

## LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10am on 20 July 2022

### Present:

Councillor Nicholas Bennett MA J.P. (Chairman)  
Councillors Mike Botting and Keith Onslow

### Also Present:

## 8 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed as Chairman for the meeting.

## 9 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 10 VARIATION OF THE PREMISES LICENCE AT TUGRA, 44 STATION APPROACH, HAYES, BR2 7EJ

### DECISION

The Licensing Sub-Committee carefully considered the application for the variation of a premises licence at TUGRA 44 Station Approach Hayes Bromley BR2 7EJ

#### **The Licensing Sub-Committee made the following decision having regard to:**

- The four licensing objectives,
- The Council's current Statement of Licensing Policy
- Guidance issued under the Licensing Act 2003 (as amended); The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended),
- Written and oral representations from the Applicant,
- Written and oral representation from a local resident
- Written representation from the Health & Safety and Licensing Team
- Written representations from the Metropolitan Police

The decision of the Licensing Sub-Committee was as follows:

On the 20th July 2022, the Licensing Sub-Committee having considered the application, decided to **GRANT the application to vary the premises licence subject to the amendments made at the hearing**, as follows:

- |                          |                                    |
|--------------------------|------------------------------------|
| • Opening Hours          | Friday and Saturday until 00.00hrs |
| • Sale/Supply of alcohol | Friday and Saturday until 23:15hrs |
| • Late night refreshment | Friday and Saturday until 23:15hrs |

- Recorded Music Friday and Saturday until 23:00hrs
- Live Music Friday and Saturday until 23:00hrs
- Last admittance to the premises will be at 23:00hrs

The conditions remained the same as in the original licence. The Licensing Sub-Committee noted that on page 22 of the application bundle, the applicant described the steps he intended to take in order to promote the four licensing objectives as a result of the proposed variation.

A summary of the Hearing:

**1. THE APPLICANT'S CASE**

The applicant applied to vary the current premises licence and wished to extend the licensed hours on Fridays and Saturdays, for the sale of alcohol, the performance of live and recorded music, and the provision of late-night entertainment. Details of steps intended to take to promote the four licensing objectives were noted in page 22 of the application bundle.

The applicant explained that the premises was a Turkish restaurant. The restaurant had been operating for 6 years. He had a good team of staff who had worked at the premises for about 6 years. He said that he looked after his staff and his customers well. The premises tried to create a safe environment for all.

The applicant said that the aim of the application was to increase the operating hours and thus increase the revenue and so expand the business. He went on to say that he was aware of the Licensing Objectives and followed the relevant licensing guidelines such as the use of the 'Challenge 25' policy, staff training and liaising with the police. The applicant mentioned that he had recently upgraded the premises' CCTV camera system which could now record and store information for up to 31 days. (In the discussion he mentioned that the new CCTV system had assisted the police with a robbery which took place near to the premises).

The applicant mentioned that: Temporary Event Notices (TENs) were previously applied for and were granted and that there were no objections nor complaints following the events.

The applicant mentioned that he had a new menu, which if the application was granted, would allow the kitchen in the premises to open longer. He showed the Licensing Sub-Committee a proposed new menu in the event that the application to vary the licence was granted. The applicant stated that the restaurant would stop serving food at 23:15 hours and the time was printed on the new menu.

In addressing the received objections which primarily pertained to noise nuisance and operational hours, the applicant mentioned that he intended to install a device to monitor the noise. The applicant also said that he visited one of the objectors (who lives close to the restaurant) and listened to her concerns. He mentioned that some of the neighbours had been rude to him.

In response to the question by the Licensing Sub-Committee as to why the restaurant was open on some evenings after the closing time, the applicant responded that the staff would sometimes remain in the restaurant and carry out tasks to prepare for the following day.

When asked about the music being played loud, he said he was unaware of music being played loud until 1am as noted on page 4 (the Summary of Complaints) of the application bundle. He also mentioned that he was aware of the deregulation in the licensing act regarding that point and that he would monitor the noise with a special device. The applicant acknowledged that he was aware that background music should not be played loud, even if it was right at the end of the evening and the restaurant was closed, or where staff remained in the restaurant to prepare for the following day.

The applicant added that the premises engage in a number of goodwill activities, and it donated to charities and works in the local community.

## **2. OBJECTIONS AND CLARIFICATIONS RELATING TO THE VARIATION OF THE ABOVE LICENCE**

The objections to the above application were noted in appendix.

The application stated that there were 3 valid objections. Seven complaints of noise were received between September 2021 - May 2022 which were summarised on page 44 of the application. An objection was received by a ward councillor, but it was subsequently withdrawn.

Details of the changes to the application as agreed by the applicant with the Metropolitan Police on page 5 and Appendix 4( page 41 to page 42) were considered.

At the Hearing, one of the objectors spoke on behalf of a resident living at a neighbouring flat adjacent to the above premises. The objections focused on the noise nuisance due to loud music, and disturbances when people left the restaurant.

The Licensing Sub-Committee Chairman asked the applicant what he would do to rectify the issues raised by objectors, and he responded that he would monitor the noise by using a sound measuring device, that he would continue to have signs around the restaurant as a reminder to customers to leave quietly and encourage staff to remind the customers to leave quietly. He would check and supervise staff more regularly; he would use the CCTV to monitor activities. The applicant also mentioned that he felt that the noise experienced by the neighbours could not entirely be from his premises. He commented that the noise could also be from persons passing by going to and from other places nearby the premises.

A Member asked whether the applicant had access to the CCTV. The applicant responded that he did and that it had recently been upgraded. In response to a question whether the applicant had considered sound proofing, the applicant replied that he had, but it remained a challenge due to the layout of the ceiling.

Another member of the Licensing Sub-committee mentioned that it was important to follow through the complaints which arose and to make a note of the times when incidents occurred, and to check staff's activities. It was also important to make sure that a competent member of staff managed the premises in the applicant's absence. The applicant agreed and added that he had experience in managing licensable premises, and that he had been managing the premises for 6 years. He said that he had staff who had worked at the restaurant on long-term basis most of them had

worked there for about 6 years. He also knew his customers--some of them by name. The applicant also responded to the Licensing Sub-Committee's question on management; that in his absence he did have a reliable person who managed the premises.

### **3. THE LICENCE**

The current Premises Licence was noted in the application pack

Appendix 4 of the application pack provided the police amendments agreed by the Applicant.

On page 5 of the application to vary the licence; the police stated that they would not object if the proposed hours were amended as follows:

- Opening Hours Friday and Saturday until 0000h
- Sale/Supply of alcohol Friday and Saturday until 0000h
- Late night refreshment Friday and Saturday until 0000h
- Recorded Music Friday and Saturday until 0000h
- Live Music Friday and Saturday until 23:00hrs
- Last admittance to the premises will be at 23:00hrs

### **4. THE VARIATION**

The Licensing Sub-Committee, having considered the application, amended the proposed agreed conditions between the metropolitan police and the applicant, and decided to vary the licence.

**The Licensing Sub-Committee varied the Licence for Fridays and Saturdays as follows:**

- Opening Hours Friday and Saturday until 00.00h
- Sale/Supply of alcohol Friday and Saturday until 23:15hrs
- Late night refreshment Friday and Saturday until 23:15hrs
- Recorded Music Friday and Saturday until 23:00hrs
- Live Music Friday and Saturday until 23:00hrs
- Last admittance to the premises will be at 23:00hrs

The conditions to the licence were as in the original licence. .

### **5. THE DECISION**

The Licensing Sub-Committee decided to Grant the application to vary the above premises licence subject to the amendments made at the hearing (please see paragraph 4 above).

- a) The Licensing Sub-Committee considered all the licensing objectives, the relevant licensing policies and guidelines relating to the above application.
- b) The Licensing Sub-Committee looked at the application as a whole, both the written and oral representations, and all the steps which the applicant(s) intends to take to promote the licensing objectives.

- c) The applicant mentioned that he intended to uphold the licensing objectives and to continue to work together with the Metropolitan Police and the Council in promoting the licensing objectives.
- d) The relevant Licensing Act provided for a review process for a licensable premises which may be utilised as and when required.

The Sub-Committee believed that the above mentioned reasons and conditions attached to the premises licence were necessary, in order to uphold all the licensing objectives. In conclusion the Licensing Sub-Committee in line with the relevant policies and guidelines, made the decision that the above variation of the premises licence application be **granted as it was decided at the Licensing Sub-Committee Hearing and as noted in the above full decision.**

The parties have a right to appeal to the Magistrates' Court within 21 days from the date of this decision notice.

**11 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

**The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.**

**12 CONSIDERATION OF A RELEVANT OFFENCE FOR THE PERSONAL LICENCE HELD BY MR SINNARASA HARIHALAN: NO 16/00557/LAPR**

These minutes were confidential and would be noted in the part 2 minutes