

Minutes

LICENSING SUB-COMMITTEE

23 November 2022



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

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

- f) Leaving the premises quietly at the end of their shift and not causing a nuisance.
- 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.
- 15) No incoming deliveries or disposal of waste shall take place between 2000 hours and 0800 hours.
- 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.
- 17) A working contact number and email address to be made available to residents at all times.

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

The meeting, which commenced at 10.00 am, closed at 1.15 pm.

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@hillington.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.