



London Borough of Hammersmith & Fulham

Licensing Sub-Committee Minutes

Thursday 13 December 2012

PRESENT

Committee members: Councillors Matt Thorley (Chairman), Charlie Dewhurst and Daryl Brown

Applicant: Police Sergeant Ratcliffe, Licensing Sergeant for the Borough

Officers: Adesuwa Omoregie, Legal Adviser, Adrian Overton, Licensing Officer, Graham Souster, Public Protection Officer, Dom Stagg, Environmental Health Officer and Sue Perrin, Committee Co-ordinator

(3) Applicant: Shahid Hussain, Bagel Bite

Metropolitan Police: Police Sergeant Ratcliffe, Licensing Sergeant for the Borough

(4) Licensee: Mr Farooq Alikhel (Zarah, 80 Uxbridge Road, London W12 8LR)

Metropolitan Police: Police Sergeant Ratcliffe, Licensing Sergeant for the Borough

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest

3. BAGEL BITE, 22 SHEPHERD'S BUSH GREEN, LONDON W12 8PH (APPLICATION NUMBER:2012/01584/LAPR)

The sub-committee received and considered an application for a new premises licence in respect of the premises known as Bagel Bite, 22 Shepherd's Bush Green, London W12 8PH.

Main Points of Evidence

Licensing Officer

Adrian Overton stated that the premises had incorrectly been referred to as '20 Shepherd's Bush Green' in the agenda. The correct address was '22 Shepherd's Bush Green'.

Mr Overton introduced the application and stated that the conditions requested by the Council's Environmental Protection team had been agreed and the team's representation had subsequently been withdrawn. In addition, the conditions requested by the Metropolitan Police had been agreed. However, the hours requested by the Police had not been agreed.

The premises are situated within the Shepherd's Bush 'Cumulative Impact Area'.

In respect of 20 Shepherd's Bush Road, two warning letters were issued in July 2011 and November 2011. The letter in July 2011 related to the lack of a notice on display showing the name of the person in charge which was a breach of its conditions. The letter in November 2011 related to a breach of the same condition as no notice was on display showing who was in charge and staff were not wearing name badges.

Metropolitan Police

Sergeant Ratcliffe stated that the Police conditions had been agreed at approximately 7pm that evening. The Police had previously made attempts to negotiate with the Applicant however there had been no response from the Applicant to e-mails and telephone calls.

Sergeant Ratcliffe stated that the late night economy in Shepherd's Bush Green had been a crime hotspot for a significant period of time and was one of the reasons for the introduction of the Cumulative Impact Area.

Since the granting of the premises licence at 20 Shepherd's Bush Road, the Council has introduced the CIP policy. This means that an application for a premises licence which is likely to add to the existing cumulative impact would normally be refused, where a relevant representation has been made. This would be the case unless the applicant can demonstrate that there would be no negative cumulative impact on one or more of the licensing objectives as a result of the grant of the licence. The premises in this application are small and any crime and disorder or public disorder is likely to occur around or outside the premises.

Sergeant Ratcliffe stated that the initial hours proposed by the Police were too generous and out of line with every other premises licence granted within the previous two years. The hours proposed by the Police are now:

- Sunday to Thursday 23:00 until midnight

- Friday and Saturday 23:00 until 01:00

Applicant

Shahid Hussain, Company Director, responded to the comments made by Sergeant Ratcliffe regarding his lack of response to e-mails and telephone calls. He explained that he had made attempts to contact Sergeant Ratcliffe but had been unable to reach him. In respect of the Police e-mail regarding hours, he highlighted that the new premises application was requesting less hours for late night refreshment than those permitted by the premises license at unit 20..

Mr Hussain responded to a question asking why he had moved from unit 20 to unit 22. He explained that the landlord for 20 Shepherd's Bush Green required the unit to link with unit 21 and therefore he was required to move to unit 22. Planning Permission has recently been granted for unit 22 for the proposed use.

Unit 22 is 542 square feet and unit 20 is 540 square feet.

Mr Hussain confirmed that the license for 20 Shepherd's Bus Green had been surrendered. Late night refreshment consisted of bagels and toasted sandwiches.. Cold food was available outside of the licensed hours.

Councillor Thorley asked about the trade to the premises after midnight and the behaviour of customers.. Mr Hussain stated that whilst there was occasionally unacceptable behaviour, customers were generally well behaved and drove to the shop. Staff did not have any safety concerns.

Councillor Dewhirst queried the numbers of customers at 2am. Mr Hussain responded that there would probably be between two to four on a weekday and five to six on a weekend. Food tended to be purchased on the premises and then eaten away from the premises.

Councillor Dewhirst asked about the premises near to Bagel Bite with late opening hours.. Mr Hussain responded that there was only a bed and breakfast on the same side of the road and a petrol station further along.

Councillor Thorley asked how the proposed condition 5 (which limits the maximum number of customers within the premises to 5) would be enforced. Mr Hussain responded that staff would ask any additional customers to wait outside. There would be a maximum number of two people waiting outside, as others tended to walk away if they saw that there were too many people in the premises. Some seating was provided in the shop during the day, but none after 11pm. Customers would park in a nearby side street.

Summing Up

Mr Overton stated that there were two nearby premises: the Ginglyk Club, opposite but underground, which opened until 2am on Fridays and Saturdays; and Belushi's Bar with small capacity, and which opened until 1am.

Sergeant Ratcliffe stated that the Police objected to the premises licence application. He did not consider that Mr Hussain had demonstrated any extenuating circumstances justifying why the requested hours should be granted. Trade was being attracted from outside the borough and cars parked in Rockley Road, a largely residential area. He referred the sub-committee to the recent review hearing of 'Eroma', which was in the same environment and providing the same service.

Mr Hussain stated that whilst 'Eroma' application might be similar in environment and service, Bagel Bite was different in that it was well managed. In conclusion, he requested the hours as stated in the application.

The sub-committee retired to consider its decision at 7.35pm, returning at 7.50pm.

RESOLVED THAT:

The sub-committee unanimously agreed to grant in part the application,. The sale of late night refreshment at the premises is permitted at the following times:

- Sunday to Thursday 23:00 until 01:00
- Friday and Saturday 23:00 until 02:00

All conditions requested by the Police and Environmental Protection and those suggested by the applicant would be imposed.

Full reasons for the decision are contained in the decision letter, which accompanies these minutes.

4. **ZARAH, 80 UXBRIDGE ROAD, LONDON W12 8LR (APPLICATION NUMBER:2012/01592/LAPRR)**

The sub-committee considered an application for the review of a Premises License in respect of the premises known as Zarah, 80 Uxbridge Road, London W12 8LR.

Main Points of Evidence

Licensing Officer

Mr Overton introduced the application, which had been brought by the Metropolitan Police. The review sought to add a number of conditions to the premises licence.

The Council's Environmental Protection service had made a representation in support of this application. They had advised that numerous noise nuisance complaints had been received in relation to the yard to the rear of the premises, which had been used to smoke Shisha, and had requested that four additional conditions were added to the reviewed license.

The Council's Health and Safety Department had also made a representation to the review.

The premises are situated within the Shepherd's Bush 'Cumulative Impact Area'.

Metropolitan Police

Sergeant Ratcliffe stated that the Police had requested 12 additional conditions to be added to the premises licence, relating to the supply or smoking of Shisha or similar tobacco products, CCTV as shown in the agenda pack; and the sale of alcohol.

Sergeant Ratcliffe stated that these conditions had been offered to the license holder and accepted.

Environmental Protection

Environment Protection had requested that four additional conditions were added to the reviewed license, to avoid noise from people congregating in the rear yard. The four conditions had been accepted by the license holder.

License Holder

Mr Farooq Alikhel stated that he had nothing to add.

Mr Alikhel responded to queries that the chairs and table had been removed from the rear yard area, together with the Shisha equipment. He confirmed that the area was now used for storage only.

Summing Up

There were no further comments.

The sub-committee retired to consider its decision at 8.00pm, returning at 8.05pm.

RESOLVED THAT:

The sub-committee unanimously agreed to grant the review application brought by the Police. All conditions requested by the Police and the Environmental Protection team and accepted by the License Holder would be imposed upon the licence.

Full reasons for the decision are contained in the decision letter, which accompanies these minutes.

Meeting started: 7.00 pm
Meeting ended: 8.05 pm

Chairman

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