

Minutes

LICENSING SUB-COMMITTEE

11 April 2023

Meeting held at Committee Room 5 - Civic Centre



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Darran Davies (Chairman) Janet Gardner Peter Smallwood</p> <p>LBH Officers Present: Daniel Ferrer, Licensing Team Manager Chantelle McLeod, Legal Officer Steve Clarke, Democratic Services Officer Steven Dormer, Licensing Officer Adam Stitson, Anti-Social Behaviour Team Leader</p> <p>Also Present: Sheraz Sheikh Ahmed, Applicant Mohamed Hassan, Proposed DPS Jeremy Phillips KC, Applicant's Representative PC David Butler, Responsible Authority PC Penny Brown, Responsible Authority Councillor Adam Bennett, Responsible Authority Thomas Craig, Interested Party Parampreet Sidhu, Interested Party Janice Hopper, Interested Party</p>
46.	<p>ELECTION OF CHAIRMAN (<i>Agenda Item 1</i>)</p> <p>The Democratic Services Officer opened the meeting highlighting that, as the Chairman of the Licensing Committee was unable to Chair the Licensing Sub-Committee Hearing, the Sub-Committee would be required to elect a Chairman for the meeting.</p> <p>It was proposed that Councillor Darran Davies assume the position of Chairman for the hearing. This was seconded and agreed.</p>
47.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 2</i>)</p> <p>There were no apologies for absence.</p>
48.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 3</i>)</p> <p>There were no declarations of interest.</p>

49.	<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 4</i>)</p> <p>It was confirmed that all items of business were marked Part I and would be considered in public.</p>
50.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>)</p> <p>None.</p>
51.	<p>APPLICATION FOR THE GRANT OF A PREMISES LICENCE: PRINCE OF WALES, 1 HARLINGTON ROAD, HILLINGDON, UB8 3HX (<i>Agenda Item 6</i>)</p> <p>It was highlighted that the applicant had submitted additional information to support their application on the previous working day to the hearing. The Sub-Committee moved to adjourn the hearing for a brief time whilst Members read and digested the additional information received. The Sub-Committee adjourned at 2.04PM and reconvened at 2.29PM.</p> <p>INTRODUCTION</p> <p>Steven Dormer, Licensing Officer, introduced the application for a new premises licence at the Prince of Wales, 1 Harlington Road, Hillingdon, UB8 3HX. Officers gave an overview of the application received and briefly summarised the representations received from responsible authorities and interested parties during the consultation period. The Sub-Committee were invited to determine the application.</p> <p>THE APPLICANT</p> <p>Jeremy Phillips KC, the applicant's representative, gave an overview of the application for the Sub-Committee noting that there was understanding that previous management at the premises had failed to uphold the licensing objectives and it was appropriate that the licence was revoked. It was highlighted that the new management was completely removed from the previous management structure. The Sub-Committee heard the reasons why the applicant was taking over the business and it was noted that food would remain the primary driving factor of the business, however, as with most establishments, customers would expect to have the ability to consume alcohol with their meal.</p> <p>The Applicant, Sheraz Sheikh Ahmed, was also present and stated that he would be happy with a condition to have the previous DPS, Mr Mohamed Hussain Abouzied, removed from any aspect of the operational management of the premises. It was also confirmed that the Applicant had the intention of starting as leaseholder to the premises and would seek to eventually become the freeholder. The Sub-Committee noted that the previous DPS was still currently the licence holder for the HMO directly above the premises, which was used to house some of the restaurant staff.</p> <p>RESPONSIBLE AUTHORITIES</p> <p>Daniel Ferrer, Licensing Team Manager, addressed the Sub-Committee on behalf of the Licensing Authority highlighting that, although the Licensing Authority appreciated that this was a new application, there remained concerns over the historic</p>

mismanagement of the premises and the links between the old management, A M Property & Development Ltd, and the new management, Game Measure Ltd; for example that both companies shared the same business address.

It was also highlighted that officers attended the premises in January 2023 and there were still concerns that the nature of the premises would not change, alluding to previous issues regarding underage drinking and violence. The Sub-Committee also heard that, even though there were no licensable activities taking place at the premises since its recent reopening, the Licensing Authority had still received complaints from residents, primarily relating to noise emanating from the premises and the disposal of bottles at unsociable hours.

Adam Stitson, Anti-Social Behaviour Team Leader, addressed the Sub-Committee on behalf of the Council's Anti-Social Behaviour Team noting that officers were grateful that the Applicant had already agreed to accept the ASB Team's proposed conditions. Officers notified the Sub-Committee of a recent visit conducted by the ASB Team regarding noise where advice was given to the management of the premises and assurance were made as to the adherence of the licensing objectives, particularly the prevention of public nuisance. By way of clarification, officers confirmed that there had been a decrease in complaints made to the Anti-Social Behaviour Team since the license to the premises had been revoked.

PC Penny Brown and PC David Butler, of the Metropolitan Police Service, were present and addressed the Sub-Committee noting that their priority was the prevention of crime and disorder. The officers highlighted previous issues at the premises, primarily associated with the previous DPS; they noted that the DPS was removed but continued being associated with the business; officers stated they support for a condition to ensure that the previous DPS had no involvement with the new business. The officers also sought assurances that the previous DPS would not be living in the HMO above the premises; the Applicant confirmed that the previous DPS was no longer involved with the business and no longer lived at the property.

Further concerns raised by the police pertained to the frequency of use for the ID scanner, the monitoring of the venue capacity, and whether under 18s would be allowed at the premises during later hours.

The Applicant's representative sought to highlight that many of the police's concerns were based on the previous management at the premises. Officers confirmed that when they saw the application for a new premises licence, there were concerns that there were still close links between the new and old management.

INTERESTED PARTIES

Councillor Adam Bennett, Ward Councillor for Hillingdon West, was present and addressed the Sub-Committee highlighting particular concerns received from residents with regard to parking, noise and patrons leaving the premises. The Councillor notified the Sub-Committee that they had received correspondence from five residents along the Uxbridge Road with regards to the premises in recent months, concerns included loud music emanating from the premises and worries about the conduct of customers as they egressed from the premises at closing time.

Thomas Craig, a local resident, had submitted a representation with regard to the application, they were present to address the Sub-Committee and raised a number of concerns. Most notably around the noise created by patrons of the premises, especially

when waiting outside for taxis and from the outdoor area to the back of the premises; related to this concern was an issue around anti-social behaviour. It was felt that the staff at the premises did not have the ability to take control of situation and manage the behaviour of patrons. Further concerns were raised with regard to parking in that, it was felt that there was insufficient parking on site, and the additional parking area was too far from the premises. The Applicant's representative assured the Sub-Committee that the front of house staff would be changed completely from the previous management's team.

Parampreet Sidhu, a local resident, had submitted a representation with regard to the application, they were present and addressed the Sub-Committee notifying them that they were a regular patron and had never experienced any issues at the premises. It was particularly highlighted that, recently, under Mr Hassan's management, the staff at the premises had appeared very well trained and kind mannered. In response to queries around whether they had been ID'd when visiting the premises, the resident confirmed that they were ID'd on their initial visits but as they became familiar with staff they were no longer ID'd.

Janice Hopper, a local resident, was present and the Chairman allowed them to address the Sub-Committee in respect of their experiences with the premises. They noted that they were a regular patron of the premises and were familiar with the previous management, they noted the historic mismanagement that took place and also stated that they were looking forward to getting to know Mr Hassan and the new staff. It was highlighted that there was an element of noise coming from the premises but it was not excessive and was expected when living so close to such an establishment.

DISCUSSION

The Sub-Committee sought clarification on what conflict management training would be given to staff, particularly the door staff where refusals of entry were concerned. The proposed DPS confirmed that door staff would be appropriately trained to handle refusals at the door and the service staff would be implementing a 'Challenge 25' policy and would be trained to refuse the sale of alcohol to underage or intoxicated patrons.

The Sub-Committee sought to establish the capacity of the premises, which was confirmed at 154 patrons, comprised of 60 front of house, 60 in the sheltered shisha/smoking area, and 34 in the non-smoking area. Members noted that the proposed DPS, Mr Mohamed Hassan, had worked at the premises under the previous DPS; it was stated that this was a part-time wait staff position whilst studying at university. Mr Hassan assured Members that, although he had worked under the previous DPS and had experienced the poor quality of management, he was far removed from the previous management structure and would be bringing a level of experience and professionalism to the role in order to uphold the core licensing objectives.

Previous issues around parking at the premises were highlighted as an ongoing concern. It was confirmed by the proposed DPS that there were 8 parking spaces onsite, with a further 27 spaces allocated to patrons of the restaurant a short walk away from the premises: in addition to the good public transport links. It was also stated that two members of staff would be trained to manage the car park.

The Applicant's representative informed the Sub-Committee that they would be happy to adhere to all of the conditions suggested by the Council's Anti-Social Behaviour

Team in their representation. Additionally, it was highlighted that the premises would now be utilising SIA approved door staff where historically this was not done. It was highlighted that the premises licence had previously been revoked in part due to underage drinking having taken place at the venue, the Applicant's representative confirmed management's intention to lease an ID scanner and to strictly enforce a 'Challenge 25' policy.

The Committee were informed of the new management's intentions for the premises in that they would seek to have a staff of 22 to 23 including chefs, wait staff and door staff. They would also intend to host a belly dancing showing in two 20-minute shows on Thursdays, Fridays and Saturdays; one show in the front of house and one show in the sheltered smoking/shisha area. It was confirmed that the music for the belly dancing show in the outdoor sheltered smoking/shisha area would come from the TVs situated in the area and not loud speakers. The Applicant's representative gave an overview to the Sub-Committee of the outdoor sheltered smoking/shisha area and highlighted that the noise emanating would be minimal, particularly when taking into account the background noise that would be endemic from the main roads adjacent to the premises, the Uxbridge Road and Harlington Road.

CLOSING REMARKS

Councillor Adam Bennett highlighted that, in light of what had been discussed at the hearing and as a representative of the residents of Hillingdon West Ward, his representation still stood with particular concern given to noise from the premises having an impact on nearby residents.

PC David Butler sought clarification that the staff present from the previous management would not be customer facing, it was confirmed that there were just three chefs and two wait staff present from the previous management's staff and that these staff members lived in the HMO above the premises. It was also confirmed that the two wait staff would be moving away soon and would no longer be associated with the business.

The Applicant's representative addressed the Sub-Committee highlighting that it was a completely new business venture and had no association with the previous management at the premises. It was also stated that the Applicant would be investing a significant amount of their own money into the business and that they had every reason to ensure that the core licensing objectives were adhered to and to make sure the licence was kept in order to make the business viable.

The Sub-Committee then adjourned the hearing and moved into private deliberations.

THE DECISION

The Sub-Committee took account of all representations made by all interested parties, both verbal and written. In addition, the Sub-Committee welcomed the conditions offered by the Applicant and their willingness to commit to the licencing objectives at all times.

The Sub-Committee considered all relevant evidence made available to it and in doing so took the following into account:

- **Licensing Objectives, Licensing Act 2003**
- **Hillingdon's Licensing Policy**

- **Guidance issued by the Secretary of State under S.182 of the Licensing Act 2003, in particular paragraphs 9.42 and 10.46.**

The decision of the Sub-Committee is to **GRANT** the application for a new premises licence subject to the following conditions:

The opening hours between Sunday and Thursday shall be between 1000 hours and 2330 hours with the sale of alcohol and the provision of late-night refreshment on the premises until 2300 hours. The opening hours on Friday's and Saturdays shall be between 1000 hours and 0030 hours with the provision of the sale of alcohol and the provision of late-night refreshment on the premises until 0000 hours.

The provision of regulated entertainment consisting of live music, recorded music and performance of dance is permitted to take place inside the premises between Sunday and Thursday until 2300 hours and on Friday's and Saturdays until 0000 hours.

There shall be no live music or performance of dance taking place in the external area of the premises. The provision of recorded music may only take place in the external area of the premises between Sunday and Thursday until 2200 hours and on Friday's and Saturdays until 2300 hours.

Save in the case of an emergency i.e. a sudden serious and dangerous event or situation which needs immediate action to deal with, Mr Mohamed Hussain ABOUZEID, shall not be permitted to enter the area of operation within the licensed premises whilst it is open to the public on any day. Nor shall he be employed by, or act on behalf of the Premises or the Premises Licence Holder in any capacity whatsoever whether directly or indirectly or provide any services for the Premises (directly or indirectly and whether for reward or otherwise).

The Prevention of Crime and Disorder

1. A record shall be kept detailing all refused sales of alcohol. The record must 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.
2. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
 - a) All crimes reported
 - b) Lost property
 - c) All ejections of customers
 - d) Any complaints received
 - e) Any incidents of disorder
 - f) Any seizure of drugs or offensive weapons
 - g) Any faults in the CCTV
 - h) Any refusal in the sale of alcohol
 - i) Any visit made by a relevant authority or emergency services
3. The premises license holder will ensure that all staff are trained commensurate with their roles at the premises in:

- a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
 - b) Dealing with incidents and the prevention of crime and disorder
 - c) Sale of alcohol (to underage persons, drunks etc.)
 - d) Crime Scene Preservation
 - e) Effects of drunkenness and how to prevent drunkenness on premises and support the Licensing objectives.
 - f) Welfare and Vulnerability Engagement
 - g) 'Ask for Angela' Scheme
4. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:
- a) That CCTV & challenge 25 are in operation;
 - b) Advising customers of the provisions of the licensing act regarding underage & proxy sales;
 - c) Of the permitted hours for licensable activities & the opening times of the premises;
 - d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.
 - e) 'Ask for Angela' scheme
5. 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.
6. 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
7. All training shall be signed, dated and a copy of such records will be available for inspection by Police and local authority enforcement officers.
8. All drinking vessels in which drinks are served shall be of strengthened glass (tempered glassware) in a design whereby in the event of breakage, the glass will fragment and no sharp edges are left. Alternatively, plastic type drinking vessels to above breakage specifications may be used.
9. On Friday's and Saturdays there shall be a minimum of 2 door supervisors on duty from 1900 until 30 minutes after closing.
10. All Patrons entering the premises 6pm on Friday's, Saturday's and UK Bank Holiday's shall be required to have their identity verified via the ID scanner machine.

11. 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 available for inspection by the Police and authorised officers of the Council.
12. The Designated Premises Supervisor (DPS), a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times.
13. The premises shall install and maintain a comprehensive CCTV system covering both the interior and exterior of the premises will be installed to current Metropolitan Police/Home Office standards and shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
 - a) It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
 - b) At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.
14. 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.
15. In the event that there is a failure in the CCTV system there shall be no sale of alcohol until system has been restored as per the minimum requirements of the Metropolitan Police Service.
16. Customers shall only consume alcohol which has been purchased from the premises.
17. All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:
 - a) must be logged and kept on the premises for the duration of the employment; and
 - b) must be retained for a minimum of 12 months after employment has ceased.

Protection of Children from Harm

18. All children under the age of 18 shall be accompanied by a responsible adult at all times whilst on the premises.

19. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol or age restricted items. Signs to this effect will be displayed at the premises. Challenge 25 posters will be displayed where alcohol is sold.
20. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
21. The premises licence holder will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.
22. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee.
23. A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
24. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

Public Safety

25. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.
26. The premises maximum capacity shall be limited to 154 patrons.

The Prevention of Public Nuisance

27. Notices shall be displayed requesting customers to leave the premises quietly from the premises. Staff/SIA licensed door supervisors shall also request patrons leave the premises quietly and without engaging in any anti-social behaviour.
28. Appropriate signage will be displayed, in a prominent position informing customers that they are being recorded on CCTV.
29. No Patrons shall be permitted to use the external area of the premises after 2300 hours between Sunday to Thursday and 0000 hours on a Friday and Saturday.
30. There shall be no admittance or re-admittance to the premises after 2200 hours on any day save for patrons being permitted to temporarily leave the premises to smoke.

31. Patrons permitted to leave the premises temporarily to smoke shall be restricted to a designated smoking area defined as (the front of the premises) and limited to (5) persons at any one time.
32. 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.
33. There shall be no amplified noise/music or speakers permitted in the external area of the premises.
34. Noise limiters shall be in use to ensure that any noise emanating from the TV/speakers does not cause a nuisance to nearby residents.
35. Dispersal policy to be provided to and approved by the Anti-Social Behaviour and Environmental Team.
36. No incoming deliveries or disposal of waste/emptying of glass bottles shall take place between 21:00hours and 08:00 hours.
37. An incident book shall be kept at the premises and made available to the police or responsible authority.
38. Hourly noise patrols during Regulated Entertainment with a record kept of noise patrols to be kept at the premises available for inspection by the Anti-Social Behaviour and Environmental Team.
39. A contact number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

Reasons:

The Sub-Committee are fully aware of the history of this venue and the problematic issues which gave rise to the licensing objectives being severely undermined however, having carefully listened to the representations made by all parties, it is clear that the issues which led to the previous licence being revoked were as a result of poor management of premises by the previous premises licence holder. As a result, Mr Abouzied, the previous licence holder will not be permitted on the premises whilst licensable activities are taking place and will not be involved either directly or indirectly in the management of the business.

The Sub-Committee recognise that this is a new application for a premises licence for a 'food-led' venture made by a new owner who has taken significant measures with regard to replacing the previous operating system to uphold the licensing objectives. The Sub-Committee welcome's the applicant's offer of conditions and new operating schedule in particular, the employment of SIA staff, additional car parking facilities, the instalment of an ID scanner machine and noise limiters shows commitment to upholding the licensing objectives.

The Sub-Committee were concerned to hear about there being reports of noise

nuisance believed to be emanating from the premises in March 2023. Having taken into consideration the various representations made by the responsible authorities and interested parties (both in support of the application and against), the sub-committee have determined that the robust conditions attached to the licence will serve to combat many of the issues that have previously plagued the venue, striking a fair balance in relation to the concerns raised by residents and the operating schedule of the business.

The Sub-Committee recognises the need for businesses to continue trading however, this must not be at the expense of local residents. Local businesses are reminded about their obligations to adhere to regulations to ensure the licensing objectives are being adhered to. Premises Licence Holders are expected to participate in Pub Watch and similar schemes in order to gain a fuller and up to date insight of the community they serve to help mitigate against risks.

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 Justices 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.

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm on Tuesday 11 April 2023, closed at 9.50 am on Friday 14 April 2023.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - email: democratic@hillingdon.gov.uk on . 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.