



HILLINGDON

LONDON

Meeting:	Licensing Sub-Committee	
Date:	18th July 2019	Time: 2pm
Place:	Committee Room 5	

ADDENDUM SHEET

Item: 1 Page: 1 Applicants response to representations.	Location: 1 - 3 pages
<i>Amendments/Additional Information:</i>	<i>Officer Comments:</i>
This is an official response to representations via the applicants licensing agent. Correspondence received on 17 th July 2019.	The additional information provides the committee with further information on how the premises will be managed. The information confirms the reduction in the hours of operation.
Item: 2 Page: 4 Location of residents	Location: Page 4
<i>Amendments/Additional Information:</i>	<i>Officer Comments:</i>
Location of local residents who have made representations.	The Licensing Sub Committee can ascertain the proximity to the premises that residents live.

APPLICANT'S RESPONSE TO REPRESENTATIONS

Background

This is an application for a variation to an existing premises licence, recently transferred to the Applicant. The current license is for the sale of alcohol in a restaurant from 1000 to midnight on weekdays and to 23.30 on Sundays, with late night refreshments until 30 minutes after the terminal hour for the sale of alcohol and recorded music. There are three conditions attached which include selling alcohol as an ancillary to table meals and restricting the number of persons excluding staff to 65. This suggests and is confirmed by the Environment team that there has been no issues with the operation of the Premises the past.

Prior to the application being submitted a review of the local authority Licensing Policy was undertaken to assess whether there were any local issues and the Police crime and statistics for 2018 & 2019 were reviewed to identify any particular issues. Apart from a spike of 5 ASBs in May 2019 there was no indication of anything out of the ordinary or exceptional. Furthermore the Licensing Authority and the Police were consulted on the application in an email dated 4 June 2019, (copy attached) albeit it is accepted that the applicant then increased the requested licensing hours to 2am, but see below. Whilst Licensing suggested a condition on off sales in a sealed container nothing was received from the Police.

The application was submitted on 6 June 2019 and properly notified with the last day for representations being 5 July. Neither the applicant nor its agent received any communication from any of the Responsible Authorities to discuss the application with the exception of a Licensing Officer who warned that there might be a hearing because some of the locals were minded to make representations for licensing applications. On Thursday 27 June a call was received to arrange a site visit on 3 July 2019; it is understood that this was attended by the Licensing Authority, Police and ASB & Environment Team. It is of note that all representations appear to have been received from Interested Parties on or after 3 July 2019 presumably after the Mark Oakley the ASB & Environment Officer spoke to some of them and handed out forms so representations could be made. It's also of note that that at least some of the representations relating to noise, made by both Responsible Authorities and Interested Parties refer to "live and amplified music"; this suggests that they have not read the application in detail and which clearly states at section 8 that ***"The music will be played occasionally for weddings and other parties celebrating family events and will be unamplified"***.

The Applicant and its business

The premises are operated by Mahalaxmi Catering Limited a company owned and run by Shiba Tiwari and Dharmesh Vaghela. The company successfully operates other premises as a bar and restaurant also known as the Aroma Lounge at 96 Llanover Road, North Wembley catering to the Asian community and without having had any issues promoting the licensing objectives

The Aroma Lounge at 134 Field End Road Eastcote has previously been run as an Indian restaurant and the new owners wish to adopt the same model as their premises in North Wembley catering for the Asian community. During the day and early evening customers are predominantly Asian families taking a meal and later on business people from the community having a meal and a drink after

work. The purpose of having a bar area to the front of the premises is for customers to have a drink after they have finished a meal in the restaurant or whilst watching sport on the TV screen. The premises are also available for weddings and other family party events associated with the Asian community.

The premises will not be marketed to and are not intended to appeal to other members of the public going out to partake of the night economy

Comments on representations made.

1. **Licensing hours** – the Company has subsequently agreed with the Licensing Authority to amend its application to reduce the licensing hours on Friday and Saturday to 0100 with a closing time of 0130.
2. **Serving food** – last orders will be 2230 Sunday to Thursday and 2315 Friday and Saturday
3. **Smoking outside the premises** – the applicant will post signs at the entrance requesting no more than 3-4 people to gather outside at any one time and they will be asked to be mindful of local residents and not create a nuisance through loud noise. Customers will not be permitted to take drinks outside with them and will be asked to dispose of cigarette ends in a wall mounted ashtray to be provided. The area will be regularly monitored by staff for tidiness and any issues with nuisance. If it becomes clear that too many people are congregating outside of the front to smoke the staff will ask customers to disperse or return inside as soon as they have finished smoking. It is therefore unlikely to create a nuisance or affect the local air quality.
4. **Dispersal of visitors** – owing to the nature of the clientele the applicant does not anticipate customers creating a nuisance when leaving. Nevertheless signs will be displayed at the exit asking customers to respect local residents and leave quietly. The applicant will also agree to a condition that there is no entry/re-entry after midnight with the exception of customers smoking outside the front of the premises. The applicant does not see the need for door supervisors but will monitor and reassess the situation if necessary.
5. **Live music creating a nuisance**- live music will only be played on occasions when required for wedding and other family parties. The band normally consists of a Sitar, guitar, Harmonia and one singer playing Asian music which as stated in the original application will not be amplified. The ceiling of the Premises has been soundproofed to prevent noise travelling up to the residential accommodation above. There are no windows to the front of the Premises that are capable of being opened and there is a double sets of doors with at least one set being closed at all times. In the event that even with these measures any live music creates a nuisance then the applicant will work with the Environment Team in order to reduce the impact.
6. **Crime and disorder** – the applicant does not believe that its style of operations will in anyway contribute to any public nuisance or antisocial behaviour that may already exist in the area. It does not offer cheap drink promotions or encourage customers to drink to excess. It does not tolerate drunken behaviour or operate in a manner consistent with those wishing to get drunk or take drugs as this would discourage its main customer base. It is company policy not to serve alcohol to anyone who appears to be intoxicated and anyone

attempting to enter the premises in such circumstances will be asked to leave immediately. The applicant asserts that it is unfair to place unrealistic conditions on its Premises Licence as a result of problems created by other premises nearby.

7. **Reduction in permitted times for under 16s using the premises** – part of the premises remains a venue for family meals and it is unrealistic to expect families to finish a meal before 2000 particularly on weekends. The Licensing Act permits under 18s to visit licensed premises accompanied by adults and no evidence has been put forward to suggest that doing so would harm children.

