

Minutes

LICENSING SUB-COMMITTEE

5 December 2019

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Roy Chamdal (Chairman) Janet Gardner Allan Kauffman</p> <p>LBH Officers Present: Jhini Mukherjee – Licensing Officer Chantelle McLeod – Legal Services Officer Anisha Teji – Democratic Services Officer</p> <p>Applicant for the Review: Daniel Ferrer – Licensing Authority</p> <p>Licence Holder and Representatives: Mr Abouzeid Ahmed – Licence Holder Mr Surendra Panchal – Licence Holder Representative Mr James Rankin – Licence Holder Representative</p> <p>Witnesses Present: Janet Davis and Errol Edghill Janice Hopper PC Dave Butler</p> <p>Interested Parties Present: Oliver Darius – Food, Health and Safety Team Tom Craig – Interested Party</p>
37.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
38.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
39.	<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 there were no Part II items and that all business would therefore be conducted in public.</p>

40. **MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT** (*Agenda Item 4*)

Two addendum bundles had been circulated to parties prior to the meeting.

41. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE: THE PRINCE OF WALES** (*Agenda Item 5*)

Introduction by Licensing Officer

Jhini Mukherjee, Licensing Officer at the London Borough of Hillingdon introduced the report, addendums and photographs relating to the application for a review of a premises licence for the Prince of Wales PH T/A Sahara City on 1 Harlington Road, Hillingdon, UB8 3HX. A background and chronology of events was provided and the addendum was highlighted.

The review application submitted by the Licensing Authority requested for the removal of the DPS, to modify the conditions on the existing licence and replace the existing plan with the proposed plans as shown in the addendum. It was confirmed that the Licensing Authority has already received a change in designated premises supervisor (DPS) application on 29 November 2019.

A number of representations had been received in objection on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety from residents, the local Ward Councillor and Food, Health and Safety. These representations can be found in the agenda papers.

It was noted that the Licensing Officer had visited the premises on 17 October 2019 and displayed a blue notice on one of the doors of the premises which was prominently visible to passers-by. Appendix 8 demonstrated photographs of the dates and the times when the notice was not displayed.

Representations by Applicant for the review - Licensing Authority

Daniel Ferrer, Applicant for the review, addressed the Committee and noted that a review application had been submitted on 17 October 2019 under s51 of the Licensing Act 2003 under the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm. It was submitted that the Licence Holder had not upheld the licensing objectives, there had been a lack of engagement to engage with the Licensing Authority, with numerous warnings being ignored.

It was noted that the nature of the premises had fundamentally changed from a traditional pub and it was submitted that the current premises licence did not reflect the current operation. The review had been brought before the Committee to deter any future breaches of the licensing objectives and to formalise conditions that would regulate the current operation of the premises.

Details on how the three licensing objectives had been breached were summarised for the Committee. It was highlighted that a violent incident had occurred on 8 August 2019 and the operators of the premises had not called the police.

It was submitted that the popularity of the premises had led to a negative impact on local neighbouring properties causing noise, disturbance, parking issues and the occasional confrontation by patrons visiting the establishment. It was also submitted that the layout of the premises did not correspond with the current premises licence.

It was noted that the removal of the DPS had been resolved to some extent and it was recommended that the conditions, as detailed in the agenda pack, be added to the licence. The repaired CCTV and the installation of the sound limit was welcomed by the Applicant and Licensing Authority.

In response to Member clarifications, it was confirmed that there was no evidence of under aging drinking at the premises, save for the police statement indicating this. It was also noted that any planning matters issues raised in the addendum were separate from licensing matters and the layout was not accurately reflected in premises plans.

Representations by Responsible Authorities: Food, Health and Safety

Oliver Darius, representative from the Responsible Authority: Food, Health and Safety, addressed the Committee and submitted that the representations made were around the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety. It was suspected that the Prince of Wales had been accommodating smoking since 2017, advice had been given from enforcement officers and visits to the premises had been undertaken. There had been a complaint in relation to food hygiene inspection and advice was provided regarding the use of parasols, the extent of cover and the proximity towards the boundaries of the premises.

Relevant parts of the Health Act were highlighted and further details regarding the smoking was provided to the Committee. To conclude, it was summarised that advice provided to the operators of Prince of Wales had been communicated, but this had not been taken into account particularly in relation to the layout of the back of the area and smoking in an enclosed place had still continued. No changes had been made as a result of the advice provided by the Food, Health and Safety team.

A site visit took place on 6 November 2019 and at the visit it was noted that the smoking shelters appeared to be very similar to a previous visit in 2018 and smoking continued in the substantially enclosed space.

In response to Member clarifications, it was noted that it was an offence to not take steps to stop smoking in a public place, the operation of shisha lounges accommodated in this way caused nuisance due to its noise being unabated by a lack of enclosure and the likelihood of smoke drifting from the premises across the boundaries and affecting neighbouring properties.

Representations from Interested Parties: Tom Craig (nominated on behalf of Deborah Craig)

Interested party Tom Craig (nominated on behalf of Deborah Craig) addressed the Committee and submitted that substantial noise coming from the back of the pub caused residents nuisance. The structure was not sound proofed, the loud music played was disruptive, and the amount of people leaving the premises at night time was also disruptive as various cars were moved causing traffic. As the bins had moved outside to the premises, there was a louder noise in the emptying of glass bottles and it was suggested that the bins should be put in the back.

In response to Member questions, it was confirmed that the interested party lived 50 – 60 metres away from the premises. It was noted that the playing of music was extremely loud not soundproofed and the time sheet log of noise disturbances was explored in detail.

Representations by Licence Holder and Licence Holder's representative

Mr James Rankin, Licence Holder's representative and Mr Abouzeid Ahmed, Licence Holder, addressed the Committee.

It was submitted that the blue notice was put up on 1 October 2019 on a side door of the premises and was brought down briefly due to cleaning purposes. The blue notices were then moved and placed in the front window of the premises. A photo from CCTV footage with the blue notice displaying the date and time was highlighted to the Committee.

In relation to 8 August 2019 incident, it was submitted that this was the only fight recorded in respect of the premises. A context of the incident was provided and it was submitted that in comparison to the previously run premises, this was an isolated incident. The Licence Holder was adamant that he had called the police in relation to the incident. There was one doorman at the venue and it was submitted that the suggestion that people had brought their own alcohol was unfair. All the evidence pointed to the statement of the police and it appeared that the young man had brought their own alcohol.

It was accepted that there was no CCTV on the premises at the time of the incident however it was highlighted that this had not been a condition at any time. Nevertheless, it was highlighted that the Licence Holder had CCTV at the premises, but it was not working at the time. Once it became apparent the CCTV system was not working, the Licence Holder instructed a company to install the CCTV and invoices of this was referred to in the addendum.

It was submitted that the Licence Holder had a number of improvements and works to the premises including a new building structure as a result of planning inspector outcome. It was submitted that there was no requirement for the Licence Holder to include the patio shelter in any plans put before the Committee, however accepted that the provision of hot food outside 11pm had been breached. As a result of the intervention from Council Officers, belly dancers had stopped in the outside area, the use of speakers had stopped and a condition on the timings for glass bottle disposals was welcomed.

It was noted that, save from Deborah Craig's representations, no other residents had made complaints regarding cooking smells for over two years. Despite this, the Licence Holder had had the kitchen/ kitchen extraction fan deep cleaned and degreased. Noise escape had been managed by the Licence Holder on 12 September 2019 and measures such as repositioning speakers and noise limiters to reduce the noise had been taken.

It was accepted that the premises was in a better condition than it had previously been in and the conditions put forward were accepted by the Licence Holder. It was noted that the application for the change of DPS had been made and was already in place.

In response to Member clarifications, it was noted that small bottles were not sold on the premises and the roller blinds had been removed from the structure on Thursday 28 November 2019. The size of the patio area and seating arrangements for the outside area were clarified for the Committee. The timings of the kitchen area were also clarified for the Committee.

The Committee was referred to the witness statements from a number of residents that supported the premises. It also heard from a number of witnesses including:

Witnesses: Janet Davis and ErRol Edghill

Both witnesses indicated that they had lived at the address for 11 years and explained the negative impacts of the previously run traditional pub. It was explained that there was constant police, live bands, racial abuse and it was a not nice venue towards neighbouring properties. Since the property has been taken over by the Licence Holder, the premises was much better run and noise was a minimum. The witnesses had noise reduction glass and there were no disturbances from loud music. The witnesses were asked to sign a petition against the application and they refused this as they did not see an issue with the premises.

Witness: Janice Hopper

The witness had lived near the premises for 22 years, there was some noise when bottles were disposed late at night but it was not unreasonable. When the noise became unreasonable, the witness had spoken to the Licence Holder and the matters had been addressed accordingly. The garden backed onto the premises and it was “not that bad”. It was a working premises, feedback was provided when issues arose and then the situation improved. The premises was now better run and it was a much better addition to the local area. There were also rarely troubles with parking.

Discussion

- PC Butler clarified that he was unable to speak on behalf of the police officer's statement case.
- It was confirmed that if a person raised a call then that person would receive a CAD number.
- The Licence Holder confirmed the operating hours of schedule for the Committee.
- It was confirmed that door staff were present on a regular basis, two at the door and there was security managing the parking area.
- It was noted that small bottles had never been sold on the premises.
- The way the kitchen operated was explained to the Committee.
- The Licence Holder had a good relationship with the local community and was always willing to engage and resolve any issues. An incident log was also kept by the Licence Holder.
- An immediate application for a change of DPS was completed by the Licence Holder. The Licence Holder would still have some day to day role in managing the business.
- There were no other antisocial behaviour or reports about nuisance to put before the Committee.
- It was clarified that a Just Eat – takeaway service ran from the premises, however as this had just started this was not busy.
- It was confirmed that between 10 and 12 cars could park on the premises for customer parking and there was also an overspill car park.
- 75% of customers were local.

Closing remarks

There were no further submissions from the Licence Holder except to acknowledge the concessions made by the Applicant.

The Food Health and Safety representative emphasised that it was on the Licence Holder to confirm that they were complying with any statutory requirements.

There were no further submissions from any other parties.

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 7.4, 7.6, 9.6, 9.7, 9.8, 10.5 and 10.11 and;
- Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003 in particular paragraphs 9.42 to 9.44, 10.8, and 14.19.

The decision of the Sub-Committee is to modify the conditions of the licence to include all those recommended by the responsible authority.

Conditions:

1. Staff shall be trained in dealing with disorder and staff training records to be kept at the premises available for inspection by the Police and authorised officers of the Council.
2. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a. The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b. The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - c. Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
3. Toughened glasses/drinking vessels shall be used in external areas including the garden and smoking area.
4. On Friday and Saturday evenings, there shall be a minimum of 2 door supervisors on duty from 1900 hours until 30 minutes after closing.
5. There shall be a register of all door staff on duty; signed by the door staff, recording their SIA numbers, start and end time of working shift. This register shall be kept at the premises and available for inspection by the Police and authorised officers of the Council.
6. A record shall be kept detailing all refused sales of alcohol. The record should include date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available to for inspection at the

premises by the Police and authorised officers of the Council at all times whilst the premises are open.

7. An Incident Log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) Any complaints received regarding crime disorder;
 - c) Any incidents of disorder;
 - d) Any refusal of the sale of alcohol;
 - e) Any visit by a relevant authority or emergency service
8. On Fridays and Saturdays, a Personal Licence holder shall be on the premises from 19.00 hours until the close of premises.
9. The premises shall install and maintain a comprehensive CCTV system covering the premises internally and externally. All entry and entry and exit points will also be covered enabling frontal identification of every person entering. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available on request of Police or authorised officers throughout the entire 31 day period.
10. There shall be at least one member of staff on the premises during trading hours who is able to operate the CCTV system so that footage can be viewed and downloaded on request by the Police or authorised officers.
11. No sale of alcohol shall take place when the CCTV system is not fully in good working order.

Prevention of public nuisance

12. No Patrons shall be allowed to use the external garden area of the premises after 23.00 hours on Sunday to Thursday and 00.00 hours on Friday and Saturday.
13. There shall be no admittance or re-admittance to the premises after (22h00) except for Patrons permitted to temporarily leave the premises to smoke.
14. Patrons permitted to temporarily leave and then re-enter the premises to smoke after 22h00 shall be restricted to a designated smoking area defined as (the front of the premises) and limited to (5) persons at any one time.
15. Loudspeakers shall not be located within the external garden area of the premises.
16. No noise generated on the premises, or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Notices shall prominently displayed near the entrance and exit doors requesting patrons to respect the needs of local residents and leave the area quietly.
18. A noise limiter shall be in use to ensure that noise from live performances do not

cause a nuisance to nearby residents.

19. Any deliveries to the premises and emptying of glass bottles shall take place between 12h00 and 17h00.

Prevention of Children from Harm

20. Staff shall be trained in responsible alcohol retailing. Staff training records shall be made available for inspection upon request by officers of a Responsible Authority.
21. A Challenge 25 scheme shall be operated at the premises. Only photographic ID shall be acceptable as proof of age (passport, photo driving licence, or PASS card).

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 1.50 pm.

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.