

Minutes

LICENSING SUB-COMMITTEE

24 January 2025



Meeting held at Committee Room 5 - Civic Centre

	<p>Committee Members Present: Councillors Becky Haggart OBE, Darren Davies and Kuldeep Lakhmana</p> <p>Responsible Authorities: PC Penny Brown, Metropolitan Police PC Dave Butler, Metropolitan Police Daniel Ferrer, Licensing Authority</p> <p>Also Present: Andzelika Szylle - Applicant Nick Semper - Applicant's representative Chris Lucan – Applicant representative</p> <p>LBH Officers Present: Gurnam Bains, Legal Officer Anisha Teji, Senior Democratic Services Officer Mark Rose, Licensing Officer</p>
86.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
87.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>It was confirmed that there were no declarations of interest.</p>
88.	<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 would be heard in Part I.</p>
89.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>The Sub - Committee received late information an hour prior to the hearing and decided not to accept it due to its lateness as all parties would need time to consider the information received.</p>
90.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: MANDALA RESTAURANT AND LOUNGE, CARTER HOUSE, COLHAM MILL ROAD, WEST DRAYTON, UB77AE (<i>Agenda Item 5</i>)</p>

INTRODUCTION

Mark Rose, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the application for the grant of a new premises licence in respect of Mandala Restaurant and Lounge, West Drayton. The application had attracted representations from the local MP, Ward Councillors, residents, the Licensing Authority and the Metropolitan Police. No objections were received from the planning or fire and rescue authority.

An application was made for:

- the sale of alcohol for on-sales from Monday to Thursday (11am-11pm) and from Friday to Sunday (11am-1am)
- late night refreshments on Friday, Saturday, and Sunday from 11am to 1am
- extension to 2am for special occasions such as Valentine's Day, Christmas Eve, New Year's Eve, bank holidays and Sundays before bank holidays

The proposed opening hours were Monday to Thursday from 11am to 11pm and Friday to Sunday from 11am to 1am.

A background of chronology of events was provided to the Committee. It was noted that the application was submitted on 1 December 2024 and a site visit was undertaken on 19 December 2024 to confirm that the blue notice was on display. Although the premises did not have a licence, it was granted four temporary event notices (TENS) in December for a total of 21 days. No complaints or call-outs were received during the times the TENS were in place.

The Sub- Committee was invited to determine the application, considering all submissions both verbal and written.

APPLICANT

On behalf of the Applicant Andzelika Szylle, the Applicant's representative, Nick Semper addressed the Sub - Committee.

It was reported that the premises primarily focused on food and fine dining, with the intention to sell alcohol mostly during dining hours. The ground floor included a bar, waiting area and lounge designed to provide a relaxing environment for customers, whilst the first floor had a restaurant with a seating capacity of 47.

The Applicant was a responsible operator with over 10 years of experience in hospitality, including seven years as a manager. The Applicant had never come to the attention of any responsible authorities and employed six staff members, which would increase to 12 when fully operational. Alcohol was sold on-site throughout December under various TENs without any issues.

A comprehensive and detailed operating schedule had been proposed to ensure that the Licensing Objectives were robustly promoted and not undermined. There was no history of crime, disorder or public nuisance at these premises. The application was for the on-sale of alcohol and late-night refreshment, with no live or recorded music or other forms of regular entertainment. It was submitted that the hours were not excessive and nearby premises had similar licences.

The Applicant's representative emphasised that each application must be judged on its own facts and merits, with the burden on the Applicant to show that the proposed operation would promote the Licensing Objectives. It was noted that the objections had been received from the Licensing Authority, Ward Councillors and local residents.

The Applicant's representative addressed various concerns raised by local residents, including noise and parking. It was highlighted that the premises' previous use had no bearing on the current application and that the new operation was a food-led establishment with significant investment in refurbishment.

The Applicant informed the Committee that the restaurant was designed for local residents, particularly those from Middle Eastern and European backgrounds. The restaurant featured a lounge and shisha area, catering to the preferences of the local community. The owners had invested significantly in creating a beautiful design and emphasised that the establishment was not a nightclub, despite its appearance with many lights. The premises did not sell alcohol and had made provisions for disabled access, including ramps and accessible toilets.

During Member clarification questions it was noted that the parking bays outside the restaurant would be monitored by front-of-house staff and yellow cones would be placed to prevent unauthorised parking. The premises would rent seven additional parking spaces from another premises nearby. It was also noted that the last entry into the building was 30 minutes before closing and no service would be provided in the last 30 minutes.

In response to Member questions around security, it was explained that there were plans to employ SIA door staff and there would be up to 12 members of staff to manage various operations, including parking, table service and bookings. There was no live entertainment application for the premises. Although the current DPS was new to the role they had prior experience managing restaurants and selling alcohol and were aware of the Licensing Objectives, including safety, preventing nuisance and protecting children. The premises could accommodate 110 customers and had a total of 12 parking spaces

RESPONSIBLE AUTHORITIES

LICENSING AUTHORITY

Daniel Ferrer introduced himself on behalf of the Licensing Authority as a Responsible Authority.

The Licensing Authority raised a representation based on assessment of the application and a visit to the premises on 18 December 2024. Objections to the application were raised on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

It was submitted that there were gaps in the application relating to the food service, compliance with the Health and Safety Act and the role of SIA staff in preventing crime and disorder. It was further submitted that there was a lack of specific details relating to a dispersal policy and procedures for the end of the night which may cause potential disturbances from the outside area impacting local neighbours.

During Member clarification questions, it was confirmed that the site visit was

undertaken at 15:30 in the afternoon on 18 December 2024. TENs were automatically granted and were consulted on by the Metropolitan Police and the Environmental Protection Team. It was confirmed that a meeting had been arranged between the Licensing Authority and Applicant/ Applicant's representative to discuss potential concerns. The importance of assessing each case on its own merits was emphasised.

METROPOLITAN POLICE

PC Penny Brown and PC Dave Butler addressed the Sub - Committee on behalf of the Metropolitan Police acting as a Responsible Authority.

The Metropolitan Police's priority was to ensure that the conditions and hours were appropriate and proportionate to the business in addition to being robust enough to uphold the Licensing Objectives. A background of the application was provided. The proposed conditions had been discussed with the Applicant's representative and a further condition had been agreed in addition to the conditions proposed in the agenda. It was noted that the proposed conditions related to the venue's capacity limit of 110, a written dispersal policy, no admittance or readmittance within 30 minutes of the final hour and no glass or glass bottles to be taken from the premises.

Members were informed that the premises had applied for longer hours but were not using them to the full extent during the December period, with the venue closing before 11:00 p.m. and last orders at 10:30 p.m. There were no complaints or reports of crime and disorder during this period. Concerns were raised around vertical drinking and the restaurant aspect, suggesting that further limiting the number of people in certain areas or at certain times could be considered.

The importance of clear conditions was emphasised for the Applicant to follow.

During Member clarification questions, it was noted that the premises' capacity was set at 110, although a suggestion was made to limit it to 100 to prevent it from becoming more of a bar or nightclub environment. The enforcement of the capacity limit would be managed by the Applicant through table bookings, ensuring they did not exceed the limit. The Applicant agreed to adjust the Sunday operating hours from 1:00 to 12:00, acknowledging that late hours on Sunday might be problematic as it led into a working day.

OTHER PARTIES

Alison Roper - Chair of Residents Association

The Chair of the Residents Association, Alison Roper addressed the Committee and clarified that most residents did not oppose the premises serving alcohol.

Concerns were raised regarding parking including blocked pavements and fire exits. It was submitted that parking was not fit for purpose and the blocked fire exit posed a safety risk. One parking space directly covered the pavement, forcing pedestrians to use the road at a blind spot. There were also constant issues with parking on double yellow lines, and residents had to ask patrons to move their cars. The ten parking spaces were in an alleyway directly opposite the premises, which could be challenging to navigate.

Concerns were also raised about the premises staying open until 1:00 or 2:00 am on

weekends, which was seen as inappropriate for a residential area causing public nuisance and noise disturbance. Issues were raised about the premises' compliance with health and safety regulations, including fire safety and accessibility. In the residents' view, it was not clear whether this premises would be operating a restaurant or a nightclub with residents noting that the advertising suggested more of a nightclub environment.

It was suggested that the premises should close at 11:00 pm on weekdays and Sundays, and at midnight on Fridays and Saturdays. It was also emphasised that the premises should focus on being more a restaurant, with appropriate advertising and a clear food menu.

Jan Sweeting - Ward Councillor for West Drayton

Councillor Jan Sweeting, Ward Councillor for West Drayton, was present and addressed the Sub-Committee highlighting the concerns the premises had had on the local community, particularly in terms of noise and public nuisance.

The Sub – Committee was informed that the restaurant's licence application was submitted very late, causing a temporary licence arrangement which the Council and Metropolitan Police could not object. There had been numerous complaints from residents about noise and public nuisance. The restaurant had been a public nuisance during its construction and continued to be so with vehicles blocking pavements and generating excessive noise.

It was submitted that the extended opening hours of the restaurant were seen as a potential magnet for disorder and disturbance in nearby roads where there was already a history of anti-social behaviour. Residents had expressed concerns about the potential for increased crime and disorder due to the restaurant's late hours.

Concerns were also noted in relation to evacuation procedures and toilet facilities which was not wheelchair friendly.

During Member clarification questions it was noted that there were parking management schemes in place throughout the Garden City Estate, impacting a number of near by roads. Each road had its own arrangements, except for one which was managed by the another operator.

A recommendation was made not to approve the application until all the issues mentioned were addressed.

Janet Duncan – Local Resident

Janet Duncan addressed the Sub - Committee and raised unease about the premises and its impact on the neighbourhood. There were concerns about the narrow pavement, which was just wide enough for a buggy or wheelchair and the Committee was asked to ensure that the accurate number of car parking spaces was noted.

Alan Clark – Local Resident

Alan Clark informed the Sub – Committee that he had visited the premises for dinner and described it as beautifully decorated. There were however safety and hygiene concerns raised. The resident noted the absence of essential fire safety equipment,

such as fire alarm panels, fire exit signs and firefighting equipment. They also observed potential fire hazards including plastic decorations and propane gas heating units. Additionally, the resident pointed out the lack of hygiene certificates, proper cooking area screens and disabled access facilities. The need for the building to meet category L2 fire safety regulations was highlighted, and it was requested that a re - inspection be carried out by local authorities.

Thomas Arunhammer - Local Resident

Mr Arunhammer lived opposite the premises and raised objections based on noise, which he described as an ongoing nightmare for over two years impacting his sleep patterns negatively. The Applicant's assertion that they had tried to engage with the neighbourhood was contested. It was submitted that the residents were never informed about building procedures, schedules or noise levels, and had to endure a generator running late into the night without prior notice. Blocked parking, difficulty accessing driveways, and being sworn at by people when asking them to move their vehicles, lead the resident to consider moving if the licensing hours were extended.

DISCUSSION

The below key points were noted during the discussion stage of the hearing.

- The Applicant was asked about their engagement with local residents, and it was clarified that invitations were sent via social media and posters, not leaflets
- There were no reports of antisocial behaviour or noise complaints during the TENS period. However, there was a discussion about a noise complaint relating to a birthday party at the venue. The Applicant confirmed that the music was due to singing happy birthday at a 75th birthday party.
- The Applicant was questioned about parking availability and the impact of removing parking spaces. It was suggested that removing parking spaces might not reduce traffic.
- There was a query about whether the premises served a full menu or just snacks during the TENS period and the Applicant clarified that they were working on the menu during the soft opening.
- Concerns were raised about the accessibility of disabled toilet facilities. The Applicant explained that they had installed a ramp to improve access.
- There was discussion regarding a serious police incident, but it was clarified that the venue was closed at the time of the incident. The Metropolitan Police also confirmed that there was no information to share with the Sub-Committee in respect of the incident.
- The Applicant confirmed that they would consider a parking strategy and delivery management plan.
- The Applicant clarified the seating plan and location of tables for the Sub-Committee.
- It was confirmed that staff, consisting of six members, were trained by a professional company in health and safety. The Sub - Committee emphasised the importance of having a second person available to manage the premises in the absence of the primary manager.
- There was agreement on several conditions to be implemented, including a 30-minute drinking-up time, providing a fire risk assessment, ensuring public safety, and restricting the garden area's usage.
- The topic of table service was addressed, with the Sub-Committee recommending that all alcoholic beverages be served to seated customers to prevent vertical

drinking.

- The Sub-Committee also discussed the impact of amplified music on residents, agreeing that background music to set ambiance was acceptable, but loud music or karaoke would not be permitted.
- It was noted that the garden area would be open up to 10:00 in the evening and the timing was emphasised to ensure that the garden area did not cause disturbances at night.

In respect of the noise complaint mentioned, following further investigation, the Licensing Officer clarified the Environmental Protection Team Manager received a letter about alleged complaints and visited the premises between 11:00 and 1:30 pm. Officers picked up the complaint on Saturday and wrote the letter immediately after speaking with the complainant about the allegation. The details of the allegation were not specified however when officers arrived a few minutes before 11:00 pm, music was being played at a level unlikely to cause public or statutory nuisance, although it was audible outside. The music ceased as officers entered at 11:00 pm. The letter served was regarding an allegation of nuisance from music.

CLOSING REMARKS

The Metropolitan Police emphasised the importance of ensuring that the conditions and hours of operation were appropriate and proportionate to the business while being robust enough to uphold licensing objectives, particularly focusing on the prevention of crime and disorder. The conditions submitted by the Applicant in the operating schedule, agreed conditions in the appendix, the verbal agreement on 30-minute drinking-up time, reducing the terminal time for alcohol sales by 30 minutes and reduction of licensable activities were welcomed.

The Licensing Authority submitted that there were still concerns in relation to the Licensing Objectives, dispersal and food arrangements and SIA door staff monitoring, preventing public nuisance, and crime disorder.

Ward Councillor, Councillor Sweeting, highlighted that the restaurant was located at the entrance to a large estate with many vulnerable residents, and its garden area is within 2 meters of a family house, raising safety and noise concerns. It was submitted that the proposal to operate the restaurant until 1:00 am was problematic due to its proximity to family housing and existing parking issues.

Local Resident, Janet Duncan noted that this was a helpful discussion and welcomed the change to the operating hours.

The Applicant wished to highlight to the Sub-Committee's that parking and planning was not relevant. It was highlighted that Mandala Restaurant and Lounge was a restaurant, not a nightclub or pub, and they had had any incidents of drunk people leaving their premises. The Applicant did not have any live music or DJs and would abide by the conditions.

COMMITTEE DELIBERATION

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

All parties were invited back to the meeting for the Chairman to announce the decision

of the Sub-Committee.

CONSIDERATIONS

The Sub-Committee listened to all representations made and considered the Responsible Authorities' recommendations. In addition, the Sub-Committee welcomed the conditions offered by the Applicant and their willingness to commit to the licencing objectives at all times.

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 for a new premises licence subject to the following conditions:

The opening hours between Sunday and Thursday shall be between 11:00 hours and 23:00 hours with the sale of alcohol until 23:00 hours. The opening hours on Fridays and Saturdays shall be between 11:00 hours and 01:00 hours with the provision of the sale of alcohol until 12:30 hours. The premises must also comply with the following conditions:

1. The maximum number of persons accommodated at any one time within the premises shall not exceed 110 (the maximum capacity set by the Fire Risk Assessment, or other capacity limit ever revised by the Fire & Rescue Service).
2. No patrons shall be admitted or re-admitted to the premises within 30 minutes of the applicable terminal hour except for patrons permitted to leave temporarily the premises to smoke.
3. No more than 5 customers shall be permitted to smoke outside the Premises at any one time from 21:00 hours daily.
4. The Premises Licence Holder shall ensure that all customers smoking outside the Premises are managed in such a way as to minimise disturbance and obstruction of the highway.
4. Customers temporarily permitted to leave the premises, e.g. to smoke, shall not be permitted to take drinks with them.
5. The Premises Licence Holder shall ensure that any customers queuing for entry to the Premises are managed in such a way as to minimise disturbance and obstruction of the highway.
6. The Premises Licence Holder shall develop, implement, and maintain a written Dispersal Policy for the Premises. A copy of the Policy shall be kept at the premises and made available to Responsible Authority Officers on request. Said Dispersal Policy to be prepared immediately and be made available for inspection upon request by the

Council. The Dispersal Policy to be reviewed annually.

7. No waste or recycling, including glass bottles, shall be removed from the Premises, nor placed externally between 20:00 and 09:00 the day following.

8. The bar areas must be regularly cleared of empty bottles and glasses.

The Prevention of Crime and Disorder

9. All alcohol shall be purchased from AWRS registered cash & carry and wholesalers.

10. All staff will have right to work in UK documents checked before being offered employment.

11. Any staff directly involved in selling alcohol must be authorised to do so in writing by the DPS. A record of the authorisation for each member of staff will be kept on the premises and made available for inspection by police and relevant authorities upon request.

12. The Premises Licence Holder must employ SIA Licensed Door Supervisors who are to be on premises on Fridays, Saturdays and Bank Holidays (including New Years Eve and Christmas Eve) from 21:00.

13. A log of all SIA Door Supervisors employed at the Premises containing clock in times and dates shall be kept on premises and made available for inspection by police and relevant authorities upon request. It will include: Name of SIA, SIA badge number, Time they start and finish.

14. The Designated Premises Supervisor (DPS), a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times.

15. A CCTV system covering the interior and exterior of the premises will be installed to current Metropolitan Police/Home Office standards and shall be kept operational at all times.

a) It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

b) At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours the request.

16. Challenge 25 shall be operated as the proof of age policy.

17. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

18. An incident book shall be kept at the premises, and made available to the police or

authorised council officers, which will record the following:

- a) All crimes reported
- b) Lost property
- c) All ejections of customers
- d) Any complaints received
- e) Any incidents of disorder
- f) Any seizure of drugs or offensive weapons
- g) Any faults in the CCTV
- h) Any refusal in the sale of alcohol
- i) Any visit made by a relevant authority or emergency services

19. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:

- a) That CCTV & challenge 25 are in operation;
- b) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
- c) Of the permitted hours for licensable activities & the opening times of the premises;
- d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

20. Any alcoholic beverages must be served by waiters to seated customers.

Protection of Children from Harm

21. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.

22. All staff be trained in 'Ask for Angela' and the DPS to be a member of the local pub watch scheme.

23. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.

Public Safety

24. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.

25. The means of escape provided for the premises shall be maintained, unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

The Prevention of Public Nuisance

26. No noise generated on the premises, or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This is to be approved by the Anti-Social Behaviour and Environmental Team.

27. Sound proofing by a qualified acoustics engineer to be installed so as to reduce

noise emanating from the venue, this is to be approved by the Anti-Social Behaviour and Environmental Team.

28. After 23:00 music be limited to background music only.

29. Windows and doors must be closed to prevent the transmission of noise.

30. Delivery drivers and staff shall be instructed to respect the needs of local residents including:

a) entering and leaving their vehicles quietly and considerately at a designated area of the premises

b) not leaving their vehicle engines running

c) ensuring that any recorded music being played in their vehicle is kept to a low volume at the premises

d) parking their vehicles considerately

e) using any smoking area quietly when on a smoking break

f) leaving the premises quietly at the end of their shift

31. A delivery management plan to be implemented immediately.

32. No incoming deliveries shall take place between 2000 hours and 0900 hours.

33. A contact number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

34. No drinking alcohol outside after 22:30 hours.

35. The bar area be limited to 10 patrons at any one time

36. A parking management plan be implemented be implemented immediately.

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

This decision Notice will be circulated to all parties within 5 working days.

	The meeting, which commenced at 10.00 am, closed at 2.15 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655 or ateji@hillington.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.