

Application for the grant of a Premises Licence: Village Cafe

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens Licensing Officer Ex 01895 277067 (7067)
Papers with report	Appendix 1 - Conditions 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 Appendix 5 - Index and Photographs
Ward name	Botwell

1.0 SUMMARY

To consider an application for a Premises Licence in respect of Village Cafe, High Point Village, Hayes, UB3 4FL and representations against the application received from five interested parties.

2.0 RECOMMENDATION

- 2.1 **That the Licensing Sub-Committee GRANT the application including the conditions suggested by the Licensing Officer, and those consistent with the operating schedule (Appendix 1)**

3.0 APPLICATION

The new Premises Licence application has been made by Mr Haval Sevhat for the premises Village Cafe.

3.1 Type of application applied for

New Premises Licence

3.2 Description of premises

The premises as a whole is a self contained lock up unit on the ground floor level in the High Point Village development. The development consists of various blocks of flats divided by communal areas.

The cafe which is viewable and accessible at street level affronts a communal area within a courtyard closed on three sides by private apartment accommodation beginning at one level above the ground (street) level.

Immediately outside the front of the cafe is an overhang of the building line being several meters in depth, this being the line of the building and apartments above. The overhang provides for some natural cover for outdoor seating for the cafe customers against the elements etc...

The full extent of the proposed licensed area, is shown on the plan submitted with the application **Appendix 2**.

Further photographs showing the indoor and outdoor seating are shown at **Appendix 5**.

3.3 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

3.4 Licensable Activity Hours

	Proposed hours for Premises Licence - Alcohol Sales	Proposed hours for Premises Licence - Late Night Refreshment
Monday	10.00-22:30	
Tuesday	10.00-22:30	
Wednesday	10.00-22:30	
Thursday	10.00-22:30	23:00-00:00
Friday	10.00-23:00	23:00-00:00
Saturday	10.00-23:00	23:00-00:00
Sunday	10.00-22:30	

3.5 Non Standard Timings

The following dates are listed in the application form without identifying the non-standard timings requested. Upon clarification with the applicant, it is confirmed that the application seeks one additional hour on the following dates: Christmas Day, St Patrick's Day and 21st March for Newroz (a day on the Kurdish calendar).

3.6 Opening Hours

	Proposed hours for premises licence
Monday	07.00-23:00
Tuesday	07:00-23:00
Wednesday	07:00-23:00
Thursday	07:00-23:00
Friday	07.00-00:00
Saturday	07.00-00:00
Sunday	07.00-23:00

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. These steps have been transposed into licence conditions in **Appendix 1**.

4.0 **CONSULTATION**

4.1 Closing date for representations
17th August 2016

4.2 Public Notice published in local newspaper
10th August 2016 - Uxbridge Gazette

5.0 REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

No Representations were received from Responsible Authorities.

5.2 There are 5 representations from other parties

Interested Parties	Ground for Representation	Appendix
Randhir Bilkhu	Nuisance	Appendix 3
Sean Ceney	Nuisance	Appendix 3
K Khan	Nuisance	Appendix 3
Richard Smith	Nuisance and Crime and Disorder	Appendix 3
Daniele Ria	Nuisance and Crime and Disorder	Appendix 3

6.0 INFORMATION

6.1 Designated Premises Supervisor

The proposed designated Premises Supervisor is Heval Sevhat

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. There is a hotel in the High Point Village complex with a licensed bar until 00:30.

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 this being a newly built and yet unused property.

7.0 OFFICER'S OBSERVATIONS

7.1 Observations

7.2 This is an application to licence a lock up shop unit which proposes to operate as a licensed cafe in an area of considerable private dwellings. The area subject to the application is on the ground floor level overlooked by apartments and within a public square.

7.3 The application has requested that both alcohol and refreshment can be sold for consumption off the premises. This would permit alcohol and food to be consumed at tables outside the premises or as a take away. It would also allow a delivery service to be provided. The application also has a reference to outside seating in section 14 but the plan submitted with the application does not denote any premises/consumption area beyond the building line.

7.4 The application description in section 5 refers to 40 to 50 covers. The inside of the cafe plan shows 20 covers. There is an expectation that the outside will accommodate 20 to 30 covers (note: 'covers' are the number of seats in a restaurant)

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.

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.