



HILLINGDON  
LONDON



## Licensing Sub-Committee A

**Date:** TUESDAY, 4 AUGUST 2009

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 6 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting Details:** Members of the Public and Press are welcome to attend this meeting

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### Councillors on the Committee

Josephine Barrett (Chairman)  
Lynne Allen  
Peter Kemp

### Important information:

**On receipt of this notice, you MUST notify the Committee Clerk (contact details below) by the following date:**

**Friday 31 July 2009**

If you don't notify, you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness.

**Published:** Monday, 20 July 2009

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If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



# Agenda

- 1 Apologies for absence
- 2 Declaration of interest in matters coming before this meeting.
- 3 To confirm that the items of business marked Part 1 will be considered in public and that the items marked Part 2 will be considered in private
- 4 Consideration of the report from the Council's Licensing officer

## Part 1 (Public)

### For Licensing Sub-Committee (A) Meeting

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
<b>5</b>	Application to vary Premises Licence	Charville;		17 - 22

- 6 Any items transferred from Part 1
- 7 Any other business in Part 2
- 8 Appendices

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## Licensing Act 2003

### Protocol for making representations and sub-committee hearings

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**This protocol outlines the procedures that will be followed:**

- When making representations
- On receiving the Notice of the Hearing
- Before, during and after the hearing

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

**It is important that you carefully read these procedures before you make a representations to an application or wish to attend and be heard at a Licensing sub-committee hearing**

# 1. Making representations

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## Am I eligible to make a representation?

Representations and objections to an application can only be made by parties or authorities entitled to do so under Government legislation – the Licensing Act 2003. The parties or authorities that can make representations are set out below:

An **interested party** which would be anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises
- A body representing persons living in the vicinity of the premises, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

A **responsible authority**, which are namely:

- Metropolitan Police Service
- The London Fire & Emergency Planning Authority
- Hillingdon Council's Planning & Transportation and Environment & Consumer Protection Services
- Health and Safety bodies
- Bodies relating to the protection of children from harm, e.g. Area Child Protection Committee

## What happens if nobody makes any representations?

It is important to note that under the terms of the Licensing Act 2003 the Licensing Service must grant all new premises licence applications and variation applications if no relevant representations are received either from interested parties or responsible authorities.

## When do I make a representation?

Any interested party or responsible authority may make written representations about an application. Generally these must be made at any time up to and including 28 consecutive days after the day on which the application was received.

You should make your representations **within the time limit specified** in the notice put up at the premises or contained in the newspaper advertisement relating to the particular application. **Representations received after the time limit cannot be accepted.** Time limits are given in the attached Appendix (part 1)

### Contact Information:

To make representations or related queries please contact:

**Hillingdon Licensing Service**

**Tel:** (01895) 277433

**Email:** [licensing@hillingsdon.gov.uk](mailto:licensing@hillingsdon.gov.uk)

**Fax:** (01895) 250011

**Write to:** 4W/01 Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW

## **What information should I provide in the representation?**

When making your representation you must give details for the reasons for objection. Representations will only be relevant if they relate to the four licensing objectives:

- (1) The Prevention of Crime and Disorder;**
- (2) Public Safety;**
- (3) The Prevention of Public Nuisance; and**
- (4) The Protection of Children from Harm.**

For more information about the Licensing Objectives please read Hillingdon's Licensing Policy carefully as this document outlines the issues the Licensing Service will consider in respect of applications that have received relevant representations. You can get a copy of the Licensing policy by [clicking here](#) or contacting the Licensing Service by telephoning (01895) 277433.

Representations should fully explain the nature of the points made, reflect the Licensing Objectives outlined above provide in detail any evidence relied upon to back up those points. Concerns or fears about what might happen if the licence is granted cannot be taken into account unless they relate to the Licensing Objectives.

## **What format should the representation take?**

All representations must be given in writing. However, the Hillingdon Licensing Service agrees to accept relevant representations, with accompanying evidence, by email to allow compliance with the time limits, but where this is done, the full name and postal address should given in the email and **representations must be immediately confirmed in writing afterwards.**

## **Can we send in a petition?**

Yes, petitions can be submitted in accordance with the same rules that apply for representations. Petitions should outline their purpose and potential signatories should note that a copy will be supplied by the Hillingdon Licensing Service to the applicant. Each person signing the petition should print their full name and address. Petitioners should all live within the 'vicinity' of the premises in question.

**The Licensing Act 2003 regulations do not allow for petitions to be presented, without notice, to the sub-committee hearing.**

## **Can the Licensing Service reject a representation?**

Representations can be rejected if they are received after the time limits set, anonymous or in the opinion of the Licensing Service they are found to be vexatious, frivolous or repetitive and the writer will be notified of this decision. The Hillingdon Licensing Service may also seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.

## **Where do I send the representation?**

Please send your representation to the Hillingdon Licensing Service at the address given at the top of Section 1 of this protocol. If sent elsewhere, it may not be received in time to be allowed. Members of the sub-committees should not be approached with any representations as this may prejudice the application.

## **What if there are a number of similar representations?**

It is possible that there may be a number of similar representations, which if all heard would make the hearing unmanageable. At the procedural briefing, held just before the hearing starts, the Hillingdon Licensing Service will ask that you agree a spokesman to speak on behalf of related representations.

## **What happens next?**

A copy of all relevant representations will be provided, in full, to the applicant. Relevant representations will then be considered as part of the business at a Licensing sub-committee hearing along with the application. The papers for the sub-committee hearing, including relevant representations, will be available to the press and public as part of the Notice of Hearing.

Where an application is to be decided at a sub-committee hearing, applicants and those who have made relevant written representations in connection with the application, will be invited to attend and will have speaking rights.

## 2. On receiving the Notice of Hearing

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### What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

### Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: [nwilliams@hillingdon.gov.uk](mailto:nwilliams@hillingdon.gov.uk)

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

### What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing\*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

\*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

**If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.**

**IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE**

## **If I want to withdraw my representations - how do I do this?**

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

## **What happens if I cannot attend the sub-committee hearing?**

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about their statements.

## **Can you accommodate any special needs I may have?**

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

## **Can the date of the hearing be changed?**

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

## 3. Before the Hearing

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You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

### **How do I get to the Civic Centre?**

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

### **Will the hearing be in public?**

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

### **I have some new evidence - may I present it?**

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant representations by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

### **Will I be briefed on procedure before the hearing?**

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

### **What if there are a number of objectors present?**

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

## Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual cases and to provide help and assistance to members of the public attending such meetings.

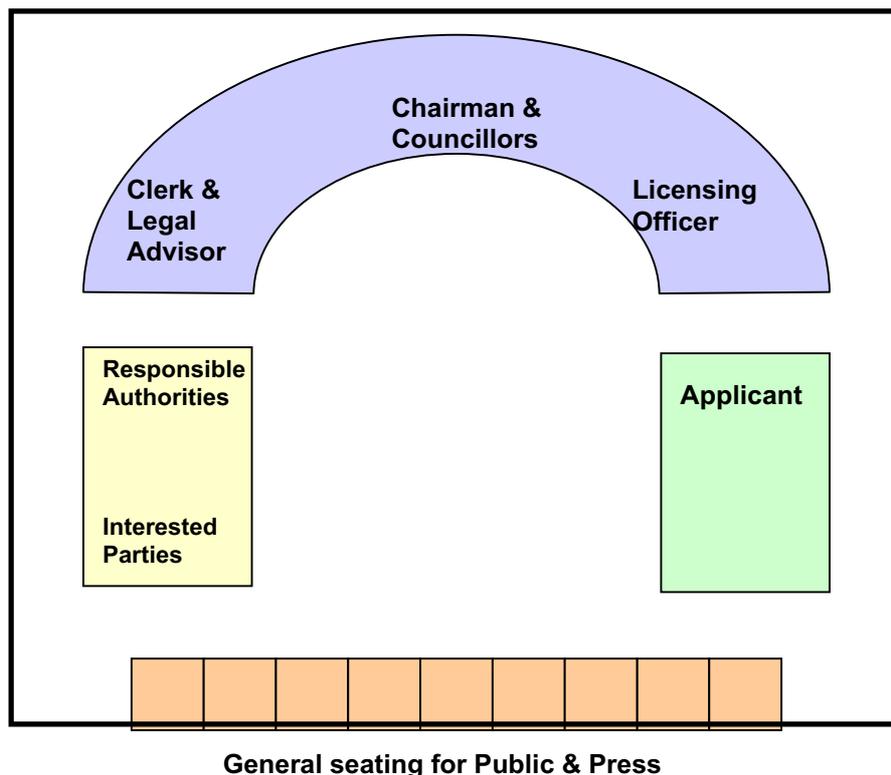
## 4. During the Hearing

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The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

### Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



### In general, how will the hearing be conducted?

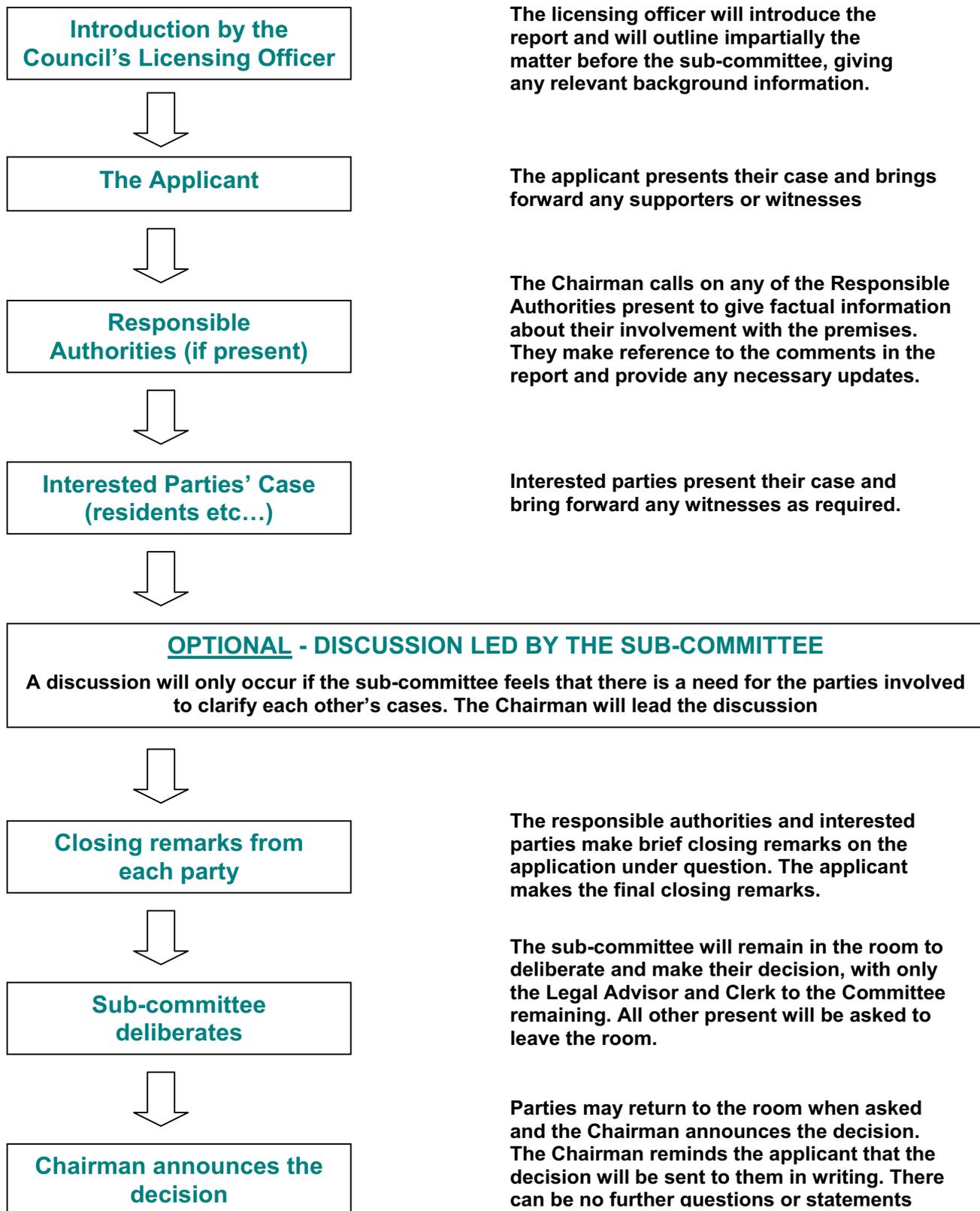
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

## What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



## **Can a Councillor sit on a sub-committee if the application is in their ward?**

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

## **Can a ward Councillor make a representation and or speak at a hearing?**

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

## **What power does the Chairman have to control the meeting?**

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

## **How will the sub-committee make its final decision?**

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by

a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

## 5. After the Hearing

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### **When will we get formal notice of the decision?**

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

### **Can we appeal against the decision?**

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

### **How can I find out about other applications in my area?**

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

## Appendix

### 1. Time limits for an interested party or a responsible authority to make representations

	<b>Provision</b>	<b>Period of time within which representations must be made.</b>
1.	(a) in the case of a review of a premises licence following a closure order	At any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it
2.	(b) In any other case for a premises licence / club certificate applications.	At any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.
3.	Chief officer of Police giving an objection notice in regard to a personal licence application.	Within 14 days beginning with the day he received notice under subsection (2)
4.	Chief officer of Police giving an objection notice in regard to an e application to vary licence to specify individual as premises supervisor	Within 14 days beginning with the day he is notified of the application under subsection (4)
5.	Chief officer of Police giving a counter notice in regard to a temporary event or an interim authority notice	No later than 48 hours after the chief officer of police is given a copy of the notice.

### 2. Period within which hearings should be held

	<b>Provision under which hearing is held.</b>	<b>Period of time within which hearing must be commenced.</b>
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).

## Appendix

	<b>Provision under which hearing is held.</b>	<b>Period of time within which hearing must be commenced.</b>
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

### 3. Hearing Notice Periods

	<b>Provision under which hearing is held.</b>	<b>Notice of hearing shall be given</b>
1.	Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than two working days before the day or the first day on which the hearing is to be held.
2.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	No later than two working days before the day or the first day on which the hearing is to be held
3.	Section 167(5)(a) (review of premises licence following closure order)	No later than five working days before the day or the first day on which the hearing is to be held
4.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than five working days before the day or the first day on which the hearing is to be held
5.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than five working days before the day or the first day on which the hearing is to be held
6.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than five working days before the day or the first day on which the hearing is to be held

### 4. Action period following receipt of notice of hearing

<b>Provision under which hearing is held.</b>	<b>Notice by a party shall be given</b>
Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than one working day before the day or the first day on which the hearing is to be held.
Section 105(2)(a) (counter notice following police objection to temporary event notice)).	No later than one working day before the day or the first day on which the hearing is to be held.
Section 167(5)(a) (review of premises licence following closure order)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than two working days before the day or the first day on which the hearing is to be held.

## Appendix

Provision under which hearing is held.	Notice by a party shall be given
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than two working days before the day or the first day on which the hearing is to be held.
In any other case	No later than five working days before the day or the first day on which the hearing is to be held.
A party who wishes to withdraw any representations they have made may do so	(a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or (b) orally at the hearing

## APPLICATION TO VARY PREMISES LICENCE

<b>Committee</b>	Licensing Sub-Committee (A)	
<b>Officer Contact</b>	Linda Etherington	01895 556799
<b>Papers with report</b>	Appendices 1, 2, 3, 4, 5	
<b>Ward(s) affected</b>	Charville	

### SUMMARY

To consider representations from two local residents in respect of an application to vary the premises licence for **The Carpenters Arms, 1370 Uxbridge Road, Hayes**, made by Greene King.

### RECOMMENDATION

**That the Licensing Sub-Committee determine the application.**

### INFORMATION

- 1.1 An application to vary the premises licence for **The Carpenters Arms** was received from Greene King on 9<sup>th</sup> June 2009. A copy of the application is attached as **Appendix 1**

The applicant is seeking to vary the premises licence as follows:

To extend the licensed hours on Friday and Saturday from 24.00 hours to 02.00 hours  
To extend the opening hours on Friday and Saturday from 00.40 hours to 02.40 hours.

See table of licensable activities set attached to this report as **Appendix 2**.

- 1.2 The application was advertised in accordance with the standard procedures required by the Licensing Act 2003.

Following the advertisement of the application, **two** letters were received making representation against the application addressing the licensing objectives relating to the Prevention of crime and disorder and Prevention of public nuisance (**Letters are attached to this report as Appendix 3**).

- 1.3 In accordance with the legislation, the applicant is required to send copies of the application to the responsible authorities as listed below:

- The Metropolitan Police Service
- London Fire & Emergency Planning Authority
- Child Protection Service, LBH
- Commercial Premises Service, LBH
- Environmental Protection Unit, LBH
- Trading Standards Service, LBH
- Planning Service, LBH

**No representations were received from any of the responsible authorities.**

1.4 The period for consultation and the making of representations in respect of this application expired on 8<sup>th</sup> July 2009.

1.5 **The following conditions are currently imposed on the premises licence, a copy of which is attached as Appendix 4:**

**General**

1. The Licence Holder shall ensure that the following licence conditions are fully complied with.
2. The council's rules of management for public houses annexed hereto shall be fully complied with.

**Prevention of crime and disorder**

3. The installed CCTV system shall be maintained in effective working order.
4. External lighting shall be maintained in the car parks, front patio and rear garden
5. The DPS shall be a member of PubWatch

**Public safety**

6. The maximum number of persons accommodated at any one time within the premises shall not exceed the following:-
  - a) when the side extension area is set out as a Pool Room – 225
  - b) when the pool tables are stored in the approved location – 300
7. The mortise lock located on the main entrance/exit door shall be in the unlocked position the whenever the public are on the premises. The key(s) to the locks shall be held by the licence holder or a representative (e.g. the Duty Manager).

**Prevention of public nuisance**

8. No external drinking shall be permitted after 23.00 hours
9. Signs shall be provided asking customers to leave quietly
10. Regulated entertainment (including recorded music) shall finish at 24.00 hours and shall be provided inside the premises only.
11. External background music shall be turned off at 21.00 hours.

**Protection of children from harm**

12. No children shall be permitted on the site after 22.00 hours
13. A proof of age scheme shall be operated

## **General Information**

- 1.6
- The premises is a public house on the corner of Hewens Road and the Uxbridge Road (**photographs are attached to this report as Appendix 5**)

## **LEGAL IMPLICATIONS**

### **2.1 Principles for making the determination**

The general principle is that applications for a variation of a Premises Licence must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

### **2.2 Relevant representations are those which:**

- Are about the effect of the granting of the variation on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are :

- The prevention of crime and disorder;
- Public safety;
- The prevention of nuisance; and
- The protection of children from harm.

Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

- 2.3 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's licensing policy when deciding whether or not to grant the variation. The terms of the Statement of Licensing Policy are highly persuasive, but not binding on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

- 2.4 Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, Members may depart from it if they have reason to do so. Full reasons must be given if this is the case
- 2.5 The Sub-Committee must have regard to relevant representations, in determining whether it is necessary for the promotion of the licensing objectives to

- (a) modify the conditions of the licence (conditions are deemed to be modified if any are altered, omitted or any new condition added).
  - (b) reject the whole or part of the application
  - (c) grant the application
- If neither of these steps are taken the application for variation must be granted.

## Conditions

- 2.6 The Sub-Committee can only modify the Conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions will not be necessary if they duplicate a statutory position. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the licence if it is granted (paragraph 10.11).

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 9.24). Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

## The Role of the Licensing Sub-Committee

- 2.7 Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing authority of the decision to be appealed against.

### **FINANCIAL IMPLICATIONS**

- 3.1 Members should be aware that the Environment and Consumer Protection does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

### **List of Representations**

	<b>Prevention of Crime &amp; Disorder</b>	<b>Public Safety</b>	<b>Prevention of Public Nuisance</b>	<b>Protection of Children from Harm</b>
Mr T E Morgan			X	
Mr K Doyle	X		X	

### **RELEVANT DOCUMENTS**

- Appendix 1 – copy of application form
- Appendix 2 – table setting out licensable activities
- Appendix 3 – letters of representation from local residents
- Appendix 4 - copy of current premises licence and the Council's Rules of Management for Public Houses, Restaurants and other similar premises

- Appendix 5– photographs of the premises
- Appendix 6– Map of the area

**BACKGROUND DOCUMENTS:**

The Licensing Act 2003

Guidance under Section 182 of the Licensing Act 2003

The Council's Statement of Licensing Policy

## APPENDIX 2

### The Carpenters Arms, Uxbridge Road, Hayes

#### Licensable Activities:-

- The sale by retail of alcohol
- Regulated entertainment(Indoors) for: live music, playing recorded music, performance of dance and entertainment of a similar description
- Provision of facilities(Indoors) for making music, dancing and entertainment of a similar description
- Late night refreshment(Indoors)

Current hours for licensable activities	Application for variation	Current opening hours	Application for variation
11.00 to 24.00 every day	Remove condition 10 – recorded music to terminate at 24.00 Sunday to Thursday – no change Friday from 11.00 to 02.00 Saturday from 11.00 to 02.00	11.00 to 00.40 every day	Sunday to Thursday – no change Friday from 11.00 to 02.40 Saturday from 11.00 to 02.40
An extra hour on:- Christmas Eve Christmas Day Boxing Day New Year's Day Spring and August Bank Holidays(Sunday, Monday Tuesday) Good Friday, Easter Saturday, Sunday, Easter Monday St Patrick's Day St George's Day Any other publicly declared holiday From 11.00 on New Year's Eve to 11.00 on New Year's Day	An extra hour on:- Christmas Eve Christmas Day Boxing Day New Year's Day Spring and August Bank Holidays(Sunday, Monday Tuesday) Good Friday, Easter Saturday, Easter Sunday, Easter Monday St Patrick's Day St George's Day Any other publicly declared holiday From 11.00 on New Year's Eve to 11.00 on New Year's Day	An extra hour on:- Christmas Eve Christmas Day Boxing Day New Year's Day Spring and August Bank Holidays(Sunday, Monday Tuesday) Good Friday, Easter Saturday, Easter Sunday, Easter Monday St Patrick's Day St George's Day Any other publicly declared holiday From 11.00 on New Year's Eve to 11.00 on New Year's Day	An extra hour on:- Christmas Eve Christmas Day Boxing Day New Year's Day Spring and August Bank Holidays(Sunday, Monday Tuesday) Good Friday, Easter Saturday, Easter Sunday, Easter Monday St Patrick's Day St George's Day Any other publicly declared holiday From 11.00 on New Year's Eve to 11.00 on New Year's Day

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**LICENSING ACT 2003**

**Section 24**



**HILLINGDON**  
LONDON

**PREMISES LICENCE**

Ref:

LBHIL LE/236

Premises Licence Number:

LBHIL 224/05

This Premises Licence has been issued by Norman C Stanley on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 1 August 2008

**Part 1 – Premises Details**

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

The Carpenters Arms  
1370 Uxbridge Road

Post Town - Hayes

Postcode – UB4 8JJ

Telephone number – 020 8573 2193

Where the licence is time limited, the dates -

N/a

Licensable activities authorised by the licence –

- (a) the sale by retail of alcohol
- (b) the provision of regulated entertainment (Indoors) being:-
- (c) performance of live music, playing recorded music
- (d) performance of dance and
- (e) entertainment of a similar description
- (f) the provision of facilities for making music, dancing and entertainment of a similar description (Indoors)
- (g) the provision of late night refreshment (Indoors and Outdoors)

The times the licence authorises the carrying out of licensable activities –

Between 11.00 hours and 2400 hours each day

An extra hour following those detailed above on:

Christmas Eve

Christmas Day

Boxing Day

New Year's Day

Spring and August Bank Holidays(Sunday, Monday and Tuesday)

Good Friday, Easter Saturday, Easter Sunday, Easter Monday

St Patrick's Day

St George's Day

Any other publicly declared holiday

In addition, the sale of alcohol only from 11.00 on New Year's Eve to 11.00 on New Year's Day

The opening hours of the premises -

Between 11.00 hours and 00.40 hours each day

An extra hour following those detailed above on:

Christmas Eve

Christmas Day

Boxing Day

New Year's Day

Spring and August Bank Holidays(Sunday, Monday and Tuesday)

Good Friday, Easter Saturday, Easter Sunday, Easter Monday

St Patrick's Day

St George's Day

Any other publicly declared holiday

From 11.00 on New Year's Eve to 11.00 on New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

**ON AND OFF SUPPLIES**

## Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -

Greene King Brewing and Retailing Ltd  
Westgate Brewery  
Bury St Edmunds  
Suffolk  
IP33 1QT

Registered number of holder, for example company number, charity number (where applicable) -

3298903

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol –

Miss Kellyann Christine Willett, 1370 Carpenters Arms, Uxbridge Road, Hayes UB4 8JJ

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –  
Elmbridge Council LN/200600082

## Annex 1 – Mandatory Conditions

### Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence

## **Annex 2– Conditions consistent with the operating Schedule**

### **General**

1. The Licence Holder shall ensure that the following licence conditions are fully complied with.
2. The council's rules of management for public houses annexed hereto shall be fully complied with.

### **Prevention of crime and disorder**

3. The installed CCTV system shall be maintained in effective working order.
4. External lighting shall be maintained in the car parks, front patio and rear garden
5. The DPS shall be a member of PubWatch

### **Public safety**

6. The maximum number of persons accommodated at any one time within the premises shall not exceed the following:-
  - a) when the side extension area is set out as a Pool Room – 225
  - b) when the pool tables are stored in the approved location – 300
7. The mortise lock located on the main entrance/exit door shall be in the unlocked position the whenever the public are on the premises. The key(s) to the locks shall be held by the licence holder or a representative(e.g. the Duty Manager).

### **Prevention of public nuisance**

8. No external drinking shall be permitted after 23.00 hours
9. Signs shall be provided asking customers to leave quietly
10. Regulated entertainment(including recorded music) shall finish at 24.00 hours and shall be provided inside the premises only.
11. External background music shall be turned off at 21.00 hours.

### **Protection of children from harm**

12. No children shall be permitted on the site after 22.00 hours
13. A proof of age scheme shall be operated

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

N/a

## **Annex 4 – Plans**

**Ridge drawing number 241065**  
**Licensing Service reg no. 251/05**



HILLINGDON  
LONDON

## **RULES OF MANAGEMENT FOR PUBLIC HOUSES, RESTAURANTS AND OTHER SIMILAR PREMISES**

Licensing Service  
Civic Centre  
Uxbridge  
UB8 1UW

Tel: 01895 277433  
Email: [licensing@Hillingdon.gov.uk](mailto:licensing@Hillingdon.gov.uk)  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## INDEX

**Note:** this listing is intended as a guide to the contents but it is not comprehensive nor does it form part of the Rules

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## **Important Notice**

It should be recognised that while these Rules of Management apply to premises which are licensed for regulated entertainment, their application does not in any way replace or reduce the underlying statutory duty of employers to comply with the requirements of the Health and Safety at Work etc Act 1974 and any associated regulations and codes of practice.

The Management of Health and Safety at Work Regulations 1992 is wide-ranging in nature and may overlap, to some extent, with these Rules of Management. Employers and self-employed persons are required by the Management of the Health and Safety at Work Regulations to assess the risks to their workers and any others (i.e. patrons) who may be affected by their business so as to identify what measures are needed to avoid or control the risks. This assessment should be considered with the Rules of Management to manage Health and Safety at the premises.

The London Borough of Hillingdon Environmental Health Services can be contacted on 01895 250190 if advice is needed by employers on such Health and Safety matters.

## **People With Disabilities**

It is the policy of the London Borough of Hillingdon that facilities for people with disabilities should be provided at places of public entertainment. *Premises Licence Holders* are, therefore, strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Disability Discrimination Act 1995. Council's Licensing Service Manager officers will be pleased to discuss and advise on the best ways to achieve this.

## **Informative Note**

The words in italics within these rules relate to the words detailed in the 'Definitions' section on pages 12 and 13.

## PART I

### RULES WHICH APPLY TO PUBLIC HOUSES, RESTAURANTS AND OTHER SIMILAR PREMISES

- |  |   |   |
|--|---|---|
| <b>Premises Licence</b>                          | 1 | The <i>premises licence holder</i> shall ensure that the premises licence or a certified copy and the Rules of Management are kept upon the premises and are available to <i>Authorised Officers</i> for inspection.  |
| <b>Prohibition on Use</b>                        | 2 | <p>There shall be no performance of Striptease, Table Dancing or similar or Hypnotism without the prior <i>consent</i> of the <i>Council's</i> Licensing Service Manager.</p> <p>(a) <b>Occasional Use</b><br/>Application for a <i>consent</i> should be submitted to the <i>Council's</i> Licensing Service Manager at least 28 days prior to the proposed performance.</p> <p>(b) <b>Regular Use</b><br/>If regular use for strip-tease or table dancing is required an application for a variation of the Premises Licence will be required.</p>  |
| <b>Responsibility of Premises licence holder</b> | 3 | <p>(a) The <i>premises licence holder</i> shall take all reasonable precautions for the safety of all persons using the <i>premises</i>.</p> <p>(b) Where <i>the premises licence holder</i> is a company or is not resident at the premises, a <i>Duty Manager</i> shall be appointed. This appointment shall be confirmed in writing and a copy must be kept on the premises and be readily available for <i>inspection</i> by any <i>police officer</i> or <i>authorised officer</i>.</p>  |
| <b>Charge of Licensed Premises</b>               | 4 | <p>(a) The <i>Premises Licence Holder</i> or <i>Duty Manager</i> shall be familiar with all licence conditions including these rules.</p> <p>(b) The <i>Premises Licence Holder</i> or <i>Duty Manager</i> shall not engage in any duties, which will prevent general supervision of the <i>premises</i>.</p> <p>(c) Before admitting the public the <i>Premises Licence Holder</i> or <i>Duty Manager</i> shall carry out all necessary safety checks, for example, as detailed in Appendix A.</p> <p>(d) The <i>Premises Licence Holder</i> or <i>Duty Manager</i> shall be responsible for the maintenance of good order on the <i>premises</i>.</p> |
| <b>Staff</b>                                     | 5 | <p>(a) Staff shall be fully instructed on their responsibilities under the Licensing Act 2003 and these Rules of Management.</p> <p>(b) Where the premises covers more than one floor, the number of <i>staff</i> on duty on any floor or separate area shall be at a ratio of one member of <i>staff</i> to every 250 members of the public or part thereof</p>  |

<b>Dangerous Performances</b>	6	Performances involving danger or risk to the public shall not be given.
<b>Admission of Authorised Officers</b>	7	<i>Authorised officers</i> who carry written authorisations and proof of identity which they will produce on request, shall be admitted immediately at all reasonable times to all parts of the <i>premises</i> .
<b>Maintenance</b>	8	The <i>approved arrangements</i> at the <i>premises</i> , including all equipment, shall at <i>all material times</i> be maintained in good condition and full working order.
<b>Alterations</b>	9	<p>(a) No alterations (including temporary alterations) shall be made to the <i>approved arrangements</i> of the <i>premises</i>, without the <i>consent</i> of the <i>Council's</i> Licensing Service Manager. This condition shall not require notice to be given in respect of routine maintenance works.</p> <p>(b) Where works necessitate the <i>premises</i> being closed for a period of time, the <i>premises</i> shall not reopen for the purpose of the licence without the <i>consent</i> of the <i>Council's</i> Licensing Service Manager.</p> <p>(c) Some alterations may require an application to vary the premises licence. Advice should be sought from Licensing Services</p>
<b>Maintenance of Means of Escape</b>	10	<p>(a) The means of escape provided for the <i>premises</i> shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the <i>approved arrangements</i>.</p> <p>(b) Any <i>approved</i> removable security fastenings shall be removed from the doors prior to opening the <i>premises</i> to the public. All such fastenings shall be kept in an <i>approved</i> position.</p> <p>(c) All fire doors shall be maintained effectively self closing and not held open other than by an <i>approved</i> device.</p>
<b>Curtains, Hangings, Upholstery, Decorations, Etc.</b>	11	<p>(a) Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the <i>Council's</i> Licensing Service Manager.</p> <p>(b) Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.</p> <p>(c) Curtains, where <i>permitted</i> across doors, shall be hung in two halves on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 25mm between the bottom of the curtain and the floor.</p>

<b>Disabled Persons</b>	12	(a)	The <i>Premises Licence Holder</i> shall ensure that whenever disabled persons are present adequate arrangements are made to enable their safe evacuation in the event of an emergency.
<b>Outbreaks of Fire</b>	13		The Fire Brigade shall be called at once to any outbreak or suspected outbreak of fire, however slight, and details thereof shall be recorded in a logbook. Suitable notices shall be prominently displayed indicating how the Brigade can be summoned.
<b>Special Effects</b>	14		The use of special effects (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics) or the bringing onto the <i>premises</i> of any explosive or flammable substance may only be <i>permitted</i> with the <i>consent of the Council's</i> Licensing Service Manager. At least fourteen days' notice shall be given to the <i>Council's</i> Licensing Service Manager prior to the date of proposed use.
<b>Dispensation or Modification of Rules</b>	15	(a)	These rules may be dispensed with or modified by the <i>Council's</i> Licensing Services Manager in any special case.
		(b)	The <i>Council's</i> Licensing Services Manager may, in giving <i>consent</i> under these rules, impose such requirements as it may specify in writing.

**PART II**  
**LIGHTING, ELECTRICAL, VENTILATION AND MECHANICAL INSTALLATIONS –**

- |  |    |     |  |
|--|----|-----|--|
| <b>Normal Lighting</b>                                     | 16 |     | In the absence of adequate daylight in any area used by the public the <i>normal lighting</i> in such areas shall be fully in operation whilst the public are on the <i>premises</i> .   |
| <b>Emergency Lighting</b>                                  | 17 | (a) | Any <i>emergency lighting</i> fittings shall be fully charged before the admission of the public.  |
|  |    | (b) | Should the <i>normal lighting</i> fail and the <i>emergency lighting</i> system have a one hour capacity the public shall leave the <i>premises</i> within 30 minutes unless within that time the normal lighting has been restored and the batteries are being re-charged. If the <i>emergency lighting</i> system has a three-hour capacity the public shall leave the <i>premises</i> within one hour unless within that time the normal lighting has been restored and the batteries are being re-charged. |
|  |    | (c) | If the patrons have left the premises they shall not be re-admitted until <i>normal lighting</i> has been fully restored and the <i>emergency lighting</i> battery or batteries is/are fully recharged.  |
| <b>Temporary Electrical Installations</b>                  | 18 | (a) | Temporary electrical installations shall not be provided without prior notification being given to the <i>Council's</i> Licensing Service Manager. At least 14 days notice shall be given to the <i>Council's</i> Licensing Service Manager prior to the date of proposed use.   |
|  |    | (b) | Temporary electrical installations shall comply with requirement of British Standard 7671 (The I.E.E Wiring Regulations)   |
| <b>Ventilation</b>   | 19 |     | The premises shall be effectively ventilated at all times. Where the ventilation system is designed to maintain a positive air pressure within the premise, the ventilation system shall be operated at all material times.  |
| <b>Cleansing of Flues, Ventilation, Ducting and Shafts</b> | 20 | (a) | The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.  |
|  |    | (b) | Ventilation ducting and shafts generally shall be maintained in a clean condition.   |
|  |    | (c) | Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply. Air filters shall be non-flammable to the satisfaction of the <i>Council's</i> Licensing Service Manager.  |
|  |    | (d) | All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned at least annually.   |
|  |    | (e) | Grease filters in extract ventilation hoods in kitchens and serveries shall be regularly cleaned e.g. weekly.  |

- |                                     |    |  |
|-------------------------------------|----|--|
| <b>Compressed Gases and Liquids</b> | 21 | <p>Cylinders for the storage of compressed air, oxygen, or other gases or liquids under pressure shall not be used except with the <i>consent of the Council's</i> Licensing Service Manager. At least 14 days' notice in writing shall be given to the <i>Council's</i> Licensing Service Manager of any proposal to use such apparatus.</p> <p><b>NOTE:</b> This rule does not apply to gas cylinders fitted in connection with the dispensing of beverages.</p>   |
| <b>Certificates</b>                 | 22 | <p>The <i>certificates</i> listed below shall be submitted to the <i>Council's</i> Licensing Service Manager within the specified time periods:-</p> <p>(a) The <i>Emergency Lighting</i> shall be checked and tested at least once every 12 months in accordance with the relevant provisions of British Standard 5266. Following the inspection checks and tests, a certificate in the form prescribed in Appendix C of BS5266 shall be completed and signed by a suitably qualified person or, with the <i>approval</i> of the <i>Council's</i> Licensing Service Manager, by another competent person. The completed certificate shall be submitted to the <i>Council's</i> Licensing Service Manager within 14 days of the inspection.</p> <p>(b) The Fire alarm system shall be checked and tested at least once every twelve months in accordance with the relevant provisions of British Standard 5839. Following the inspection and checks a test certificate in the form prescribed by Appendix C of BS5839 shall be completed and signed by a suitably qualified representative of a fire alarm company or, with the <i>approval</i> of the <i>Council's</i> Licensing Service Manager, by another competent person. The completed certificate shall be submitted to <i>the Council's</i> Licensing Service Manager within 14 days of the inspection.</p> <p>(c) The Electrical Installation shall be subject to periodic inspection in accordance with the relevant provisions of British Standard 7671. Following the inspection a report in the form prescribed by BS7671 shall be submitted to <i>the Council's</i> Licensing Service Manager once in every three years, or at a time period recommended upon the inspection certificate that has been previously submitted to and accepted by the <i>Council's</i> Licensing Service Manager. Periodic Inspection Reports shall be signed by a Corporate Member of the Institution of Electrical Engineers, or a member of the Electrical Contractors Association, or by a contractor currently enrolled with National Inspection Council for Electrical Installation Contracting or, with the <i>approval</i> of the <i>Council's</i> Licensing Service Manager, by another competent person.</p> <p>The completed certificate shall be submitted to the <i>Council's</i> Licensing Service Manager within 14 days of the inspection.</p> <p>(d) When notified in writing by the <i>Council's</i> Licensing Service Manager, the premises licence holder shall arrange for any of the following specific equipment or apparatus to be checked and tested by a suitably qualified and competent person..</p> |

**Certificates  
cont'd....**

- (i) heating boilers
- (ii) calorifiers
- (iii) lifts
- (iv) hoists
- (v) any other required mechanical installation
- (vi) ceilings
- (vii) lasers (display and / or effects lasers)
- (viii) gas fires
- (ix) portable fire fighting equipment
- (x) hydraulic hose reels
- (xi) drenchers or sprinklers

Following the inspection, a certificate or statement relating to the specified equipment or apparatus shall be completed and signed by a suitably qualified person or, with the *approval* of the *Council's* Licensing Service Manager, by another competent person. The completed certificate or statement shall be submitted to the *Council's* Licensing Service Manager within 14 days of the inspection.

**Water Supply**

23

The *Premises Licence Holder or Duty Manager* shall notify the *Fire Authority* immediately if the water supply to an hydrant, hose reel sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Should the restriction occur during the evening in licensed premises, the *premises* may remain open for the remainder of the evening, but may not reopen without the *approval* of the *Council's* Licensing Service Manager or until such time that the water is fully restored.

## APPENDIX A

### SPECIMEN CHECK LIST

To be used as a guide by the *Premises Licence Holder* or *Duty Manager* or other persons carrying out a safety check before the public are admitted.

Tick only if everything  
is in order

**Do not open the *premises* until any problems have been rectified**

1. All exit doors are available for use.
2. Any chains or other removable fastenings are removed from exit doors and hung in their *approved* storage position.
3. Any panic bolts and panic latches are in working order.
4. Any doors gates or shutters that should be kept open are locked in the open position.
5. All internal and external escape routes and exit doors are clear and free from obstruction.
6. All fire doors are shut unless held open by devices *approved* by the *Council's* Licensing Service Manager.
7. All exit routes including stairways and all fire safety signs are adequately illuminated.
8. The emergency lighting fittings are all in effective working order
9. There are no obvious fire hazards such as combustible waste or litter.
10. All fire fighting equipment is in position and available for use.
11. The required number of trained *staff* are present.
12. The first aid equipment is available for use.
13. Any fire alarm system is in working order

## APPENDIX B

### STAFF TRAINING

- (a) All *staff* shall be initially trained in the action to be taken in the event of an emergency and in basic fire prevention including the rules concerning smoking, and thereafter at least once every 6 months.
- (b) Particulars of the emergency procedure shall be posted in *staff* rooms and/or other *staff* areas *approved* by the *Council's* Licensing Service Manager. These notices shall be framed and glazed or otherwise suitably protected against loss or defacement.
- (c) All full time *staff* shall receive instruction and training in the use of fire appliances provided on the *premises*.
- (d) Particulars of the duties of *staff* with specific responsibilities in the case of fire and other emergency shall be reviewed from time to time as changes in *staff* or other circumstances shall require.
- (e) Details of training sessions and fire drills shall be entered in a logbook.

**NOTE:** Premises licence holders should assess the need to ensure that a suitable number of properly trained first aiders are employed. In this connection the Health and Safety Executive publishes an approved Code of Practice and Guidance.

### PART III - GENERAL

#### Definitions

In these rules the masculine includes the feminine, unless the context otherwise requires and: -

**‘Adult’** means a person who has attained the age of at least 18 years.

**‘Agreement of the Council’s Licensing Service Manager’, ‘Approval of the Council’s Licensing Service Manager’ or ‘Consent of the Council’s Licensing Service Manager’** means the prior agreement, approval or consent of the *Council’s* Licensing Service Manager in writing and *‘agreed’, ‘approved’ or ‘permitted’* means, agreed, approved or permitted in advance by the *Council’s* Licensing Service Manager in writing.

**‘All material times’** means whenever the *premises* are open for the purposes of the licence.

**‘Approved arrangements’** means the arrangements of the *premises*, as accepted by the *Council’s* Licensing Service Manager at the time of the grant or variation of the licence, as complying generally with the DSA Technical Regulations and BS5588 Part 6, as modified or dispensed with, by any subsequent consent or approval issued by the *Council’s* Licensing Service Manager, in writing, accordingly.

**‘Authorised Officer’** means any person authorised in writing by the *Council*, officers of the LFEPA and Metropolitan Police.

**‘Certificate’** means a written report or reports of *inspection* and satisfactory condition completed by an appropriately qualified engineer or other competent person.

**‘Council’** means the London Borough of Hillingdon

**‘Duty Manager’** means the person who has been nominated by the *Premises Licence Holder* to be in charge of the *premises* whilst the *premises* are open for the purposes of the licence.

**‘Emergency lighting’** means lighting, obtained from a source independent of the normal supply to the building which, in the event of a failure of the normal supply, will assist the public, performers and *staff* to leave the *premises*.

**‘Fire Authority’** means the London Fire and Emergency Planning Authority

**‘Inspect/inspection’** means to carry out a visual inspection accompanied by such other test as may be necessary, in the opinion of the competent person carrying out the inspection, to enable the completion of a *Certificate* of (satisfactory) condition.

**‘Non-combustible material’** means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476: Part 4, or such other material or combination of materials as the *Council’s* Licensing Service Manager accepts as being non-combustible for the purpose of these rules.

**‘Normal lighting’** means all lighting, other than *emergency lighting*, permanently installed in those parts of the *premises* to which the public have access.

**‘Premises’** includes any part of premises licensed by the *Council*, any associated areas, equipment and fittings.

**‘Premises Licence Holder’** means the person or company detailed on the Premises Licence as the holder of the licence.

**‘Staff’** means any person, whether or not employed by the premises licence holder, concerned in the management, control or supervision of the *premises* who has been given specific responsibilities under these rules.



