

Minutes

LICENSING SUB-COMMITTEE

30 July 2019



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

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Simon Arnold John Oswell</p> <p>LBH Officers Present: Mark McDermott, Licensing Officer Kerrie Munro, Legal Officer Luke Taylor, Democratic Services Officer</p> <p>Also Present: Mr Paul Faith, Interested Party Mr Naveen Sagar, Applicant Ms Caren Westhead, Interested Party</p>
6.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
7.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
8.	<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 agreed that all items were marked Part I and would therefore be considered in public.</p>
9.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
10.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: EASTCOTE KARAHİ, 105 FIELD END ROAD, EASTCOTE, HA5 1QG (<i>Agenda Item 5</i>)</p> <p>Introduction by the Licensing Officer</p> <p>Mr Mark McDermott, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to an application for a new premises licence at Eastcote Karahi, 105 Field End Road, Eastcote, HA5 1QG, from Mr Naveen Sagar.</p>

The Sub-Committee was informed that the application submitted was for a licence to sell alcohol from 12:00 to 24:00 hours from Sunday to Thursday, and 12:00 to 01:00 on Friday and Saturday, and offer late night refreshments from 23:00 to 24:00 from Sunday to Thursday, and 23:00 to 01:00 on Friday and Saturday.

Mr McDermott noted that a previous licence at the premises had been surrendered, and although the applicant had made an effort to allay the concerns of local residents, it was recommended that the licence be granted with a reduction of the terminal hour for late night refreshment, the sale of alcohol, and opening hours, to midnight on Friday and Saturday.

Representation by the Applicant

Mr Naveen Sagar addressed the Committee and noted that the application was for a restaurant, and that he was conscious of the concerns of local residents, and had tried his utmost to satisfy these concerns, but this had to be balanced along with running a business.

Members heard that Mr Sagar did apply for a music element in his application, but has withdrawn this request following concerns from local residents, and while the application requested terminal hours at 01:00 on Fridays and Saturdays, Mr Sagar confirmed that he was willing to change this to 12:30.

The Committee was informed that the property previously ran as an Italian restaurant, and when purchased, the site was run down and in need of refurbishment. Mr Sagar noted that he had added soundproofing to the property, and installed silencers on the fan and canopy to ensure they were quieter and cause disturbances for local residents.

Mr Sagar stated that the proposed opening hours were consistent with neighbouring businesses, with most closing at 24:00 and the Ascott closing at 01:00 on Friday and Saturday. Furthermore, there was a high turnover of businesses in the area, and Mr Sagar had invested heavily in the premises, while also owning a licenced premises across the road, and requested some leeway to ensure he can run a successful business.

Responding to questioning from the Sub-Committee, Mr Sagar explained he had previously run an off-licence, and confirmed that he understood "Challenge 25" guidelines, and would implement this on his premises.

The Sub-Committee asked how the applicant would achieve the licensing objective of preventing public nuisance, particularly when customers leave the premises, and Mr Sagar noted that he would restrict activities outside the premises and make staff aware of the issues associated with customers making noise outside the premises late at night. Members were informed that, while it is difficult to control what people may do as they walk down the road outside the property, staff at the premises would be trained to control nuisance at the premises, signs would be placed on the doors asking customers to respect the neighbours and leave quietly, and staff would also offer friendly reminders of this.

Mr Sagar noted that the premises is not currently open, so any current concerns regarding the application were broader concerns that apply to the whole road, but if customers caused problems at the premises in the future, they could have their access restricted.

Representation by Interested Parties

Ms Caren Westhead addressed the Sub-Committee and noted concerns regarding the impact that the application would have on local residents. Ms Westhead noted that there had been many negative experiences with other restaurants in the area that close at 24:00, with customers or staff chatting in groups outside the premises until 01:30, cars collecting people, and noise from the kitchen.

Ms Westhead stated that she had not been consulted with despite living above the premises, and there were concerns about the noise from extractor fans and air conditioning units outside residents' windows. The Sub-Committee heard that most restaurants were closed before midnight, and that 24:00 should be an acceptable closing time for this premises too, as an extra 30 minutes opening time would not make a big difference to business.

The Chairman noted that some aspects of the application, such as fans and air conditioning units, were Planning concerns and the Licensing Sub-Committee was to make its decision based upon the Licensing objectives.

Ms Westhead expressed concern that another neighbouring premises closed at 24:00 but still had customers leaving and making noise at 24:30, while smokers also conversed outside the premises. Additionally, groups of people often purchased alcohol from the off-licence and then stood outside the neighbouring restaurant to drink this alcohol which created noise concerns for local residents.

Mr Paul Faith also addressed the Sub-Committee, and stated that he had no objections to the granting of the licence, but asked that the terminal hour be 23:00, as this was still lead to customers leaving at 23:30 following "drinking up time". Mr Faith stated the applicant did not speak to the objectors to find a solution, and the application would lead to noise nuisance which would affect many of the young families who live in the block, as they may not be able to sleep.

The Discussion

Responding to the Chairman, Mr McDermott confirmed that there had been no police reports, or recorded instances of anti-social behaviour, environmental health concerns or Members' Enquiries related to the premises.

The Sub-Committee asked Mr Sagar about access to the kitchen and bins, in relation to noise concerns, and were informed that there was a rear exit door from the kitchen, but this would remain closed from 19:00 onwards, as ventilation and fresh air systems had been installed to ensure the staff were comfortable in the kitchen. Waste would be stored inside the premises until the following day, and would only be taken out at sociable hours.

With regards to the noise generated by smokers and taxis, Mr Sagar confirmed that staff would be trained to speak to customers and ask them to keep noise to a minimum when smoking, and staff would also offer to arrange a taxi for diners leaving the premises, and would be happy to accommodate the customers inside the restaurant until their taxi arrived.

Mr Sagar noted that the concerns from residents did not related to his premises, and he did not speak with the objectors directly for fear of breaching protocol.

Responding to questioning from the Sub-Committee, Mr Sagar confirmed that any instances of nuisance would be recorded in any incident log, and management would also be made aware, and this would include any instances that arose from residents

making complaints. Mr Sagar also noted that he would give his own personal contact details to local residents as a direct contact for any concerns.

The Sub-Committee were informed by the applicant that the maximum number of covers in the restaurant was 90, but as it was a new business, it was not expecting this level of interest immediately. Mr Sagar also noted that the restaurant would operate a delivery service, but confirmed that he did not anticipate any deliveries after 23:00.

Closing Remarks

Mr Faith noted that there were other restaurants in the area, and customers may not leave the area quickly after their meal. Furthermore, if customers do leave the premises at the same time, it would be difficult for staff to deal with to keep noise nuisance to a minimum.

Ms Westhead stated that the capacity would exceed other local restaurants, and would lead to noise nuisance from customers and cars. The Sub-Committee heard that Ms Westhead wanted local businesses to succeed, but the impact of a licence with terminal hours of 24:30 was too much for local residents.

Mr Sagar noted that he had taken on-board the concerns of local residents, and would like to work with the neighbours to ensure these concerns were met. Mr Sagar commented that it was unfortunate that there were issues with other premises in the area, but he could not be held responsible for these restaurants, and would ensure that alcohol was only served with meals, and that customers were moved on at closing time. The Sub-Committee heard that Mr Sagar sought a family atmosphere at the premises, and any customers who were drunk or not in a fit state would not be serviced. The applicant confirmed he would prefer a terminal hour of 24:30, just in case it was needed for the new business, and asked the Sub-Committee to attach weight to the concessions he had already made to local residents in seeking the grant of the licence.

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

The Sub-Committee has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Objectives, Licensing Act 2003, Hillingdon's Licensing Policy, Paragraph 9.42 to 9.44, 10.10, 10.13, 10.15, 14.51 to 14.52, 22.1 to 21.5, 17.1-3 of the Guidance issued by the Secretary of State under Section 182 of the Act.

The decision of the Sub-Committee is to grant the application for a Premises Licence subject to the following conditions:

- 1. The Premises Licence shall be issued for the on sale alcohol consumption with table meals;**
- 2. The Premises opening hours, licensable activities and Late Night Refreshments will be Monday - Sunday between 12 noon to 12 midnight;**

- 3. No customers can re-enter the premises after 11:30 pm;**
- 4. The business external back doors shall be kept closed between 7pm and 9am, except for the immediate access and egress of persons;**
- 5. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. The form of identification shall contain their photograph, date of birth and a holographic mark.**
- 6. Any deliveries to the premises and emptying of glass goods shall take place between 9h00 and 18h00.**
- 7. Staff will be trained regarding appropriate steps to uphold the licensing objectives within 2 months of beginning employment. Records will be kept of such training which must be signed and dated by the members of staff who have provided and received that training.**
- 8. An incident log shall be kept with records of:
 - a. all refusals of sale of alcohol;**
 - b. any complaints regarding crime, disorder and nuisance;**
 - c. any authorisations to staff for the sale of alcohol;**
 - d. any visit from the Local Authority;**
 - e. All instances when the CCTV is not fully in working order.****

The Premises Licence Holder shall ensure that the incident log is checked, signed and dated on a weekly basis by himself or an authorised employee acting in place of the Designated Premises Supervisor.

- 9. The incident log will be held and maintained at the premises and will be available for immediate inspection immediately upon request of the Metropolitan Police Services and/or any Responsible Authority.**
- 10. The premises shall install a CCTV system prior to opening the premises for business.**
- 11. The CCTV system shall be maintained in good working order, covering all public areas of the licensed premises, including all public entry and exit points, the street environment in front of the business;**
- 12. The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door;**
- 13. A CCTV monitor shall be provided at the bar which has the capability to show images of all the cameras for the information of staff;**
- 14. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 31 days.**

15. **A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or any authorised officer of the London Borough of Hillingdon. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.**
16. **An incident log shall be maintained to record all instances when the CCTV is not fully in good working order. The log will record the date the malfunction was noted, the date repair work was requested and the date that the repair work was carried out.**
17. **No sale of alcohol shall take place when the CCTV system is not fully in good working order;**
18. **Fire safety alarm system shall be installed;**
19. **Staff must be trained in respect of evacuation procedure;**
20. **All refuse shall be kept in waste containers;**
21. **No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises that gives rise to a nuisance;**
22. **Notices shall prominently displayed near the entrance and exit doors requesting patrons to respect the needs of local residents and leave the area quietly; and,**
23. **Staff shall monitor customers smoking outside the premises on a regular basis to ensure patrons do not cause a public nuisance.**

Right of Appeal

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, one day after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 10.00 am, closed at 12.09 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on 01895 250 693. 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.