

Minutes

LICENSING SUB-COMMITTEE

20 June 2024

Meeting held at Committee Room 5 - Civic Centre



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors: Becky Haggar Darran Davies Kuldeep Lakhmana</p> <p>Applicant / Applicant's Agent: Mr Mohammed Hassan, DPS Mr Noel Samaroo, Agent</p> <p>LBH Officers Present: Chantelle McLeod, Legal Officer Liz Penny, Democratic Services Officer</p> <p>Responsible Authorities: PC Penny Brown, Metropolitan Police Daniel Ferrer, Licensing Team Manager Craig Lloyd, Environment Protection Team Jamie McCarthy, Environment Protection Team</p> <p>Interested Parties: Cllr Roy Chamdal, Ward Councillor Cllr Ekta Gohil, Ward Councillor Jan Hopper, Local Resident</p>
51.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
52.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
53.	<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>
54.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>

55.

RESUMED HEARING: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE: PRINCE OF WALES, 1 HARLINGTON ROAD, HILLINGDON, UB8 3HX
(Agenda Item 5)

Introduction

Lois King, Licensing Officer, introduced the application to vary the current premises licence for the Prince of Wales, 1 Harlington Road, Uxbridge, UB8 3HX. The application had been submitted by NTAD Consultants Limited on behalf of Mr Sheikh Sheraz Ahmed, Director of Game Measure Limited. New submissions which had been received from the applicant on Monday 3 June 2024 were included in the agenda pack. The 3 June hearing had been adjourned to allow all parties to give the new submissions due consideration.

The variation application sought to extend the authorisation for the sale of alcohol, recorded music, regulated entertainment and late-night refreshments. The current and proposed hours of operation were set out in the agenda pack.

The application had attracted representations from three responsible authorities; namely the Licensing Authority, the Street Scene Enforcement / Environmental Protection Team and the Metropolitan Police. Representations had also been received from interested parties, namely Ward Councillors and a local resident. Additionally, one representation in support of the application had been received from a local resident. The Sub-Committee was invited to determine the application.

Members enquired whether any new complaints had been received by the Licensing Team. It was confirmed that they had not.

The Applicant

The Designated Premises Supervisor - Mr Mohammed Hassan, and the applicant's agent - Mr Noel Samaroo were in attendance.

Mr Samaroo addressed the Sub-Committee noting that the applicant wished to extend the hours of operation agreed 18 months previously. It was acknowledged that a serious incident had taken place at the premises under the previous ownership. However, the current licence holder had agreed to uphold the licensing objectives to ensure there were no further such incidents. He had achieved this successfully with very few complaints to date.

Mr Samaroo noted that, in accordance with legislation, 28 days had been afforded for the submission of representations. The Police had waited until the 28th day to submit their representation leaving no time for the applicant to respond. The Police had stated in their submission that they did not believe the licence holder was capable of upholding the licensing objectives; the applicant strongly disputed this.

Mr Samaroo stated that, on the occasion of PC Penny Brown's visit to the premises, the door supervisor had recognised her. PC Brown had told him that she recognised the licence holder and was therefore allowed to enter the premises. It was reported that recorded music and belly dancing were de-regulated until 23:00 therefore there had been no breaches in this regard. A Temporary Event Notice (TEN) had been in place that night.

Members heard that, in his representation, Daniel Ferrer, Licensing Team Manager, had highlighted the omission of a number of conditions in the operating schedule.

Some of the missing conditions had since been added while others had been the subject of further discussion, including that relating to the ID scanner. Given that families with young children often visited the restaurant during the daytime for a family meal, Mr Samaroo suggested that it would be more appropriate for the ID scanner to be in use from 21:00 hours rather than from 18:00 hours as was currently the case.

With regard to the extremely loud music reported by PC Brown in her representation, Mr Samaroo informed the Sub-Committee that a sound limiter was installed at the premises hence all music was played through speakers. DJ music was also played through the sound limiter and through televisions. The Police had mainly been able to hear the music whilst in the garden but had apparently not been able to hear it when outside the premises.

Mr Samaroo noted that the next-door neighbour had submitted a representation in support of the application. It was frustrating that Councillors and the Police had knocked on neighbours' doors providing them with incorrect information and encouraging them to object to the application.

In response to Members clarification questions, it was confirmed that the management at the premises had not changed since the licence had been granted 18 months previously. Members were informed that the opening hours of the external area would not be changing – this area would continue to close at 23:00 hours as currently.

Members sought further clarification regarding the internal and external areas at the premises. It was confirmed that the internal area comprised the original pub area whilst the external area consisted of an open-sided covered area in the garden. The external area was clearly delineated and was more than 50% open.

In respect of the ID scanner, it was acknowledged that, at the previous hearing, the applicant may have volunteered to use it from 18:00 hours. However, this was proving to be onerous, and it was felt that 21:00 hours would be more appropriate.

Members enquired why conditions had been omitted from the operating schedule. Mr Samaroo acknowledged that some conditions had been omitted in error. However, with regard to the ID scanner, the applicant had wished to discuss this matter further with the Mr Ferrer and the Police but had received no response when he attempted to correspond with them.

In reply to further questions from the Sub-Committee, Members heard that no Councillors had knocked on the door of the premises. It was confirmed that the designated smoking area was situated to the front of the premises. A maximum of 5 people were allowed to use the smoking area at any time; this was monitored by door staff and cameras.

Members sought further clarification regarding the doorman's statement and enquired why an unknown person (PC Brown) had been allowed to enter the premises. Mr Samaroo stated that the front door was situated directly in front of the bar where the DPS (Mr Hassan) was working. The doorman had recognised PC Brown from a previous hearing. He had enquired whether she had a booking but then PC Brown noticed Mr Hassan at the bar and stated that she knew him. She had proceeded to walk towards the bar accompanied by the doorman. It was confirmed that, in normal circumstances, Mr Hassan would refuse entry after 22:00 hours in line with the conditions of the licence.

With regard to the sound system, Mr Samaroo advised the Sub-Committee that, should the sound exceed 86 or 87 decibels, power to the TVs would automatically be cut and would have to be reset.

Representations - Responsible Authorities

The Licensing Authority

Mr Daniel Ferrer, Licensing Team Manager, was in attendance and addressed the Sub-Committee on behalf of the Licensing Authority. He confirmed that he maintained his representation as set out on pages 55 and 56 of the agenda pack. In respect of the Prevention of Public Nuisance, Mr Ferrer believed that the proposed terminal hours of 01:30 / 12:30 hours were excessive and would present a risk to residents in the vicinity of the premises.

It was reported that the initial application had not been sufficiently robust or thorough. Some of the concerns had been addressed in the additional bundle submitted on 3 June but other concerns remained. In respect of the external area, the applicant had proposed 12:00 or 01:00 hours which was not acceptable. Regarding the Prevention of Crime and Disorder, Mr Ferrer had met with representatives of the Prince of Wales on 2 May 2024. He had advised them that, on the occasion of PC Brown's visit to the premises on 27 April, a number of conditions were not being complied with in relation to the use of the ID scanner and admittance after 22:00. It was further noted that SIA staff did not appear on the register and the DPS had demonstrated that he was not sufficiently familiar with the CCTV system as he was unable to share footage with the Police.

In his submission (pages 86 and 87 of the agenda pack) the applicant had claimed that he was unaware of any substantiated complaints regarding Crime and Disorder, Prevention of Public Nuisance, Promotion of Public Safety or the Protection of Children from Harm. Mr Ferrer stated that this was untrue. Mr Ferrer further noted that all representations had been submitted within the 28-day statutory period – the fact that some had been submitted on the 28th day was irrelevant. The Licensing Authority was transparent and open to mediation at all times. At no point had the Police or the Licensing Authority given support to the application – concerns had been outlined at the meeting on 2 May 2024.

Mr Ferrer drew attention to page 87 of the pack where it was stated that 'The external area will cease all Regulated Entertainment at 23:00 every day' and claimed that this was untrue.

In summary, Mr Ferrer maintained his objections in relation to the proposed terminal hours which he considered to be excessive. He felt the conditions proposed did not go far enough and did not have confidence that the Licensing Objectives would be fully promoted.

Members enquired whether the applicant had worked with the Council particularly in respect of the breaches. It was confirmed that they had attended a meeting on 2 May at which the concerns had been highlighted.

The Metropolitan Police

PC Penny Brown was in attendance and addressed the Sub-Committee. She confirmed that, since the licence had been issued to the Prince of Wales, the Police

had had little interaction with the venue. It was confirmed that Mr Hassan had undertaken training and the Police had not objected to the TENs applications at the premises. On receipt of the application for the variation, PC Brown had visited the premises on 27 April 2024 at 22:15 hours. This was a routine visit to check how the venue was operating. PC Brown had visited the premises in plain clothes and with an open mind. It had been disappointing to note that there were failings as it was vital that all conditions were adhered to at all times.

PC Brown reported that she had not recognised the security officer at the door, and he had not stated that he recognised her either at the time. She had not been challenged and her ID had not been scanned. The doorman had enquired whether she had a booking and she had responded in the negative. He had then asked whether she needed a table for three and had proceeded to take her and her colleagues inside the venue. PC Brown had not had sight of Mr Hassan until she was further inside the venue. This was a breach as she should not have been allowed to enter the premises without a booking and her ID should have been scanned which it was not. PC Brown stated that the accounts given by Mr Samaroo and the doorman were untrue which was a matter of considerable concern.

PC Brown observed that she lacked confidence in the applicant's ability to adhere to the conditions of the licence. Mr Hassan had seemed somewhat surprised when she advised him that all patrons should have their ID scanned – this was particularly concerning as ID scans were a very useful tool in the detection of crime. Moreover, at the time of her visit, it was concerning that there was no one present at the premises who was able to access the CCTV and look at the footage – this was a further breach of conditions. PC Brown observed that she was not an expert on noise levels but believed that the DJ was also breaching conditions that night as noise levels seemed excessive. It was confirmed that a noise complaint had been received that night in relation to the venue.

Following the visit, PC Brown had contacted the Prince of Wales to arrange a meeting to discuss the failings. She had then submitted her representations. PC Brown informed the Sub-Committee that, on inspection during a pre-arranged visit, the SIA register was found to be incomplete.

PC Brown informed Members that she maintained her position as she lacked confidence and believed the proposed additional hours would increase the potential for crime and disorder at the premises.

In response to questions from the Sub-Committee, it was confirmed that the applicant had not sought advice or guidance from the Police after the meeting on 2 May 2024. Training had been offered but the offer had not been taken up. PC Brown informed Members that the music had appeared to her to be amplified as it was very loud.

Members sought further clarity regarding the TEN and heard that it had not been in effect at the time of the visit - it had come into effect at 12:01 the following day. The Sub-Committee was advised that unannounced visits by the Police were normal practice and took place all year round.

Environmental Protection Team

Craig Lloyd and Jamie McCarthy of the Environmental Protection Team were in attendance and addressed the Sub-Committee.

The Sub-Committee heard that the Environmental Protection Team were concerned about the potential for noise nuisance at the venue given the proximity of residential properties. It was felt that loud music until 01:30 hours could present a problem and lead to a statutory noise nuisance. It was believed that music emanating from TVs at 87 decibels in an outside area was considered amplified and extremely loud.

In response to questions from the Sub-Committee, it was confirmed that local residents had complained about the noise coming from the premises, but a statutory noise nuisance had not been witnessed. Two complaints had been received thus far in 2024. Officers had not visited the premises to have sight of the sound limiter.

Interested parties

Local resident

Jan Hopper, a local resident, was in attendance and addressed the Sub-Committee in support of the application. Ms Hopper confirmed that she lived next door to the venue and had lived there for 25 years. She acknowledged that noise emanated from the venue at times, but, in her opinion, it was neither unacceptable nor unreasonable. Ms Hopper claimed that three other pubs in the area operated until 01:00 hours. She advised Members that the venue managed the parking situation very well. If neighbours had any problems, they would speak to the management directly. Ms Hopper was of the opinion that, if the venue were to stay open for an extra hour, this would not present a problem and would bring it in line with other pubs in the area. Extended opening hours would also encourage people to spend money and would be good for the economy. Ms Hopper confirmed that she understood that the venue wished to stay open until 02:00 hours on Thursdays, Fridays and Saturdays.

Members sought clarity regarding the proposed opening hours. Officers confirmed that the proposal was to open to the public from 10:00 until 01:00 Sundays to Wednesdays and from 10:00 to 02:00 Thursdays to Saturdays. The sale of alcohol was requested from 10:00 – 00:30 Sundays to Wednesdays and from 10:00 – 01:30 Thursdays to Saturdays. Refreshments would be served from 11:00 – 00:30 Sundays to Wednesdays and 11:00 – 13:30 Thursdays to Saturdays. Regulated entertainment was proposed from 11:00 – 00:30 Sundays to Wednesdays and 11:00 – 13:30 Thursdays to Saturdays. It was reiterated that the hours related to the internal area only – not to the external area.

Ward Councillors

Ward Councillor Roy Chamdal was in attendance and addressed the Sub-Committee. Councillor Chamdal confirmed that he knew the DPS and believed him to be an open and trustworthy individual. However, he felt the proposed hours were excessive and unacceptable. Councillor Chamdal confirmed that he had spoken to a number of local residents to ascertain their views in relation to the proposal. The majority of the residents he had spoken to had felt the hours were excessive and objected to the proposal. Councillor Chamdal understood that the business needed to be profitable, but observed that it was essential to also consider the quality of life of local residents. Moreover, all conditions of the licence needed to be adhered to at all times. The opinion of local residents should have been sought by the applicant prior to submitting his application. Councillor Chamdal observed that most residents supported the venue per se. However, they were aware of the checkered history at the premises and were understandably concerned that such problems could re-occur. Moreover, the proposed extended hours would present a dispersal problem late at night to the detriment of local

residents.

In response to questions from the Sub-Committee, it was confirmed that Councillor Chamdal had spoken to a number of local residents – 13 had objected to the proposal while 3 had been in favour of it.

Members enquired whether Councillor Chamdal had contacted the Licence Holder. He confirmed that he had called him to discuss the proposed variation and had suggested mediation, but the discussion had not proved to be fruitful.

Ward Councillor Ekta Gohil was in attendance and addressed the Sub-Committee. Councillor Gohil stated that she had lived in Harlington Road for 15 years. The Prince of Wales was a popular local business. However, she had some concerns in respect of the Prevention of Public Nuisance; a number of incidents had occurred which had to be taken into account – some serious and some less so. Parking on double yellow lines around the venue was also a matter of concern as this could inhibit emergency vehicles or present a danger to those trying to exit the premises. Councillor Gohil reported that she had witnessed people shouting late at night when exiting the premises. Littering at the venue was concerning and Councillor Gohil had also witnessed a fight nearby which had been rapidly broken up by security staff.

In respect of the Prevention of Crime and Disorder, Councillor Gohil felt that longer hours would lead to an increase in crime as the number of customers and vehicles would increase and the situation would become harder to control. She also expressed concern that the proposal would remove restrictions on noise levels. Councillor Gohil's objections had been based on what she had heard at local Safer Neighbourhood Team (SNT) meetings led by the Police. Councillor Gohil reported that 21 residents had complained over the last year. She lacked confidence that the applicant would be able to uphold the terms of the new licence and felt the proposed longer hours would lead to increased stress and nuisance. Councillor Gohil requested further clarification regarding the maximum number of customers permitted at the premises – this was currently limited to 154 but did not appear to be specified in the latest application.

In response to questions from Members, it was confirmed that the applicant had approached Ward Councillor Chamdal for advice in the past. The Sub-Committee heard that SNT meetings were open to anyone who wished to attend.

Members enquired whether Councillor Gohil had reported the fight she witnessed to the Police. Councillor Gohil acknowledged that she had not as it had been broken up in a matter of seconds.

Discussion

During the discussion the following points were noted:

- Mr Samaroo confirmed that no changes were sought in respect of the external area. Amplified music inside the venue would be controlled and played through the sound limiter;
- It was acknowledged that some conditions had erroneously been omitted from the current application and some had been removed as they were not deemed necessary;
- The maximum capacity of the venue would not be increasing from the current

154;

- It was not possible to condition parking. A warden was employed to control parking as much as possible. However, if people parked illegally, he could only advise them to park elsewhere or deny them access to the venue;
- The applicant would be happy to work with local Ward Councillors;
- Members heard that all staff were well trained in refusing to serve alcohol after hours or to those who had been drinking excessively. 4 door supervisors were employed, and excessive drinkers were offered water and snacks. There had been no incidents or fights at the premises. Additional staff would be employed should the longer hours be agreed to, but the number of customers would not increase;
- A dispersal policy was in place and an entry policy was being considered;
- Mr Hassan had been positioned at the bar when PC Brown visited the venue. He had been called over to assist as she did not have a booking;
- It was noted that ID checks were important as age was difficult to assess accurately;
- It was confirmed that 80 ID scans had been completed on the night PC Brown visited the premises. It was acknowledged that ID checks on senior citizens were deemed unnecessary at times but all staff were fully trained and knew how to check scans and refuse entry. The applicant was reminded that checks applied to everyone and were a useful tool in the detection of crime and disorder;
- Mr Samaroo understood the need for scans given the troubled history at the premises but suggested that 18:00 was too early. It was embarrassing for senior citizens to be refused entry when they had could not produce ID. A 21:00 start time for ID scanning was proposed;
- Mr Hassan claimed that he was unaware of any complaints in respect of the premises;
- In terms of bookings, the Sub-Committee was informed that bookings were placed through open table and recorded on an I-pad. If additional customers attended, this would be updated on the I-pad to ensure numbers were controlled. No vertical drinking was permitted, and all customers had to be seated; once all seats were taken, nobody else would be permitted to enter the premises;
- Members felt it would be advisable for the applicant to become a member of Pub Watch;
- It was noted that all staff, including the DPS, should be fully trained on the use of CCTV;
- It was reported that the sound limiter could be set at a certain level of decibels - if the music was too loud, it would cut out and have to be re-set. It was believed that the limiter was currently set at 87 decibels. The applicant would be happy for a maximum level to be conditioned on the licence;
- The DPS confirmed that, when the CCTV failed to work at the premises, the sale

of alcohol was discontinued and an engineer had been called out to fix the problem;

- The extended hours would only apply to the internal area. A belly dancer would perform early in the evening during de-regulated hours of operation;
- It was noted that the application (page 25 of the agenda pack) sought approval for recorded music to be played both indoors and outdoors which would be an amendment to the existing licence. Mr Samaroo confirmed that this was an error - there would be no change in respect of the external area. The legal advisor confirmed that the Sub-Committee was at liberty to make a decision based both on the information contained in the pack and that presented during the hearing;
- Members sought further clarification regarding the alleged breach of a planning order to remove a retractable roof as set out on page 9, point 7.4 of the agenda pack. It was confirmed that this had been an allegation only and no objection had been received from planning;
- The capacity of the venue was confirmed as 154 in total – 60 inside and 94 outside. A mechanical counting device would be used to control numbers;
- The applicant was willing to amend what had been applied for and propose revised conditions. He proposed the sale of alcohol until 01:00 hours rather than 01:30 hours. He was willing to restrict the performance of dance to 19:00 – 20:00 hours rather than the hours set out on pages 26 and 27 of the agenda pack. Furthermore, he proposed the removal of Thursdays so the longer extended hours would only apply to Fridays and Saturdays;
- It was confirmed that the Environment Protection Team did not routinely check sound limiters as the service was mainly reactive. However, it was possible to do this, and the applicant would be happy for the sound limiter to be checked on an annual basis;
- Mr Ferrer noted that belly dancing before 23:00 hours would potentially not be a breach of conditions. The removal of conditions 2 and 3 as set out on page 6 of the agenda pack was recommended.

Closing remarks

Daniel Ferrer, Licensing Team Manager, stated that he maintained his representation. He did not feel the proposed conditions went far enough and lacked confidence and trust in the management of the premises.

PC Penny Brown of the Metropolitan Police acknowledged that Mr Hassan had presented himself well and there had been no issues of note at the premises. However, PC Brown continued to have concerns, particularly in respect of the management's failure to always adhere to the conditions of the licence. She would be happy to engage with the management further in the future.

The Environment Protection Team confirmed that their concerns regarding nuisance caused to residents remained unchanged.

Jan Hopper, local resident, welcomed the applicant's offer to remove Thursdays from the longer hours and reduce the opening times to 01:00 hours.

Councillor Ekta Gohil welcomed the removal of Thursdays but maintained her representation based on her previous objections.

Councillor Roy Chamdal welcomed the proposed reduced hours but felt residents' concerns regarding nuisance persisted.

The Licensing Officer made no closing remarks.

Mr Samaroo, the applicant's agent, advised the Sub-Committee that the applicant had listened to all the concerns raised. He noted that the premises had been the subject of very few complaints. There had been no antisocial behaviour at the premises and the Police had not been called. The venue was very well-run, and any breaches could be result of a misunderstanding. The applicant would be happy to discuss the best way to address any concerns. Mr Samaroo confirmed that he wished to amend the proposed conditions so the longer hours would apply only to Fridays and Saturdays. He advised the Sub-Committee that there would be no change in respect of the external area. It was confirmed that the applicant wished to retain late night refreshment in the external area but there would be no regulated entertainment. The use of the ID scanner after 21:00 hours would be preferable. Capacity would remain unchanged.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision.

The decision of the Sub-Committee was announced by the Chair on the following day.

The Decision

The Sub-Committee with the benefit of the adjournment has carefully considered all relevant evidence made available to it (both oral and written) and in doing so took into account the Licencing Objectives, the Licensing Act 2003, Hillingdon's Licensing Policy and Statutory Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003

The decision of the Sub-Committee was to REJECT PART of the application to vary the Premises Licence AND MODIFY the conditions of the licence for the following reasons:

The Prince of Wales is a popular and busy venue attracting a variety of clientele in the community. It is however a premises which has also faced challenges in the past:

In December 2019 the premises had its licence reviewed, the sub-committee on that occasion resolved to modify its conditions.

In December 2021 following an application for a summary review by the Metropolitan Police, the premises had its premises licence revoked following a serious incident.

In April 2023 the Sub-Committee granted a new premises licence to the venue with a new premises licence holder and a revised operating schedule adding further stringent conditions. It is under this new licence the sub-committee were tasked to determine whether to extend the authorisation of various licensable activities to beyond its current licence.

The sub-committee heard evidence from the Metropolitan Police, Licensing Authority and Street Scene Environmental Enforcement Team as responsible authorities.

The sub-committee also heard evidence from interested parties, including councillors and a resident living next door to the premises.

On the last occasion the hearing was adjourned to enable the sub-committee to consider a late submission of evidence by the applicant in response to some of the issues raised by parties who had objected to the application.

During the hearing, the sub-committee heard the applicant's representations. The applicant took issue with the timeliness of the objection submitted by the responsible authorities following the consultation, responsible authorities submitted their objection within the 28-day period and therefore the sub-committee found that the claims made by the applicant were unmerited in this regard.

The sub-committee having assessed the evidence including the body worn footage and placed significant weight on the representations made by the responsible authorities, particularly that of the Metropolitan Police. Following their unannounced visit to the premises on Saturday 27th April 2024 at 2215 hours the following failings were discovered:

- Entry should have been prevented after 10pm as per condition 34 on their current licence
- Officers entered the premises without having their ID scanned as per condition 14 on their current licence
- The DPS was unable to fully recover footage from the CCTV; at least one member staff must be trained to access, operate and download the CCTV at all times) as per condition 17(b) on their current licence
- The SIA register was incomplete in breach of condition 15 on their current licence
- A DJ was playing loud (in the officer's opinion) amplified music in the external area of the premises in breach of condition 37 of the current licence.

The applicant in their representations asked the sub-committee to consider the representations made by a member of security staff in their witness statement, refuting the evidence of the PC Brown. The sub-committee having listened carefully to PC Brown's evidence and having viewed the body worn footage found PC Brown's evidence not only compelling but a true reflection of the events following the unannounced visit which is routine when an application is being considered for variation.

The sub-committee also found the evidence of the interested parties, namely councillors Chamdal and Gohil particularly helpful and persuasive in outlining how residents felt in their wards following enquiries made by them. Whilst most residents welcome the venue, the majority were against opening hours being extended.

The sub-committee also took into account the representations made by the local resident in favour the application, particularly in relation to the extension of the hours. The local resident indicated that an hour extension would be more suitable and in line with other licenced premises in the area rather than what had been applied for.

In relation to noise and potential noise issues, the sub-committee also heard representations from the Street Scene and Environmental Enforcement team who had also submitted an objection on the basis that the premises is in a residential area and the potential for there to be a statutory noise nuisance should the premises be permitted to extend their hours.

The sub-committee heard that there had been two complaints to their out of hours team since January 2024 in relation to noise. The applicant indicated that there was a sound limiter at the premises and would be amenable to having the team attend the premises to check its levels.

During the hearing it was necessary for the sub-committee to clarify the exact nature of their application as it appeared to have changed since the original application. The applicant confirmed that there would be no change to the external area in relation to regulated entertainment which is deregulated up to 2300 hours. It was clarified that there would be a belly dancer however, their performance would usually cease around 9pm.

The applicant also gave evidence in relation to the ID scanner, given that the premises is a food led business with families attending, this particular condition was onerous. The sub-committee were also mindful that the ID scanner was not only there to check for age verification but also a helpful tool in relation to both crime detection and prevention. In light of the evidence heard, the sub-committee, agreed that checking ID's from 6pm could be put back to 9pm.

Having sought legal advice, the committee were of the view that the conditions on the current licence could be altered to reflect the deregulation.

In light of all the evidence heard, the sub-committee found that the current conditions on the licence were robust enough, the premises over the last 18 months appeared to be running successfully without serious issues therefore it was disappointing to learn that there had been some failings during the visit on 27th April 2024. As such, the sub-committee were not persuaded or confident at this current time that the licence holder was able to promote the licensing objectives if they were permitted to extend its hours.

This will not prevent the applicant for applying for a TENs or to vary its licence in the future. The applicant is also strongly encouraged to attend Pub-watch and maintain communication with the responsible authorities going forward.

The sub-committee have also resolved to modify conditions in Annex 2 of the current licence as follows:

General Conditions:

- Conditions 2 and 3 are removed.

The prevention of Crime and Disorder

- Condition 14 is amended as follows: All Patrons entering the premises from 9pm on Friday's, Saturday's and UK Bank Holidays shall be required to have their identify verified via the ID scanner machine.

The prevention of Public Nuisance

- Condition 38 is amended as follows: Noise limiters shall be in use to ensure that any noise emanating from the TVs does not cause a nuisance to nearby residents and shall be subject to yearly checks from the Street Scene, Environmental Enforcement Team.

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 meeting, which commenced at 10.00 am, closed at 1.06 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 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.