Licensing Panel – 18 May 2017

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER S17 LICENSING ACT 2003

Report by: Director of Regeneration, Economic Development & Environment Department

Summary

Members are requested to determine an application for the grant of a premises licence in respect of Chacha’z Limited, 4 Hamilton Parade, Groveley Road, Feltham.

1.0 RECOMMENDATIONS

The following options are open to the Panel:

(i) to grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions;

(ii) to grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or

(iii) to reject the application in whole or in part.

2.0 APPLICATION

2.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late night refreshment

This application was submitted by Chacha’z Limited, in respect of Chacha’z Limited, 4 Hamilton Parade, Groveley Road, Feltham, TW13 4PJ.

2.2 The applicant is apply for the following licensable activities and hours:

Sale of alcohol on and off the premises:
Monday to Thursday & Sunday 11:30 to 00:00
Friday and Saturday 11:30 to 01:00
Christmas Eve & New Year’s Eve 11:30 to 02:00

Live music, Recorded music, Performance of dance & Anything of a similar description:
Monday to Thursday & Sunday 11:30 to 00:00
Friday and Saturday 11:30 to 01:00
Christmas Eve & New Year’s Eve 11:30 to 02:00

Late night refreshment:
Monday to Thursday & Sunday 23:00 to 00:00
Friday and Saturday 23:00 to 01:00
Christmas Eve & New Year’s Eve 11:30 to 02:00
Hours premises are open to the public:
Monday to Thursday & Sunday 11:30 to 00:00
Friday and Saturday 11:30 to 01:00
Christmas Eve & New Year’s Eve 11:30 to 02:00

2.3 The application has been properly made and all procedures correctly followed. The application has been attached as Appendix A.

3.0 BACKGROUND AND HISTORY OF PREMISES

3.1 The premises are not currently licensed.

3.2 The premises are situated in an area of mixed commercial and residential properties.

4.0 OPERATING SCHEDULE

4.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003.

The measures proposed in the application and subsequent amendment by the applicant are listed in paragraphs 4.2 to 4.6 (inclusive) and will be attached as conditions to any licence as may be granted, where this is either an enforceable condition or does not repeat a provision of any other legislation. Conditions have been highlighted in bold italics for the avoidance of doubt.

Anything in non italics is a direct quote from the application and will not form conditions on any licence. The proposed conditions (in bold italics) have been re-worded in accordance with the Council’s licensing policy so as to ensure they are both measurable and therefore enforceable.

4.2 The prevention of crime and disorder

A CCTV system shall be installed and maintained in good working order and recordings will be kept for a minimum of 14 days. They will be made available upon reasonable request by Police and Council officials

The premises will operate a zero-tolerance policy to drugs and posters shall be displayed to that effect.

4.3 Public safety

Empty bottles will be collected and placed into locked bins.

Adequate lighting will be provided for patrons leaving the premises.

4.4 The prevention of public nuisance

Doors to the premises will not remain open more than it is necessary whilst regulated entertainment is taking place.

A reliable taxi firm details will be displayed clearly visible to customers.

Notices must be displayed requesting that patrons respect neighbours and leave the premises quietly and in an orderly manner and do not congregate outside the premises.
4.5 **The protection of children from harm**

The premises will operate a Challenge 18 scheme, where by no person appearing to be under the age of 25 will be served without proof of age.

The forms of acceptable identification will be either a photographic driving licence, a valid passport, military identification, or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of state.

All staff will be trained with regards to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken.

4.6 **General-applying to all objectives**

No measures proposed that are not already indicated above.

5.0 **STATEMENT OF LICENSING POLICY**

5.1 The following extracts from the Council's statement of licensing policy are brought to the general attention of members:

(3.1) When considering applications the Licensing Authority will have regard to:

- The Licensing Act 2003 and relevant regulations;
- Government guidance issued under section 182 of the Licensing Act 2003;
- Any supporting regulations (as may be issued and/or amended by the Secretary of State from time to time); and
- This Statement of Licensing policy

Applicants should also have regard to these documents when preparing their application.

(3.2) Each application will be considered individually on its own merits. This policy does not undermine the rights of any person to make an application under the Act for a variety of permissions or the right of any person to make representations or seek a review of a licence or certificate where the Act permits this.

(5.1) When determining applications, the Council will take into account the operating schedule submitted by the applicant, the suitability of the premises for the intended use, any cumulative impact policy which may be in effect and any representations received as a result of the consultation process.

(12.3) Should issues not be addressed within the operating schedule to the satisfaction of any responsible authority, resulting in representations being made, further appropriate conditions may be placed on licences. These conditions may be drawn from the local pool of licensing conditions (see Appendix B) or maybe specially formulated to be relevant to a particular situation. Conditions will only relate to matters which the licensee can be expected to control and will relate to the premises themselves, the immediate vicinity around the premises and will focus on the impact of those activities on those living, working or otherwise engaged in the area concerned. The licensing regime exists to ensure that licensed premises and events within the terms of the Act are regulated so that they are both safe and cause a minimum of disturbance.
(12.4) Conditions will only be placed on licences if they are considered appropriate to meet the licensing objectives. Duplication caused by licence conditions that are dealt with by means of other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to premises licences and club premises certificates that are appropriate for the promotion of the licensing objectives if not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the appropriate coverage. In such cases conditions will be imposed that are considered appropriate.

(12.5) The Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour of individuals once beyond the direct control of the licensee of any premises concerned. However, it should be noted that the licensee bears a degree of responsibility for persons not only in but also around the immediate vicinity of the premise, when those persons are either entering or exiting the licensed premise, or are loitering within the boundary of the premise.

Other mechanisms may be utilised where appropriate to tackle unruly or unlawful behaviour of customers when beyond the control of the individual Public House, club or business that holds the licence, certificate or authorisation concerned. These include:

- Planning controls;
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in and around the Borough, provision of public conveniences, street cleaning and litter patrols;
- Powers of the local authority or police to designate parts of the Borough as areas where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises that is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police and local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder, or noise emanating from the premises that is causing a nuisance; and
- The power of the police, other responsible authorities or local residents and businesses to seek a review of the licence or certificate in question.

Many of these activities are channelled through the community safety partnership that takes a wider view of such problems on a Borough wide basis.

6.0 **CONSULTATION**

6.1 In line with standard procedure and in addition to the requirements of the Act, the licensing authority has notified residents in the immediate vicinity (50 metre radius of the premises) that the application has been submitted.

6.2 The appropriate ward Councillors and neighbouring wards, local residents and responsible authorities have been consulted. The responsible authorities are; Licensing, Metropolitan Police, London Fire Brigade, Pollution Control, Health and Safety Team, Food Safety Team, Planning Department, Children's Services, Trading Standards and Public Health.

6.3 Of those consultees identified in paragraph 6.2, there have been six representations. Four representations from other persons concerned with the possible increase in noise nuisance and anti-social behaviour if the application is granted.

The representation from the Licensing Enforcement Officer outlines concerns with the hours that have been applied for and recommends amendments and an additional condition.
The representation from the Police shows the outcome of a meeting between them and the owner of the premises, with the outcome outlined in Appendix B2.

The representations in full have been attached as Appendix B1 & B2.

6.4 A copy of the report and all representations received have been sent to the applicant.

6.5 Those that have made representations have been informed of the time and date of the Licensing Panel meeting and have been informed of their right to attend.

6.6 Representations must be relevant to one or more of the four licensing objectives and must relate to concerns related to the subject premises specifically and not to the area as a whole, unless clear evidence (on the balance of probabilities) can be provided to show that concerns raised do/will relate directly to the inability of the premises to promote the licensing objectives.

6.7 All representations represent the views of the person making the representation and may not necessarily be factual. None of the representations or any summarisation of them represent the views of officers or the Council and must be considered on their individual merits and on the balance of probabilities as required by law.

7.0 LEGAL CONSIDERATIONS

7.1 Conditions may only be attached to the grant of a licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.

7.2 There is a right of appeal to the Magistrates Court by any party aggrieved by any decision of the Panel.

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<th>Background Papers:</th>
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| This report has been or is due to be considered by: | Licensing Panel |

| This report is relevant to the following wards/areas: | Feltham West |