

Application for the grant of a Premises Licence: Staycity

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens Licensing Officer Ex 01895 277067 (7067)
Papers with report	Appendix 1 - Officer Recommendation Appendix 2 - Application for the grant of a premises licence including proposed plan Appendix 3 - Representations from Interested parties Appendix 4 - Map of the area and photograph of the premises
Ward name	Botwell

1.0 SUMMARY

To consider an application for a Premises licence in respect of Staycity Heathrow, High Point Village, Hayes, UB3 4FL and representations against the application received from four interested parties and a petition of 68 signatures.

2.0 RECOMMENDATION

That the Sub-Committee GRANT the application with recommendations / conditions set out in Appendix 1.

3.0 APPLICATION

The new Premises Licence application has been made by John Gaunt & Partners solicitors acting for Staycity Heathrow Ltd. Company No 07687878.

3.1 Type of application applied for New Premises Licence

3.2 Description of premises

The premise as a whole is a serviced apartment hotel consisting 269 one and two bedroom apartments. The areas identified as the proposed licensed areas are situated over two floors of the hotel being the ground floor lobby / coffee lounge and the first floor restaurant and terrace.

The hotel is part of the Point Village development adjacent to Hayes and Harlington Station. The relatively new development consists of a number residential blocks consisting of flats and shops.

There is an extensive description which can be seen on Page 4 of the application.

3.3 A copy of the application form and premises plan is attached as **Appendix 2**

3.4 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>
Sale of Alcohol:	Consumption on the premises	x
	Consumption off the premises	x
Regulated Entertainment:	Plays	
(Indoors Only)	Films	
	Live Music	
	Recorded Music	
	Performances of dance	
	Indoor Sporting Events	
	Boxing/Wrestling	
Late Night Refreshment (on and off the premises)		x

3.5 Licensable Activity Hours

	Proposed hours for Premises Licence Alcohol	Proposed hours for Premises Licence Late Night Refreshment
Monday	10.00-00:30	23:00-00:30
Tuesday	10.00-00:30	23:00-00:30
Wednesday	10.00-00:30	23:00-00:30
Thursday	10.00-00:30	23:00-00:30
Friday	10.00-00:30	23:00-00:30
Saturday	10.00-00:30	23:00-00:30
Sunday	10.00-00:30	23:00-00:30

Non Standard Timings

The premises shall remain open to permit the sale of Alcohol and Late Night Refreshment to hotel residents 24hours a day.

To permit the licensing activities from the beginning of business New Years Eve to the end of business New Years Day

3.6 Opening Hours

	Proposed hours for premises licence
Monday	06.00-01:00
Tuesday	06:00-01:00
Wednesday	06:00-01:00
Thursday	06:00-01:00
Friday	06.00-01:00
Saturday	06.00-01:00
Sunday	06.00-01:00

3.7 Operating Schedule and Conditions

- 3.8 The operating schedule, as proposed by the Applicant, can be found in the application form in **Appendix 2**.
- 3.9 Section 18 of the operating schedule demonstrates the steps the applicant proposes to take in order to promote the licensing objectives.
- 3.10 A full list of licence conditions which are consistent with the operating schedule as set out in section 18 are contained in **Appendix 1** (officers recommendation).

4.0 **CONSULTATION**

- 4.1 Closing date for representations
14th July 2016
- 4.2 Public Notice published in local newspaper
22nd June 2016 - Uxbridge Gazette

5.0 **REPRESENTATIONS**

5.1 **RESPONSIBLE AUTHORITIES**

No Representations were received from Responsible Authorities.

- 5.2 There are 4 representations from other parties

Interested Parties	Ground for Representation	Appendix
Kamil Shah	Crime and Disorder and Public Safety	Appendix 3
Simonetta Idili	Nuisance and Crime and Disorder	Appendix 3
Jasvir Panesar	Nuisance and Crime and Disorder	Appendix 3
Tony James Lead petitioner	All licensing objectives	Appendix 3

6.0 BACKGROUND INFORMATION

6.1 Designated Premises Supervisor

The proposed designated Premises Supervisor is Edion Bashllari.

6.2 Other licensed premises nearby

There are four off licensed local stores within 100 meters which are currently licensed to 23.00 weekdays and Saturdays. There are two public houses licensed with terminal hours from midnight weekdays to 01:00 or 02:00 at weekends.

Maps of the area and photos of the premises are attached as **Appendix 4**.

6.3 There has been no recorded Members Enquires for this site.

7.0 OFFICER'S OBSERVATIONS

7.1 Observations

7.2 This is an application to licence two areas of a 269 apartment roomed hotel. The areas subject to the application are on the ground and first floor levels. The ground floor area is the area covered by a reception and a coffee lounge and has direct access to Station Approach.

The first floor area which is above the reception is a restaurant and dining area being used and adapted into different functions throughout the times it is open to residents and the public. This area also has a terrace being an outside area which overlooks the station and hotel front entrance in Station Approach.

7.3 The application is for the licensable activities of Late Night Refreshment and Alcohol sales, both ending for the general public at 00:30 each day with an allowance for half an hour drinking up. Thereafter the premises can remain open for both activities for residents only but not for guests of residents.

7.4 The application has triggered a petition of 68 names on three pages. Two of the pages have the same heading and the third a slightly different heading. The third page indicates an objection to non residents using the bar.

7.5 S182 Guidance

The Committee's attention is drawn to the following particularly relevant section of the S182 Guidance:

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

7.6 Relevant sections of the Licensing Policy

- 14.5 Representations about an application must be made in writing to the Council's Regulatory Services Team within the statutory time limits.
- 14.6 Written representations include letters and emails. Representations received after the end of the public consultation period cannot legally be accepted and will not be considered by the Licensing Authority.
- 14.7 Representations must contain;
- a) The name, full address & post code, of the person making them;
 - b) The reasons for their representation;
 - c) Which of the four Licensing Objectives the representation relates to i.e. Crime and disorder; Public Nuisance; Public safety; Protection of children from harm.
- 14.8 Representations which do not meet this requirement may be rejected as being irrelevant or frivolous or vexatious.
- 14.9 Representations based on 'Need' for licensed premises, concerns the commercial demand for another pub, restaurant, off licence or hotel. This is not a matter for the licensing authority in discharging its licensing functions. 'Need' is a matter for planning committees and for the market. Representations made on the basis of need are likely to be rejected.
- 14.10 All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted.
- 14.11 Petitions may be submitted but are not as informative as individual correspondence and as such may be given less weight when considered by a Licensing Sub Committee.
- 14.12 Petitions will only be accepted if on each sheet it clearly shows
- The name and address of the application site
 - Reasons for the representation and
 - Which of the four Licensing Objectives are relevant
- 14.13 Each petitioner must give their name, full address including post code.
- 14.14 Failure to comply with any of the above requirements could lead to the petition being rejected.
- 17.1 Conditions on premises licences and club certificates are determined by:
- The measures put forward on the Operating Schedule
 - Mandatory conditions within the Act
 - Measures decided at a hearing by the Licensing Sub Committee
- 17.2 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will be used to

ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity.

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as antisocial behaviour once away from the premises or licensable activity.

8.0 LEGAL CONSIDERATIONS

When considering licence applications the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:

- grant the application.
- grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives
- exclude from the scope of the licence any licensable activity(ies) to which the application relates
- refuse to specify a designated premises supervisor
- reject the application

Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.