

Minutes

LICENSING SUB-COMMITTEE

9 September 2019

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



	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Brian Stead Lynne Allen</p> <p>LBH Officers Present: Mark McDermott - Licensing Officer Kerrie Munro - Legal Services Officer Anisha Teji- Democratic Services Officer</p> <p>Also Present: Ann Wright – Interested Party</p>
17.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
18.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interests.</p>
19.	<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 all items were marked as Part I, and would therefore be considered in public.</p>
20.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
21.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: CHAI ROOMS (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Officer</p> <p>Mark McDermott, Licensing Officer at the London Borough of Hillingdon introduced the report and photographs relating to the application for a new premises licence for Chai Rooms, 219 Field End Road, Eastcote, Middlesex HA5 1QZ. A background and chronology of events was provided and the addendum was highlighted.</p> <p>An application was made to sell alcohol for consumption on the premises, for the</p>

provision of regulated entertainment and late night refreshments between the hours of 10:30 - midnight Sunday to Thursday and 10:30 – 01:00 hours on Friday and Saturday. It was clarified that although the application indicated music would take place both inside and outside the premises, this was an error. Music would only be played inside the premises.

There were residents that lived in close proximity of the premises and they had raised concerns in relation to the premises potential contributing to ongoing issues of anti-social behaviour and noise levels in the area.

The premises also had a licence that had been suspended since 19 May 2015 due to a non-payment of annual fees.

A recommendation was made to grant the licence but with a reduction of hours on Friday and Saturdays from 10:30 – midnight due to the close proximity of residential properties.

Representations by applicant and applicant's representative

The applicant – Mr Kaushal Jayeshkumar Shah and the applicant's representative – Mr Surendra Panchal addressed the Committee.

The Committee was informed that the applicant was not aware that a previous licence existed at the premises until after he had made a new application. It was accepted that the licence could have been transferred.

It was noted that the applicant had previously operated premises of a similar nature and had experience in this area. It was submitted that the applicant understood the four licensing objectives and further training would be provided to the applicant. Although the initial application stated that the music would be played inside and outside the premises, it was confirmed that background music would only be played inside the premises.

The applicant had met with responsible authorities regarding the application and no objections had been raised.

An amendment was made to the application with a suggested drinking up time of 12:00 and premises closure at 12:30. It was noted that there would only be dancing on occasions. It was further noted that if there were events until 01:00 two security guards would be employed.

Responding to Member clarification questions, it was confirmed that there would only be occasions approximately once a month and extra SIA trained security would be employed. It was also confirmed that the premises had a maximum capacity of 45 – 50 and there was a separate incident and refusal log book.

Representations by Interested Parties

Ann Wright addressed the Committee and submitted that there were already issues in the area with noise and anti-social behaviour. If this application were to be granted, this would add to the issues. Further, it was submitted that the level of noise and cooking smells would cause a nuisance to residents living near the premises. There was already a lot of police presence near Eastcote station due to anti-social activities and it was submitted that a bar with music would add to the attraction as a meeting place.

Responding to Member clarification questions, it was confirmed that any previous issues had been addressed directly with the landlord at the time. There had been no reports to the police or Council.

The Committee noted the written representations made by Mr Stephen Carroll.

Discussion

- It was confirmed that the Committee could only take into account noise levels not smell nuisance.
- The applicant had experience of running a premises of a similar nature, he was the owner of a restaurant/bar and had two and a half years' experience running the premises. There had been no major issue save for the disposal of cigarette butts. To resolve this issue, the applicant had put up notices and a cigarette disposal box so that that butts could be thrown in there.
- The premises had a capacity of 45-50 people.
- The smoking area would be at the front of the shop and the number of smokers going in and out of the premises would be managed by staff. It was unlikely that there would be more than five people smoking at the same time however, if there were, staff would be properly trained to ensure they could manage any issues.
- It was confirmed that that people would be served drinks with their food.
- It was explained that there would be no deliveries between 10:00 – 19:00.
- When questioned on how the applicant would ensure customers left the premises quietly, it was explained that there would be a minimum of five members of staff on the premises and there would be visible notices reminding customers of noise levels. It was explained that if customers made too much noise, they would be asked to leave the premises and the police would be called in serious circumstances. All incidents would be recorded in the incident log book.
- If neighbours raised issues about noise nuisance, the applicant would speak to them directly and record any incidents in the incident book.
- The back door purposes and layout of the back was explained to the Committee and it was suggested that drop off to the bin would only be twice a day. It was submitted by the applicant's representative that the drop off to the bin area could not be specified due to the need to comply with other food trading regulations.
- It was highlighted that the regular access through the back door, in particular to the bin area, could increase noise levels for residents.
- It was confirmed that last orders and last entry would be at 23:00 Friday to Saturday and 22:00 Sunday to Thursday.

Closing remarks

Mrs Wright emphasised the noise issue concerns and the impact on local residents.

There were no further submissions from the Licensing Officer.

The applicant's representative submitted that the applicant had two and half years' experience of running a similar premises. Although the applicant had suggested two drop off to the bins, it was submitted that this may be difficult due to comply with food regulations and standards. The applicant emphasised that the premises would be run as a normal bar/ restaurant and there would be no issues with noise.

The Committee was asked for the licence to be granted and informed that the applicant was happy to comply with any conditions.

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,

Section 182 of the Act Paragraphs 9.42 to 9.44, 10.10, 10.13, 10.15, 14.19, 14.51 - 14.52;

Hillingdon's Licensing Policy,
22.1 - 21.5, 17.1-17.3 of the Guidance issued by the Secretary of State under

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 will be Sunday to Thursday hours 10:30 am .to 12 midnight, and Friday to Saturday hours 10:30 to 00:30 am;
3. The licensable activities will be Sunday to Thursday hours between 10:30 am to 23:30 pm; and Friday and Saturday hours 10:30 to 00:00 am;
4. No customers can re-enter the premises after on Sunday to Thursday 10 pm and Friday / Saturday 11pm;
5. The business external back doors shall be kept closed between 11pm and 8am, except for the immediate access and egress of persons;
6. The Licence holder must hire two SIA security staff when the will have Private Function, between hours of 22:00 hrs and closing hours;
7. There will be no more than 5 persons smoking at any one time outside the business premises. Staff shall monitor customers smoking outside the premises on a regular basis to ensure patrons do no cause a public nuisance;
8. 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;
9. Any deliveries to the premises and emptying of goods shall take place between 9h00 and 18h00;

10. 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.

11. An incident log shall be kept with records of:

- i.
 - 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.
- ii. 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;
- iii. 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;

12. The premises shall install a CCTV system prior to opening the premises for business.

- i. 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;
- ii. The CCTV shall be capable of recording a clear facial identification of all persons entering the premises by the main entrance door;
- iii. 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;
- iv. 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;
- v. 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;
- vi. 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; and
- vii. No sale of alcohol shall take place when the CCTV system is not fully in good working order;

13. Fire safety alarm system shall be installed, and Staff must be trained in

respect of evacuation procedure;

15. All refuse shall be kept in waste containers;

14. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises that gives rise to a nuisance;

15. Notices shall prominently displayed near the entrance and exit doors requesting patrons to respect the needs of local residents and leave the area quietly;

Right of Appeal

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.

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 meeting, which commenced at 10.00 am, closed at 11.55 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655. 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.