



HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Licensing Act 2003 S53A-53C
Interim Steps Hearing for
RE Bar, 163 Field End Road, Eastcote

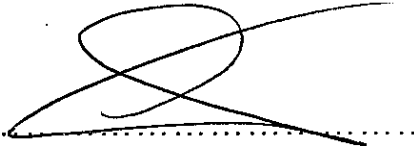
Hearing: 16 October 2015

Sub-Committee: Cllr Dominic Gilham (*Chairman*)
Cllr Carol Melvin
Cllr David Yarrow

Legal Adviser: Beejal Soni

Licensing Officer: Stephanie Waterford

Committee Clerk: Charles Francis

Chairman 
Cllr Dominic Gilham
Dated: 20/10/15

This notice confirms the decision of the Licensing Sub-Committee made at a meeting on Friday, 16 October 2015.

THE APPLICATION

The London Borough of Hillingdon received a representation at 10:31am on 15 October 2015 for the reconsideration of the interim steps imposed by the Sub-Committee on 13 October 2015 for the premises known as RE Bar, 163 Field End Road, Eastcote('the Premises'). The representation sought to have Interim Condition 6 amended so that it would read:

".... or readmittance (except for smokers who have been smoking in a designated smoking area which can be supervised by doorstaff)"

The Metropolitan Police Service submitted correspondence confirming that there was no objection to the condition being amended as requested.

In compliance with the legislation, the Sub-Committee convened a hearing within 48 hours to reconsider the interim steps in light of the representation. This hearing was held at 15:00 hours on 16 October 2015.

ATTENDANCE

Stephanie Waterford, of Regulatory Services presented the report to the Sub-Committee. The Premises Licence Holder and his legal representative indicated in the representation that they would not be attending the hearing in order to save costs. The Metropolitan Police Service did not attend the hearing.

THE HEARING

The hearing began in Part 2 at 15:00. Stephanie Waterford introduced the report to the Sub-Committee outlining the amendment sought by the Premises Licence Holder. Legal advice confirmed that the Sub-Committee could proceed to determine the application in the absence of the Premises Licence Holder and/or his legal representative.

Councillors queried the drafting of the amended clause as provided by the legal representative. In particular, they were concerned that despite having agreed to cut

off entry and re-entry at midnight, the amended clause appeared to remove all reference to midnight. The Licensing Officer advised that the existing condition on the licence, prior to the imposition of interim steps, was not clear and precise in stating whether the last entry an hour before closing applied to both new and existing patrons. Councillors were concerned that the absence of the Premises Licence Holder and/or his legal representative did not allow them to gain clarity on the drafting of the amendment sought. Councillors were advised that they could, if they so determined, modify the condition in a manner that would promote the licensing objectives.

Councillors further queried whether it was feasible to designate part of the public highway as a smoking area. Concerns were also raised about the nature of supervision by door staff and whether it would distract from their primary role and additional searching requirements. The Licensing Officer confirmed that it was practice at some licensed venues to have temporary barriers to erect queuing systems on the public highway. Those barriers could also be used to demarcate a smoking area.

The Sub-Committee then adjourned to consider its decision. In considering the reasonableness of the interim steps imposed on 13 October 2015, the Sub-Committee concluded that one special event evening on 31st October 2015, for a period of 1 hour, was the only point at which the Premises Licence Holder's business may be negatively impacted by the interim conditions imposed. The Sub-Committee determined that the negative impact on business was not a consideration which would promote the licensing objectives.

The Sub-Committee considered that their initial concerns regarding an aggressor seeking entry/re-entry had not been addressed in the representations. The Councillors were also concerned that the amendment sought would effectively remove the restriction on entry and re-entry after midnight, effectively removing the safeguard that was meant to ensure an orderly wind down and end to licensable activity in a secure environment.

THE DECISION

The Sub-Committee has considered the representation made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Home Office Summary Review Guidance, the Council's Statement of Licensing Policy, the Licensing objectives and the Public Sector Equality Duty. The Licensing Sub-Committee has come to the following decision:

The Sub-Committee has decided on a balance of probabilities that it is proportionate not to make any amendment to the interim steps imposed on 13 October 2015.

Right to Make Representations

The holder of the Premises Licence may make further representations to the Licensing Authority about the Council's decision to take interim steps. Those representations should be sent to the Regulatory Services, 3S/08, Civic Centre, High Street, Uxbridge UB8 1UW or licensing@hillingdon.gov.uk. The holder of the Premises Licence is advised that representations which are frivolous, vexatious or repetitive will not be considered.

There is no separate right of appeal against this decision to the Magistrates Court.