting, which commenced at 10.02 am, closed at 12.10 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. 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.