

Minutes

LICENSING SUB-COMMITTEE

26 May 2022

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



	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Scott Farley Janet Gardner</p> <p>LBH Officers Present: Mark McDermott, Licensing Officer Chantelle McLeod, Legal Officer Liz Penny, Democratic Services Officer</p> <p>Also Present: The Applicant: Mr Hamad Raza Nasrat The Applicant's Representative: Mr Saed Gohadi</p>
26.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
27.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
28.	<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 of business were marked Part I and would be considered in Public.</p>
29.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
30.	<p>APPLICATION TO VARY A PREMISES LICENCE: TOPS PIZZA, UXBRIDGE ROAD, HILLINGDON (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Services Officer</p> <p>Mark McDermott, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to the application for a Variation of a Premises Licence in respect of Tops Pizza, 9 New Broadway, Uxbridge Road, Hillingdon, UB10 0LH. A background and chronology of events were provided.</p>

The application had been submitted by Mr Hamad Raza Nasrat, the Premises Licence Holder. Members heard that the proposal was to extend the authorised terminal hour for the provision of late-night refreshment from 01.00 until 03.00 hours seven days a week.

One representation, submitted on behalf of all the Hillingdon East Ward Councillors, had been received from Ward Councillor Colleen Sullivan. The representation raised concerns regarding the potential increase in public nuisance.

It was confirmed that the officers' recommendation was to grant the variation having given due consideration to the imposition of additional conditions to promote the prevention of public nuisance objective.

Members commented that preventative measures in relation to noise were essential in order to protect local residents.

Representations by the Applicant and the Applicant's representative

The Applicant – Mr Hamad Raza Nasrat and the Applicant's representative – Mr Saed Gohadi addressed the Committee.

The Sub-Committee was informed that some other shops along the same parade already opened late at night. Tops Pizza was particularly popular with Brunel University students and most of its takings were at night-time. The proposal was to use electric bikes to minimise noise – 2 hybrid Toyota Prius cars were already in use. The Applicant proposed to close the shutters at 02:15 hours.

Members heard that there were 60 branches of Tops Pizza in the south-east of England. Training was in place to ensure the prevention of public nuisance, protect children from harm and promote public safety. It was noted that it was important to build a good relationship with neighbours.

Mr Nasrat had applied for an extension of opening hours due to local competition. He confirmed that he would welcome any additional conditions imposed in relation to the reduction of noise, including a delivery only service after 01:00 hours and use of electric vehicles. Members were informed that Tops Pizza employed its own delivery drivers to ensure quality of service – Uber, Just Eat and Deliveroo were not used as they were more difficult to control.

In response to Member questions, it was confirmed that the Applicant would be happy to set a time of 02:15 for last orders on Fridays and Saturdays and 01:15 from Sunday – Thursday. The premises would operate a delivery-only service after 01:00. In response to their requests for further clarification, the Sub-Committee was informed that the motorbike shown outside the shop in the agenda pack photo was a petrol vehicle. It was confirmed that plans were in place to purchase electric bikes in the future. The Applicant claimed that the neighbour in the flat above the premises did not object to the variation of hours but was unable to produce evidence to prove that local residents had no objections.

Members requested clarification regarding bin emptying. It was confirmed that all bins were located at the back of the premises. The rubbish from within the premises was deposited in the external bins no later than 11pm / midnight.

In response to their questions, Members heard that delivery drivers were quiet and respectful and there had never been any problems at the premises in relation to this. If a large group had to be refused service in the shop, online delivery would be offered instead. Staff had been trained to deal with such situations and would be dismissed if they did not adhere to the rules.

Representations by Interested Parties

Cllr Colleen Sullivan was not in attendance. Her original representation, submitted on behalf of Hillingdon East Ward Councillors in objection to the application and included in the agenda pack, was read out to the Sub-Committee Members for their consideration. Key concerns highlighted included:

- the premises were situated in a primarily residential area with residential flats above and adjacent to them;
- the noise caused by customers arriving and leaving and delivery scooters would cause considerable public nuisance to residents and harm to children as their sleep would be disturbed;
- staff could potentially be locking up and leaving the premises as late as 03:30 or 04:00 hours;
- it was believed that no other commercial premises along New Broadway or the wider area traded beyond 23:00/midnight;
- to grant the variation would set a dangerous precedent with implications for crime and disorder in the area.

Discussion

The Licensing Officer observed that there were two other licensed premises within the immediate vicinity – Gumba Restaurant and Pizza Hot Express. Gumba Restaurant closed at 23:30 on Fridays and Saturdays while Pizza Hot Express closed at 01:00 hours Sunday to Thursday and at 02:00 hours on Fridays and Saturdays.

In response to questions from the Sub-Committee, the Applicant stated that he was aware of the Licensing Objectives and was able to cite some of them. He had been in business for three years and was running two outlets at present.

In relation to the Prevention of Crime and Disorder, it was confirmed that there were CCTV cameras in operation at the premises. These were reliable and had never stopped working to date. An in-house IT employee was available to deal with any issues. Tops Pizza had received no requests from the Police to view CCTV footage. Members were informed that any drug use, fighting or anti-social behaviour in the immediate area would be reported to the Police immediately; however, it was noted that the area was generally quiet.

With regards to Public Safety, it was confirmed that large crowds would be dealt with in a calm and organised way – serving each customer in turn. No bins would be emptied after midnight and no bottles were in use at the premises hence the emptying of bins did not create significant noise. The Sub-Committee was advised that there would be no banging, loud music etc at the premises. Customers would be requested to keep the noise down at night-time and, if required, the Applicant would pick up their rubbish after they had left.

In response to Members' questions, it was confirmed that the in-house IT provision was based at the Head Office; however, most issues could be dealt with remotely. Staff had

been trained to fix some issues; if necessary, an IT specialist would attend the premises to resolve problems.

Councillors were informed that the premises had four delivery drivers / vehicles at present. The drivers worked in a shift pattern – two at a time. After 11pm there would normally only be one driver working to keep costs down and limit the potential for nuisance. Members were reminded that there were four vehicles currently in use - two Toyota Prius electric cars and two petrol bikes. The Applicant would be purchasing electric bikes in the future and electric vehicles only would be in use after 11pm. The vehicles were not kept at the premises during the day.

In response to further questions from the Sub-Committee, it was confirmed that no anti-social behaviour incidents had been reported or Members' Enquiries submitted in relation to the premises. The Police had not objected to the application.

Members suggested that it would be good practice to provide local residents with a contact number to enable them to report any issues. A letter drop was proposed.

Closing Remarks

There were no further closing remarks from any of the parties present.

The Decision

The Sub-Committee listened to all representations and welcomed the conditions offered by the Licence Holder.

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 is to GRANT the application to vary the premises licence subject to the following conditions:

- 1. The Premises Licence shall be issued for the sale of late-night refreshment between Sunday and Thursday from 11:30am until 1am and on Fridays and Saturdays between 11:30am and 2.15am.**
- 2. Orders will be delivery only after 1am on Fridays and Saturdays; no orders for walk-in customers shall be provided after this time.**
- 3. All delivery orders after 11pm shall be by electric vehicle only.**
- 4. 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 no recorded music is played in their vehicle at the premises;**
 - d) parking their vehicles considerately;**
 - e) using any smoking area quietly and not causing a nuisance;**
 - f) leaving the premises quietly at the end of their shift and not causing a nuisance.**

5. Notices shall be prominently displayed near the exit requesting patrons to respect the needs of local residents by not causing a nuisance and leaving the area quietly.
6. No incoming deliveries or disposal of waste shall take place between 21:00 hours and 08:00 hours.

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 uphold the licensing objectives.

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 10.10 am, closed at 11.40 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making; however, these minutes remain the official and definitive record of proceedings.