

Minutes

LICENSING SUB-COMMITTEE

13 September 2016

Meeting held at Committee Room 5 - Civic Centre, High Street,
Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors David Yarrow (Vice-Chairman) Brian Stead Janet Gardner</p> <p>Witnesses Present:</p> <p>LBH Officers Present: Luke Taylor, Democratic Services Officer Ian Meens Beejal Soni</p> <p>Also Present:</p>
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Cllr Gilham and Cllr Allen. Cllr Yarrow and Cllr Gardner were substitutes.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
3.	<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 items marked Part I would be considered in public, and items marked Part II would be considered in private.</p>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
5.	<p>PREMISES LICENCE IN RESPECT OF VILLAGE CAFE, HIGH POINT VILLAGE, HAYES, UB3 4FL (<i>Agenda Item 5</i>)</p> <p><i>Introduction by Licensing Officer</i></p> <p>Ian Meens, Licensing Officer at London Borough of Hillingdon, introduced the report relating to an application for the grant of a new Premises Licence in respect of the</p>

proposed premises, known as Village Cafe, situated at High Point Village, Hayes, UB3 4FL. The application had been made by the premises occupier, Mr Heval Sevhat.

The premises were a ground level lock-up shop consisting of two units in a relatively new build site. The applicant was one of the first to occupy a ground-floor unit that developers designed and incorporated into the site for business use. There is an outside area available for use that was part of a much larger central square built into the design. The application sought to license the area of the shop which had been operated as a café for about a month.

The new application sought to licence a café, being a food-led operation with the ability to serve alcohol, and provide hot food or drink, with alcohol being seen as secondary and complimentary, but not regulated as such. The proposed times for the sale of alcohol were between 10:00 and 22:30 from Sunday to Thursday, and between 10:00 and 23:00 on Friday and Saturday, and the application also proposed late night refreshment could be served between 23:00 and 00:00 from Thursday to Saturday.

It was noted that there was an addendum for the application, based on a submission from the applicant via e-mail, dated 24 August 2016. This outlined a plan of the area immediately outside the café building to demonstrate the area the applicant has available to use for outside seating. The addendum also included a minor adjustment reducing the original times requested for serving alcohol and opening, with the premises closing no later than 23:00. The Committee heard that this change in times was significant to the license application for late night refreshment, as this was only applicable when served between 23:00 and 05:00.

From the original application, the premises appears to be the shop alone, but addition of the seating area outside in the addendum and the change to opening hours should be taken into account when defining the area for the sale and consumption of alcohol and the application for late night refreshment.

The application had been put before the Sub-Committee due to the receipt of a number of representations that were made in relation to the application. There were five representations in total, all from local residents who live in the blocks of flats above or opposite the café, who stated concerns in relation to the application.

The Committee was invited to determine the application, and either grant, refuse, or amend the application as applied for.

Representation by the Applicant

Mr Sevhat addressed the Sub-Committee, and confirmed that he had been in the area for 13 years and previously ran the Hevalo Cafe on the High Street, and provided sandwiches to the civic centre.

The applicant stated that the representations were based on the assumption of noise concerns, as there had been no issues since opening, but confirmed that he had taken them into account and changed the opening times on his application. The licence application now proposed the last sale of alcohol takes place at 22.00, with the premises closing at 23.00. Mr Sevhat also confirmed that he would put up signs and staff would ask customers to leave the premises quietly. The Sub-Committee also heard that there were over 400 flats in the area, and five objections were very low as a percentage of those who live in the area.

Mr Sevhat told the Sub-Committee that there was an aim to improve night-time business in Hayes, but there were still very few businesses open after 17.00, and a

lack of places for people to sit and eat dinner with alcohol.

In response to a question from the Chairman, the applicant confirmed that there had been no actions in the surrounding area to cause concern during the café's first few weeks in operation, and that past experience in the area was possibly the reason for the objections, as well as youths gathering opposite the canal which lent itself to perceptions of crime in the area.

Members expressed concern that the square on which the site is located can act as an echo chamber, and if customers are noisy when leaving the site, the noise will carry. It was also noted that some residents have balconies that are close to the café.

The applicant confirmed that the design of the area does mean that noise carries through the square, but guests would be encouraged to leave the area quietly. Mr Sevhat stated that it was his belief that High Point Village and the square was designed to be an asset to the community, and that people would always gather in the square as that was the reason for its design. People may wish to sit outside to enjoy the area, and there is even a carnival planned in the square for later in the year. While the applicant noted that the staff will do what they can to reduce noise resonating from customers, he commented that noise will come from the square regardless of whether there is a café with an outside area open there. However, Mr Sevhat also stated that there were security cameras next door which would police the area and hope to prevent anti-social behaviour.

Discussion

The Chairman welcomed the applicant's comments on signage and cameras, and stated that the area was designed as a public square, but that noise would have to be monitored to ensure there was no late-night impact on residents. The Chairman also stated that while there is currently no evidence of issues in the area, there was a fear that noise nuisance may increase if alcohol is involved and the owner must ensure the business functions well in the community without a detrimental impact on local residents. However, the Chairman also noted that the windows of the residential building were acoustically sealed to prevent excessive noise nuisance.

Responding to questions from Officers, the applicant confirmed that the café had been open for three weeks and the outside area was part of the premises under the lease. Mr Sevhat also confirmed that the latest he had left the premises was 22.55, and if the premises closed at 22.00, then the last orders were placed at 21.45, with the final extraction at 22.30.

The legal advisor commented that if the licence was granted, orders could not be made outside as that would be outside the licence, and questioned if there any plans to introduce a table service. Mr Sevhat stated that orders must be made inside the premises, and then food and drink would be delivered to the customer by table service. The applicant also confirmed that there were no plans to introduce table service, although if there was enough public demand for the changes it would be considered. Mr Sevhat confirmed that if this was the case, he would apply for a licence for this, but for now there were no plans for table service.

In response to queries from the legal advisor, Mr Sevhat confirmed that the changes to opening times meant he was withdrawing his application for late night refreshment and that he had no objection to including the outside area within the boundary of licensable activity taking place. Mr Sevhat had applied for an off license because the outside seating was not included within the boundary of the licensed premises. Should this be

changed, he agreed there was no need for an off license.

The Chairman confirmed that during deliberation, the residents' representations that were received would be discussed and considered in any decision that was made.

Committee Deliberation

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

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

The Decision

RESOLVED:

The Sub-Committee considered all the relevant evidence made available to it, and in doing so took into account the Licensing Act 2003 objective to prevent public nuisance, Sections 2, 3 and Paragraphs 10.8 and 10.9 of the Guidance issued by the Secretary of State under Section 182 of the Act, Paragraphs 14.5-14.10 and 17.1 and 17.2 of the Council's Statement of Licensing Policy. The Sub-Committee has carefully considered its decision, taking into account residents concerns and the demands of the legislation.

The decision of the Sub-Committee is to grant the licence subject to the following conditions:

- 1. The Sale of alcohol is authorised between 10h00 and 22h00 Monday-Sunday;**
- 2. The opening times of the premises shall be 07h00-23h00 Monday-Sunday;**
- 3. Non-standard timings are not granted to the premises;**
- 4. The licensing premises is extended to include the outer seating area which forms part of the Applicant's lease.**
- 5. The conditions specified in Appendix 1 are accepted as conditions of the licence;**
- 6. Staff and management of the premises shall ensure patrons leave the premises in a quiet manner.**

The Sub-Committee has based its decision on the requirement to prevent nuisance. It is confirmed that the licence that does not include late night refreshment and off sales.

The meeting, which commenced at 2.00 pm, closed at 3.05 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Clerk to the Licensing Sub-Committee on 01895 250636. 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.