

Application for the grant of a Premises Licence: Wraps and Wings, 92 Field End Road, Eastcote, HA5 1RL

Committee	Licensing Sub-Committee
Officer Contact	Licensing Officer – Mark McDermott - 01895 277433
Papers with report	Appendix 1 - Application form and plan Appendix 2 - Representations from Interested Parties (2a - c) Appendix 3 - Map of the area Appendix 4 - Photo of the Premises Appendix 5 - Companies House Record Appendix 6 - Letter to objectors from applicant's representative
Ward name	Eastcote

1.0 SUMMARY

To consider an application for the grant of a new premises licence in respect of Wraps and Wings, 92 Field End Road, Eastcote, HA5 1RL. The application form and plan are appended as **Appendix 1**. The application has attracted three representations from interested parties objecting to the application. There have been no representations from any of the Responsible Authorities.

2.0 RECOMMENDATION

That the Licensing Sub-Committee consider an application for the grant of a new premises licence in respect of Wraps and Wings, 92 Field End Road, Eastcote, HA5 1RL.

3.0 APPLICATION

3.1 Licensable Activities

A new premises licence application has been made by Pinner Service Limited (Companies House record appended as **Appendix 5**); the application is to authorise Late Night refreshment at the premises, Monday to Sunday from 23.00 to 02.00 hours.

Opening times Monday to Sunday from 07.00 hours to 02.00 hours.

3.2 Proposed Hours for Licensable Activity

Monday	23:00 – 02:00
Tuesday	23:00 – 02:00
Wednesday	23:00 – 02:00
Thursday	23:00 – 02:00
Friday	23:00 – 02:00
Saturday	23:00 – 02:00
Sunday	23:00 – 02:00

3.3 Type of Application Applied For

New Premises Licence application pursuant to s.17 Licensing Act 2003.

3.4 Description of The Premises

The premises is an existing chicken restaurant/takeaway shop in a parade with residential premises above.

3.5 Other takeaway Licensed Premises nearby (shown on map appended as **Appendix 3**)

Premises	Address	Licensable Activities and Hours
Sam's Chicken	135 Field End Road London HA5 1QH	Provision of late night refreshment from 23.00 hours until 01.00 hours the following day, Sunday to Wednesday and until 02.00 Thursday to Saturday
Best Kebabs	176 Field End Road London HA5 1RF	Provision of late night refreshment from 23.00 hours until 00.00 hours, Sunday to Thursday and until 02.00 hours, Friday and Saturday.
Just Pizza Plus	206 Field End Road London HA5 1RD	Provision of late night refreshment from 23:00 to 00:30 Monday to Thursday, until 02.00 Friday & Saturday and until 01.00 on Sunday.
Village Pizza	214 Field End Road London HA5 1RD	Provision of late night refreshment from 23.00 hours until 00.30 hours, Sunday to Thursday and until 02.00 hours, Friday and Saturday.

3.6 Operating Schedule and Conditions

Section 18 of the operating schedule of the application demonstrates the steps the applicant proposes to take to promote the Licensing Objectives, which are as follows:

General

All four licensing objectives (b The Prevention of Crime and Disorder, c Public Safety, d The Prevention of Public Nuisance, e The Protection of Children from Harm).

1. The premises will close to the general public at 00:00 (midnight) to prevent any person walking into the venue. The kitchen may remain open, and the premises are permitted to offer delivery via on line order only until 0200 hours

2. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Council.

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Classification: Part I - Public

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.
4. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority or UK Border Agency without difficulty, delay or charge.
5. Any CCTV breakdown or system failure will be notified to the Police and Local Authority immediately & remedied as soon as practicable. Repair records / invoices shall be kept on site for at least 12 months and be readily available to be viewed by all authorised persons upon request.
6. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
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. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.
8. No persons carrying open vessels of alcohol must be admitted to the premises at any time.
9. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
10. A fire safety risk assessment will be completed as per Government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005) and produced to authorised officers of the council, the Police and the Fire Service upon request.
11. Staff will attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.
12. The licensee will provide adequate bins for use by customers and encourage their use.
13. The removal of rubbish to outside the premises will not take place between 2200 hours and 0700 hours.
14. During licensable hours there will always be a minimum of two members of staff present.
15. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. Staff shall carryout regular checks:
 - i) To ensure the area immediately outside the premises is clear of litter
 - ii) To monitor customer behaviour
 - iii) To ensure there is no outbreak of noise from the premises.
17. Staff will be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk.

18. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Refresher training across all points within the premises licence take place every 12 months. Records shall be kept at the premises and made available upon request to either Police officers or an authorised officer of the Council.

19. The licensee undertakes to use only experienced and reputable delivery companies whereby deliveries will only be delivered to the registered address as per the booking.

20. Delivery riders/drivers will be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.

21. There will be no takeaway service of food for immediate consumption - all food taken away is to be closed/wrapped up.

22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.

23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor by vibration be transmitted through the structure of the premises which gives rise to a nuisance.

24. No fumes, steam or odours shall be omitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

The Prevention of Crime and Disorder

See above.

Public Safety

See above.

The Prevention of Public Nuisance

See above.

The Protection of Children from Harm

See above.

4.0 CONSULTATION

4.1 Closing date for representations

13 April 2023.

4.2 Public Notice published in local newspaper

23 March 2023 – Harrow Times.

5.0 REPRESENTATIONS

5.1 We have received **three** representations from Interested Parties:

Interested Parties	Ground for Representation	Appendix
Cllr Nick Denys	Prevention of Crime and Disorder, Prevention of Public Nuisance,	2a
Cllr Ian Edwards	Prevention of Crime and Disorder, Prevention of Public Nuisance,	2b
Mr D.M. Penny	Prevention of Public Nuisance	2c

5.2 No Members' Enquiries have been received by the Licensing Service for this premises.

6.0 BACKGROUND INFORMATION

6.1 Map of the area and photo of the premises as **Appendices 3 and 4.**

7.0 OFFICER'S OBSERVATIONS

7.1 This is an application for a Premises Licence for an existing chicken restaurant/takeaway premises that are seeking to be authorised for the provision of hot food and drink between the hours of 23.00 to 02.00 every day. The premises are situated on a shopping parade with residential accommodation above; for the avoidance of doubt this is an application for a new premises licence even though the premises has traded previously until 23.00 hours. The proposal is for the premises to operate dine in and takeaway until midnight, with the premises closing to the public and then operating via online platforms only until 02.00 every day.

7.2 The representations received mainly raise the following issues:

- a) **The prevention of crime and disorder-** One of the representations refers to the potential of an increase in crime and disorder due to intoxicated persons congregating at the premises following visits to licensed premises in the vicinity. The premises will be closing to physical customers at midnight and the management of the premises up to this time needs to be considered. It should be noted that Section 182 of the Home Office guidance refers to the Police as being the main source of advice on crime and disorder and the Police have not raised an objection.
- b) **The prevention of public nuisance -** All the representations received from interested parties refer to this objective, namely the potential for an increase in nuisance given the closeness of residential dwellings to the establishment during the proposed hours of delivery and drivers causing a nuisance when collecting orders. These are valid concerns as in the quiet hours of the night when the ambient noise is reduced there is increased potential for disturbance. The applicant has proffered a condition regarding delivery drivers (see condition 20. above) and should the Committee be minded to grant the application, consideration should be given as to whether this condition is robust enough to uphold this objective. The potential for public nuisance has also been raised regarding customers loitering at the premises at the later hours and this is a valid consideration.

8.0 RELEVANT SECTIONS OF S.182 GUIDANCE

8.1 Determining actions that are appropriate for the promotion of the licensing objectives

At paragraph 9.42 it states that "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be".

At paragraph 9.43 it states that "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve".

At paragraph 9.44 it states that "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives.

However, the Revised Guidance issued under section 182 of the Licensing Act 2003 informs that it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business.

Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination".

8.2 Proportionality

At paragraph 10.2 it states, "Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.

Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided."

At paragraph 10.8 it states, "The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."

At paragraph 10.10 it states that "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late-night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives".

8.3 Hours of Trading

At paragraph 10.13 it states "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application"

At paragraph 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

8.4 Licensing Hours

At paragraph 14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

At paragraph 14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area.

The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

8.5 The Need for Licensed Premises

At paragraph 14.19 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

9.0 RELEVANT SECTIONS OF HILLINGDON'S LICENSING POLICY

9.1 Licensing Objectives – The Prevention of Crime and Disorder

At paragraph 10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made

once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.

At paragraph 10.3 Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however there is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.

At paragraph 10.6 Applications referred to the Licensing Sub-Committee where relevant representations have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered appropriate in respect of the Crime and Disorder objective.

9.2 Licensing Objectives – Public Safety

At paragraph 11.5 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Public Safety objective.

9.3 Licensing Objectives – The Prevention of Public Nuisance

At paragraph 12.1 Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. This may also include patrons outside a premises and the dispersal of customers. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.

9.4 Licensing Hours

At paragraph 25.1 Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously.

At paragraph 25.2 The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times.

At paragraph 25.3 Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case.

At paragraph 25.4 In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.

At paragraph 25.5 Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations

are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

9.5 Licence Conditions

At paragraph 20.1 Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act (current list included as Appendix G)
- Measures decided at a hearing by the Licensing Sub Committee

At paragraph 20.2 Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule.

At paragraph 20.3 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity. Conditions imposed by the Licensing Authority shall be appropriate, reasonable, and proportionate and should be determined on a case-by-case basis.

At paragraph 20.4 The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances.

10.0 LEGAL CONSIDERATIONS

10.1 When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

10.2 Members should note that each objective is of equal importance. There are no other licencing objectives, and the four objectives are paramount considerations at all times.

10.3 An application for a new premises licence may be made pursuant to s.16 and s.17 of the Act, and with regard to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42 and the licensing Act 2003 (Fees) Regulations 2005/79.

10.4 The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

- 10.5 Where relevant representations are made, the Licensing Authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary s.18(3)(a) Licencing Act 2003.
- 10.6 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licencing authority, frivolous or vexatious s.18(7) Licensing Act 2003.
- 10.7 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live within the vicinity of the premises. All applications will be decided on a case-by-case basis.
- 10.8 Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.18(3)(b) and (4) Licensing Act 2003, a decision can be taken: -
- i. To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - ii. To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
 - iii. To exclude any of the licensable activities to which the application relates;
 - iv. To amend the times for all or some of the licensable activities;
 - v. To refuse to specify a person in the licence as the premises supervisor;
 - vi. To reject the application.
- 10.9 Conditions will not be necessary if they duplicate a current statutory requirement. The licencing Authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 10.10 If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.
- 10.11 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- i. Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - iii. Foster good relations between persons who share relevant protected characteristics and persons who do not.
- 10.12 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics these are:
- i. age
 - ii. gender reassignment
 - iii. being married or in a civil partnership
 - iv. being pregnant or on maternity leave
 - v. disability
 - vi. race including colour, nationality, ethnic or national origin
 - vii. religion or belief
 - viii. sex
 - ix. sexual orientation

- 10.13 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.
- 10.14 Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.