



HILLINGDON  
LONDON

# Licensing Committee

**Date:** TUESDAY, 4 APRIL 2023

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE

**Meeting  
Details:** Members of the Public and  
Media are welcome to attend  
this meeting and observe the  
public business discussed.

This meeting will also be  
broadcast live on the  
Council's YouTube Channel.

## To all Members of the Committee:

Roy Chamdal (Chairman)  
Darran Davies (Vice-Chairman)  
Shehryar Ahmad-Wallana  
Reeta Chamdal  
Scott Farley  
Janet Gardner  
Kuldeep Lakhmana  
Barry Nelson-West  
Peter Smallwood  
Colleen Sullivan

You can view the agenda  
at [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) or use a smart  
phone camera and scan the code below:



**Published:**  
Friday, 24 March 2023

**Contact:**  
Mark Braddock - Democratic Services  
Tel: 01895 250470  
Email: [mbraddock@hillington.gov.uk](mailto:mbraddock@hillington.gov.uk)

Putting our residents first

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

# Useful information for residents and visitors

## *Watching & recording this meeting*

You can watch the public part of this meeting on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist. When present in the room, silent mode should be enabled for all mobile devices.

## *Travel and parking*

Bus routes 427, 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. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services.

Please enter via main reception and visit the security desk to sign-in and collect a visitors pass. You will then be directed to the Committee Room.

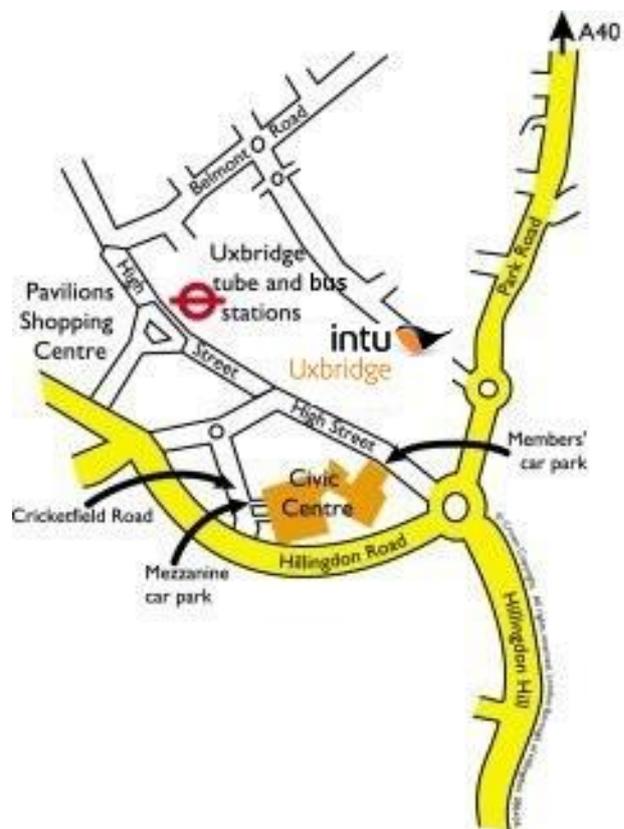
## *Accessibility*

For accessibility options regarding this agenda please contact Democratic Services. For those hard of hearing an Induction Loop System is available for use.

## *Emergency procedures*

If there is a FIRE, you will hear a continuous alarm. Please follow the signs to the nearest FIRE EXIT and assemble on the Civic Centre forecourt.

Lifts must not be used unless instructed by a Fire Marshal or Security Officer. In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.



# Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To approve the minutes of the meeting held on 4 October 2022 1 - 4
- 4 To confirm that the items of business marked Part 1 will be considered in public and any items of business marked Part 2 in private

## **Part 1 - Members, Press and Public**

- 5 Metropolitan Police Service presentation on licensing responsibilities and Member questions (verbal update) -
- 6 Update on recent LGA Licensing Conference from the Chairman (verbal update) -
- 7 Legislative & Industry Update- April 2023 5 - 10
- 8 Committee Forward Planner 2023/24 11 - 14
- 9 Ratification of Licensing Sub-Committee minutes 15 - 22

## **Part 2 - Members' Only**

- 10** Update and feedback on Member licensing site visits to premises (verbal update)

*That these reports and matters in Part 2 be declared as exempt from publication as they involve the disclosure of information in accordance with Section 100(A) and paragraphs 1,2 & 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to an individual, information likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that the public interest in withholding the information outweighs the public interest in disclosing it.*

- 11** Any other items the Chairman agrees as urgent or relevant

## Minutes

Licensing Committee  
Tuesday, 4 October 2022  
Meeting held at Committee Room 5 - Civic Centre



### **Members Present:**

Roy Chamdal (Chairman)  
Shehryar Ahmad-Wallana  
Reeta Chamdal  
Scott Farley  
Janet Gardner  
Kuldeep Lakhmana  
Barry Nelson-West  
Colleen Sullivan

### **Officers Present:**

Mark Braddock, Democratic Services  
Daniel Ferrer, Licensing Services  
Salleh Jobbi, Legal Services  
Chantelle McLeod, Legal Services  
King-Yip Cheung, Trading Standards

#### **15. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Smallwood and Davies.

#### **16. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING**

There were no interests declared by Members present.

#### **17. TO APPROVE THE MINUTES OF THE MEETING HELD ON 6 JULY 2022**

The minutes of the meeting held on 6 July 2022 were agreed as a correct record.

#### **18. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND ANY ITEMS OF BUSINESS MARKED PART 2 IN PRIVATE**

It was confirmed that items marked public and private would be heard as set out on the agenda.

## **19. STATEMENT OF GAMBLING POLICY**

The Licensing Team Manager updated the Committee on the review of the Council's Statement of Gambling Policy, which was currently out for consultation and that the views of the Licensing Committee were sought.

It was noted that the Policy had been updated to reflect recent guidance, including that from the Gambling Commission. It was explained that whilst there had been no changes to gambling policies in the meantime, the revised document provided improved guidance and links to relevant legislation, including obligations under the Human Rights Act 1998.

The Chairman welcomed the requirement for regular reviews of the policy in order to respond to Hillingdon specific issues wherever possible within it. The Chairman raised whether the Council had received any 'Occasional Use Notices', which it was confirmed by officers was zero.

Members also raised comments regarding the references used in the Equality Impact Assessment that was carried out and the potential difficulties of English not being the first language for some premises operators and staff.

The Committee asked if figures could be requested from the trade sector in relation to self-exclusion records kept at gambling premises within the Borough and the Licensing Service stated they would seek, if possible, such information and report back. Members welcomed the inclusion of new sections in the Policy including Modern Day Slavery.

### **RESOLVED:**

**That the Committee considers the revisions to the Statement of Gambling Policy and offers comments to be considered by Cabinet at the end of the consultation period.**

## **20. COMMITTEE FORWARD PLANNER 2022/23**

The Committee noted the Forward Planner as set out on the agenda. A request that the Police attend a subsequent meeting to outline the process they go through when applications are notified to them and reviewed. Additionally, the Chairman requested that a site visit to an exemplar premises, particularly to benefit new Members, which the Licensing Services said it would arrange.

### **RESOLVED:**

**That the Committee note the Forward Planner.**

## **21. LEGISLATIVE & INDUSTRY UPDATE**

The Committee received an update on the one-year extension of off-sales from premises, which had been a temporary measure to boost the economy in response to the Covid 19 pandemic.

As requested at the last meeting, Members considered in-depth legal and service advice on the benefits and disadvantages of the audio recording of any private licensing sub-committee hearings. After considering all factors, it was agreed to proceed with the recording of such hearings via existing technology, so long as all parties were agreeable. Whilst it was noted that the minutes and decision notice would continue to be the core elements of the official record of proceedings, Members on balance considered that a full recording of the hearing would, if needed in specific cases, provide a more rounded account of proceedings and potentially useful, should it ever be relied on at Court.

### **RESOLVED:**

**That the Committee:**

- 1. Consider the report and;**
- 2. Agree to introduce the recording of Part 2 (private) Licensing Sub-Committee hearings based on the officer advice received.**

*This item was considered in Part II as it contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).*

## **22. RATIFICATION OF LICENSING SUB-COMMITTEE MINUTES**

Members were updated on recent Licensing Sub-Committee decisions since the last meeting and ratified the minutes of the recent sub-committees hearing.

### **RESOLVED:**

**That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings:**

- 1) 29 June 2022, 10.00 am - Public minutes / Restricted Minutes**
- 2) 26 August 2022, 1pm – Public Minutes**

*This item was considered in Part II as it contained information relating to an individual, information which is likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in*

*withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 1, 2 & 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).*

**23. PRESENTATION AND DEMONSTRATION FROM TRADING STANDARDS - COUNTERFEIT AND SEIZED GOODS (VERBAL UPDATE)**

The Council's Senior Trading Standards Officer gave a presentation to Members of the Committee on counterfeit and seized goods and also recent investigation activity by the Service which it was explained was predominately intelligence-led. Additionally, products seized by the Trading Standards Team for investigation from off-licences were shown to Members of the Committee, which included vaping equipment, alcohol and cigarettes. The Committee were given an explanation of the key signs that showed certain products were illegal. Recent successes were also noted, including a day of action in September which had resulted in a large seizure of illegal goods.

Members of the Committee thanks the Officer for his presentation. They also raised other trading standards matters including Nitrous Oxide canisters and the selling of medicinal painkillers. An in-depth discussion took place on vaping, in particular, the increase in vaping being sold around the Borough, and increasingly to younger people. Officers reassured Members that they had plans to visit premises selling vapes to ensure their products were legal and take action accordingly. A briefing on vaping and what to look for when being sold, was requested to be sent to Councillors

*This item was considered in Part II as it contained information relating to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).*

**24. ANY OTHER ITEMS THE CHAIRMAN AGREES AS URGENT OR RELEVANT**

No further items were raised.

The meeting ended at 11:35am.

## LEGISLATIVE & INDUSTRY UPDATE - APRIL 2023

<b>Committee</b>	Licensing Committee
<b>Officer</b>	Legal Services
<b>Wards</b>	All

### HEADLINES

This report advises the Licensing Committee of the recent legislative, case law and industry updates under the functions within its remit.

### RECOMMENDATION

**That the Committee notes the report.**

---

## Licensing Act 2003

### Legislation Update - Revised Section 182 Guidance – 20<sup>th</sup> December 2022

On 20<sup>th</sup> December 2022 the Home Office issued a revised version of the Section 182 which has not been updated since April 2018. Under section 4 of the Licensing Act 2003 Licensing Authorities whilst carrying out their functions must “have regard to” guidance issued by the Secretary of State under Section 182 therefore the guidance is binding on all Licensing Authorities and departing from it could give rise to an appeal or judicial review – there must be clear, reasoned decisions where there is any deviation from the guidance.

Key changes and highlights and from the previous version include:

- **Changes in the right to work and entitlement:**

Paragraph 4.22:

*“Since 1 July 2021, EEA citizens and their family members require immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirms their nationality, to prove their right to work. They are required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals.”*

- **Persons operating an alcohol delivery service "may consider contacting their licensing authority" as opposed to "should" to obtain their view on whether an application to vary the licence is necessary:**

Paragraph 3.10

*“Persons who run premises providing ‘alcohol delivery services’ should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, may consider contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.”*

---

- **New section on "Closure Notices"**

Paragraph 4.83

*"Section 19 of the Criminal Justice and Police Act 2001 (the Act) gives licensing authorities, police and local authorities the power to serve a closure notice where any premises are being used (or have been used within the last 24 hours), for the sale of alcohol for consumption on or in the vicinity of the premises; and the activity was not authorised (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of authorisation. The notice informs the person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19."*

- **Clarifying that Home Office Immigration Enforcement is not responsible for Clubs**

Paragraph 6.11

*"...Licensing authorities do not have to satisfy themselves that applicants for club premises certificates are entitled to work in the UK before issuing a club premises certificate. Consequently, Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates."*

- **Updates to TENs statutory limits**

Paragraph 7.15

*"...the number of times a TEN may be given for any particular premises is 15 times in a calendar year (for the 2022 to 2023 calendar years this will increase from 15 to 20)"*  
*"the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year (for the 2022 to 2023 calendar years this will increase from 21 to 26 days)"*

- **Full Variation Process**

Paragraph 8.76 has been amended to include the *phrase "vary substantially the premises to which the licence relates."* In short, if there is to be a substantial change to the premises, there should be a new licence application rather than a full variation.

- **Proposed Condition**

Paragraph 10.5 more emphasis regarding operating schedules including conditions which must be "appropriate and proportionate for the promotion of the licensing objectives."

*"It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives."*

- **The "Agent of Change" principle**

Paragraph 14.66

*"...Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change')*

*should be required by the local planning authority to provide suitable mitigation before the development has been completed”*

The Agent of Change principle places the responsibility on a person/persons or business (the agent) responsible for the change (to the local/surrounding area) for mitigating impacts from existing noise-generating premises or uses on the proposed new noise-sensitive development. In short, the person or business responsible for the change must also be responsible for managing the impact of the change, the onus will be on the ‘agent’ to put in place noise mitigating measures.

An example would be if a housing development is going to be built near an existing busy pub or airport, it is the responsibility of the housebuilder or developer to ensure the new properties have measures in place (for example sound proofing) to mitigate against the noise pollution.

- **Removal of "Annex A – documents which demonstrate entitlement to work in the UK"**

Annex A of the Home Office’s Employer right to work checks supporting guidance is no longer contained within the revised guidance instead, a link to the Annex A can be found within paragraph 4.9.

---

## **The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2022**

The 2022 Regulations came into effect on 29<sup>th</sup> September 2022 and extends the off-sales provision in section 11(13) of the Business and Planning Act 2020 (modification of premises licences to authorise off-sales for limited period) until September 2023.

---

## **Industry update**

### **Protect Duty – ‘Martyn’s Law’**

*“The proposed Martyn’s Law will seek to improve the safety and security of our citizens so they can enjoy public premises without fear of terrorism by improving protective security and organisational preparedness at a wide range of locations across the UK”*

The ‘Protect Duty’ also known as “Martyn’s law” is pending legislation.

It will require venues and local authorities to draw up preventative plans against terror attacks, following a tiered model that will be linked to the activity that takes place at a particular venue. A standard tier will apply to venues with maximum capacities of 100 and above, while an enhanced tier will be applied to those venues considered to be high-capacity locations.

### **His Majesty the King’s Coronation – Section 172 Licensing Act 2003**

On 6<sup>th</sup> March 2023 the Government extended licensing hours *“...for the sale of alcohol for consumption on the premises, for the provision of late-night refreshment—only where there is also the sale of alcohol for consumption on the premises, and for the provision of regulated entertainment in England and Wales. The order will extend the licensing hours for such premises from 11pm to 1am the following day, on Friday 5 May, Saturday 6 May and Sunday 7 May.”*

In November 2022 the Government published its response to the House of Lords Liaison Committee's report following up the Select Committee's post legislative scrutiny report on the Licensing Act 2003. There

---

are 21 recommendations which are likely to impact the Licensing regime in the near future some key recommendations include:

- **Coordination between the licensing and planning systems**

*“The Government acknowledges that coordination between the licensing and planning systems is important, but considers that the systems are separate, with two very different and distinct objectives and approaches.”*

*“The powers are there to enable planning and licensing to work together to support the needs and aspirations of local communities and we do not intend to introduce an additional mechanism.”*

- **Access to licensed premises for disabled people**

*“The Government position remains that the Licensing Act should not be used as a means to control other aspects of licensed premises or ensure compliance with other legislation such as the Equality Act 2010. We do not consider it necessary to take new legislative or regulatory measures in addition to the existing legislation.*

*The Equality Act 2010 already provides robust protections for disabled people”*

---

## **Gambling Act 2005**

### **Notable Case:**

*Daub Alderney Limited v The Gambling Commission – December 2022*

Daub, a subsidiary of the Rank Group, appealed against the penalty imposed by the Gambling Commission. The appeal was heard by the First Tier Tribunal and was dismissed. At Paragraph: 57 of Judge Finlay’s judgement she reinforced the approach adopted in Hope & Glory in relation to appeals against administrative decisions:

*“As has been repeatedly recognised in appellate case law, decisions of statutory regulators are not to be lightly reversed. They are only to be overturned if they are wrong. The burden of proving that they are wrong lies on the Appellant. Furthermore, the courts have recognised that regulatory decisions are not of the “heads or tails” variety. They are evaluative – which is to say that they are matters of judgment rather than pure fact.”*

---

## **Pavement Licences - The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022**

### **Notable Case:**

- City council settles claim alleging "discriminatory" pavement licensing policy

City of York Council has settled a wheelchair user's judicial review claim, which argued the local authority's pavement licensing policy was discriminatory.

Local Government Lawyer reported that Flick Williams, who is visually impaired, contended that a council policy breached the Equality Act 2010 saying the licensing policy went against Government guidance, which states that: "Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people."

In response to Williams's letter, the council withdrew its policy and changed the criteria against which licence applications are assessed to ensure that a minimum width of 1.5m generally remains available to highway users on footways and that suitable barriers are in place. Williams brought her claim without a solicitor and said she "was quite prepared" to represent herself in court. But the council settled the claim out of court for an undisclosed amount. Announcing the settlement on Twitter, Williams said: "*Importantly the policy has now changed to the benefit of all disabled people & others too.*"

The Home Office is consulting to understand whether there is support for making permanent the regulatory easement or whether to return to the allowance set out in the Licensing Act. The consultation is open until 1 May 2023.

---

## **Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of Sex Establishment Licences**

### **Notable Case:**

The High Court has allowed a claim for judicial review brought against a local authority's decision to impose no limit on the number of strip clubs it would license.

In *CDE, R (On the Application Of) v Bournemouth, Christchurch and Poole Council* [2023] EWHC 194 (Admin) (03 February 2023), the Claimant sought a Judicial Review of the Defendant Council's decision of 9 November 2021 ("the Decision") to adopt a new Sexual Establishment Policy ("the Policy"). The Policy had two features which are relevant to the Claimant's challenge: the first was a policy to impose no cap on the number of Sexual Entertainment Venue ("SEV") licences that may be granted to establishments in the Bournemouth, Christchurch and Poole ("BCP") areas ("the No Cap Policy" or "the NCP"); the second was a policy that those SEVs already licensed to operate in BCP enjoy a presumption in favour of annual renewal of their licence for the duration of the Policy ("the Acquired Rights Policy" or "the ARP"). The Defendant conducted two consultation exercises in respect of the Policy.

---

## **Scrap Metal Dealers Act 2013**

On 2<sup>nd</sup> March 2023 the supplementary guidance was updated helpfully all of the amendments are listed on page 2. Some notable amendments include clarification of the requirements for motor salvage operators (paragraph 2.7) the inclusion of a new section 13 concerning closure notices, orders and the right to enter and inspect premises and when a dealer is uncertain about the provenance of an item payment can be delayed for verification purposes.

---

## **Street Trading – London Local Authorities Act 1990**

No further legislative changes/notable cases/industry updates.

This page is intentionally left blank

## LICENSING COMMITTEE FORWARD PLANNER 2023/24

<b>Committee name</b>	Licensing Committee
<b>Officer reporting</b>	Mark Braddock, Democratic Services
<b>Ward</b>	All

### HEADLINES

This standard report provides an opportunity for the Committee to schedule topical presentations, comment on key policy issues and receive general information and updates relevant to the discharge of their regulatory duties via the licensing sub-committee.

### RECOMMENDATIONS:

**That the Committee note the Forward Planner and suggest any alterations to, or additional items, as set out.**

<p><b>Tuesday 4 April 2023</b></p> <p>10am Committee Room 5</p> <p><b>Report deadline:</b> 24 March 2023</p>	<b>Proposed Agenda / Reports</b>	<b>Lead Officer</b>
	<b>Presentation:</b> Police Presentation	
	<b>Reports</b> None	
	<b>Informatives:</b> <ul style="list-style-type: none"><li>• Legislative and Industry Update</li></ul>	GE
	<b>Business Review:</b> <ul style="list-style-type: none"><li>• Meeting Forward Planner</li><li>• Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes</li></ul>	MB MB

<b>Tuesday 5 July 2023</b>  10am Committee Room 5  <b>Report deadline:</b> 26 June 2023	<b>Proposed Agenda / Reports</b>	<b>Lead Officer</b>
	<b>Presentation:</b> TBC	
	<b>Reports</b> TBC	
	<b>Informatives:</b> <ul style="list-style-type: none"><li>Legislative and Industry Update</li></ul>	GE
	<b>Business Review:</b> <ul style="list-style-type: none"><li>Meeting Forward Planner</li><li>Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes</li></ul>	MB MB

<b>Tuesday 4 October 2023</b>  10am Committee Room 5  <b>Report deadline:</b> 25 September 2023	<b>Proposed Agenda / Reports</b>	<b>Lead Officer</b>
	<b>Presentation:</b> TBC	
	<b>Reports</b> TBC	
	<b>Informatives:</b> <ul style="list-style-type: none"><li>Legislative and Industry Update</li></ul>	GE
	<b>Business Review:</b> <ul style="list-style-type: none"><li>Meeting Forward Planner</li><li>Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes</li></ul>	MB MB

### **Implications on related Council policies**

This planner supports the application of and review of relevant licensing and regulatory policies to the decision-making Cabinet / Council, as well as informative matters to support sound decision-making at the Licensing Sub-Committee.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **BACKGROUND PAPERS**

NIL

This page is intentionally left blank

## RATIFICATION OF PAST SUB-COMMITTEE MINUTES

<b>Committee name</b>	Licensing Committee
<b>Officer reporting</b>	Mark Braddock, Democratic Services
<b>Papers with report</b>	Draft Minutes of Licensing Sub-Committee 23 November 2022
<b>Relevant Wards</b>	Ickenham & South Harefield

### HEADLINE

This report updates Members on Licensing Sub-Committee decisions since the last meeting and seeks ratification of the draft minutes of the sub-committees.

### RECOMMENDATION

**That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meeting:**

- 1. 10am, 23 November 2022 - Application to vary a Premises Licence: Dhamaka, 37 Swakeleys Road, Ickenham, UB10 8DG (Part 1, Public minutes)**

### SUPPORTING INFORMATION

There has been one Licensing Sub-Committee since the last time the minutes were ratified by the full Licensing Committee on 4 October 2022.

The minutes concern the application to vary a Premises Licence for Dhamaka, 37 Swakeleys Road, Ickenham, UB10 8DG. The Sub-Committee decided to GRANT the application subject to conditions. This followed representations from the Licensing Authority and a number of local residents.

The meeting was presided over by Councillor Roy Chamdal (Chairman) and Councillors Reeta Chamdal and Scott Farley.

The meeting was held in public.

This page is intentionally left blank

## Minutes

### LICENSING SUB-COMMITTEE

23 November 2022



Meeting held at Committee Room 6 - Civic Centre, High Street,  
Uxbridge UB8 1UW

	<p><b>Committee Members Present:</b> Councillors Roy Chamdal (Chairman) Reeta Chamdal Scott Farley</p> <p><b>LBH Officers Present:</b> Daniel Ferrer, Licensing Team Manager Chantelle McLeod, Legal Officer Liz Penny, Democratic Services Officer David Reed, Trainee Licensing Officer</p> <p><b>Also Present:</b> Mr Panish Kaur Mahajan, Applicant Mr Surendra Panchal, Applicant's Representative</p>
41.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
42.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
43.	<p><b>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</b> (<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>
44.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
45.	<p><b>APPLICATION TO VARY A PREMISES LICENCE: DHAMAKA, 37 SWAKELEYS ROAD, ICKENHAM, UB10 8DG</b> (<i>Agenda Item 5</i>)</p> <p><b>INTRODUCTION</b></p> <p>David Reed, Licensing Officer, introduced the application to vary a Premises Licence for Dhamaka, 37 Swakeleys Road, Ickenham, UB10 8DG to extend its licensable hours and hours of provision of recorded music / live music / performance of dance until</p>

00:00 hours from Sunday to Wednesday and until 00:30 hours from Thursday to Saturday. Eight representations objecting to the application had been received - seven from local residents and one from the Licensing Authority. The officer highlighted that no representations had been received from the Police and invited the Sub-Committee to determine the application.

Members requested clarification of the proposed opening hours. It was confirmed that the licence holder had requested an extension of one and a half hours from Sunday to Wednesday and of two hours from Thursday to Saturday.

### **THE APPLICANT**

Surendra Panchal, the Applicant's Agent, addressed the Sub-Committee noting that the applicant had opened the restaurant six months previously. It was confirmed that the Applicant had obtained a Personal Licence, was familiar with the core licensing objectives and wished to promote them robustly. There had been no reports of nuisance, crime or breaches in respect of the premises. The restaurant was family-oriented and the additional hours applied for were to accommodate private functions at the premises. The Applicant's Agent also emphasised that some of the matters raised in the representations related to parking and noise emanating from the air conditioning unit both of which were planning matters and were not matters for the Licensing Sub-Committee to determine. The Sub-Committee heard that, to address the concerns of local residents, the Applicant would install a noise limiter, ensure doors and windows were closed when music was playing and implement a dispersal policy to ensure customers left the premises quietly and respectfully. Alcohol would only be served to seated customers. It was confirmed that a training manual, incident book and refusal book would be in use at the premises. CCTV signs and numbers for local cab services would be clearly displayed. All staff would be fully trained and a Section 57 notice would be displayed indicating who was in charge in the absence of the Designated Premises Supervisor. It was noted that no objections had been raised by the Police.

The Applicant, Mr Panish Kumar Mahajan, advised the Sub-Committee that he wished to work with local residents to address their concerns.

In response to their queries, Members heard that staff at the premises would be trained to ensure customers would not be served if inebriated. The Manager was very experienced having worked for 9/10 years in the industry.

At the request of the Sub-Committee, the Applicant indicated on the floor plan the area where dancing would take place (a small, controlled area to the back of the restaurant near the kitchen). Tables and chairs would be removed to accommodate this but sofas would remain. Members heard that the maximum capacity of the restaurant for seated customers was 90 but bookings did not exceed 75-80 to ensure the comfort of customers. The restaurant could accommodate 100 standing customers. There was a smoking area to the front of the restaurant and double doors at the entrance.

In response to their queries, Members were advised that dancing would only be permitted at private functions. There would be no walk-ins at these functions – only those who had pre-booked would be admitted. Customers would not be allowed to purchase alcohol from the bar – all drinks would be served at tables.

### **RESPONSIBLE AUTHORITY**

Daniel Ferrer, Licensing Team Manager, addressed the Sub-Committee on behalf of the Licensing Authority highlighting his concerns regarding crime and disorder and public nuisance. It was noted that alcohol would be predominantly served with a meal to seated customers; however, there would be an element of vertical drinking at private functions which needed to be regulated appropriately.

With regard to the Prevention of Public Nuisance, Members heard that the proposed changes constituted a major variation to the current Premises Licence, therefore, should the Committee be minded to grant the variation, the inclusion of conditions to protect local residents was essential. The conditions proposed by the applicant in respect of a sound limiter and written dispersal policy were welcomed. It was noted that there was a shared car park to the rear of the premises. A robust dispersal policy was essential and there was to be no smoking or drinking in the car park area.

### **INTERESTED PARTIES**

Mr Rohan, a local resident who had submitted a representation in objection to the proposed variation, addressed the Sub-Committee. He noted that other residents had also submitted similar objections. Members heard that residents were subjected to a considerable amount of noise emanating from the nearby Tichenham Inn, the Village Hall and the Home Guard Association Bar – this was particularly problematic in the summer months when windows were open. Dhamaka was another source of noise hence extended opening hours at the premises would result in additional nuisance and would not be welcomed. The Sub-Committee was informed that the disposal of rubbish at Dhamaka (at around 11.30-00:00 hours) and refuse collection (at around 05:30 hours) resulted in additional noise nuisance.

In response to Members' requests for clarification, it was confirmed that these issues had not been raised with local Ward Councillors. Complaints to the Council had been considered futile as it was unlikely that officers would be able to respond rapidly. It was reported that Dhamaka's engagement with local residents had been minimal.

### **DISCUSSION**

The Applicant confirmed that Dhamaka staff currently started clearing up at around 22:45 and rubbish was disposed of at the back of the restaurant at approximately 23:00 hours. Refuse was collected early on Mondays and Tuesdays. The Applicant proposed conditions to ensure bottles were disposed of in the mornings rather than at night and the private refuse collector collect the rubbish later in the morning.

In respect of scooters, the Sub-Committee was informed that a takeaway service at Dhamaka had only started very recently. Deliveroo drivers would be requested to collect from the front of the restaurant only and deliveries would be ready for them to limit noise nuisance. Takeaway orders would not be accepted after 22:30 hours. A condition was agreed to ensure delivery drivers behaved considerately and did not leave their engines running etc. It was confirmed that smoking would be restricted to an area at the front of the restaurant and no more than 7 smokers would be allowed at any time – the staff would manage this. The small dance area would accommodate only 15-20 people at a time; dancing and live music would be restricted to private functions. 8 chairs would be removed to make room for the dance area and drinks would be served at tables. It was anticipated that approximately 20-40 private functions would be held at the premises on Fridays and Saturdays each year. Customers could choose to provide their own DJ / live music which would be situated in an area next to the bar; it was

recognised that this would impact on capacity.

With regards to parking, Members enquired how this would be managed. It was confirmed that street parking was free after 6pm. The car park to the rear was shared and 3 spaces were allocated for staff parking only. The two properties above the premises had no allocated parking and no complaints had been raised by the occupants in respect of Dhamaka.

It was agreed that alcohol would not be served if CCTV cameras were not working. This would be logged in an incident book and resolved within 24 hours.

When asked about local engagement, the Applicant confirmed that he had used Facebook to communicate with local residents. It was reported that local residents who were regular customers welcomed the proposed variation and many people had expressed an interest in holding a private function at the premises in the future. Mr Rohan informed Members that the Applicant had failed to engage with his neighbours despite being advised that it would be helpful if he did so.

In response to further questions from Members, it was confirmed that no anti-social behaviour concerns had been raised in respect of the premises. It was noted that, were they to arise, any future concerns should be reported to Ward Councillors or to Council officers to enable them to be recorded. Members heard that a refusal book was already in use at Dhamaka but no incidents had been recorded to date. With regard to under-age drinking, the Applicant confirmed that Challenge 25 would be in use and alcohol would not be served to minors.

### **CLOSING REMARKS**

The Applicant's Representative addressed the Sub-Committee stating that all the procedures recommended by the Licensing Officer would be carefully adhered to and the Licensing Objectives would be promoted robustly. Bottles would be disposed of in the morning to minimise disturbance to neighbours and refuse would not be collected before 08:00 hours. Engagement with neighbours would be prioritised and conditions would not be breached. The Applicant requested that neighbours approach him with any queries or issues.

### **THE DECISION**

**The Sub-Committee listened to all representations (both verbal and written) and welcomed the conditions offered by the Licence Holder. We also thank the resident interested party for attending the meeting and making his contribution in person.**

**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 with the hours as applied for in respect of recorded music,**

**provision of live music, provision of late-night refreshment and sale of alcohol subject to the following additional CONDITIONS:**

- 1) There shall be a maximum capacity of 87 patrons at any time within the premises.
- 2) Live music shall only be permitted when there is a pre-booked, private function at the premises.
- 3) Disc Jockey's (DJ's) shall only be permitted when there is a pre-booked, private function at the premises.
- 4) The sale of alcohol at the premises shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal.
- 5) The sale of alcohol shall be by waiter or waitress service only.
- 6) An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It will record the following:
  - a) All crimes reported to the venue
  - b) Any complaints received concerning crime and disorder
  - c) Any incidents of disorder
  - d) Any faults in the CCTV system
  - e) Any refusal of the sale of alcohol
  - f) Any visits by a relevant authority or emergency service.
- 7) In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per the minimum requirements of the Metropolitan Police Service.
- 8) A noise limiter must be fitted to the musical amplification system so as to ensure that no noise nuisance is caused to local residents or businesses.
- 9) No noise generated on the premises shall emanate from the premises and no vibration shall be transmitted through the structure of the premises which gives rise to a nuisance.
- 10) A written dispersal policy shall be kept at the premises and the licence holder shall ensure that all staff members are trained and briefed in implementing this policy.
- 11) There shall be no delivery/takeaway collections after 2230 hours.
- 12) All delivery/takeaway collections are to be collected from the front of premises on Swakeley's Road.
- 13) 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 at the front of the premises on Swakeleys Road;
  - 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;

	<p>f) Leaving the premises quietly at the end of their shift and not causing a nuisance.</p> <p>14) 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.</p> <p>15) No incoming deliveries or disposal of waste shall take place between 2000 hours and 0800 hours.</p> <p>16) There shall be a designated smoking area at the front of the premises on Swakeley's Road with a maximum of 7 smokers at any one time.</p> <p>17) A working contact number and email address to be made available to residents at all times.</p> <p><b>Right of Appeal:</b></p> <p>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.</p> <p>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.</p> <p>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</p>
	<p>The meeting, which commenced at 10.00 am, closed at 1.15 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185 or epenny@hillingdon.gov.uk  
 Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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