

Licensing Sub-Committee

Minutes



Wednesday 4 October 2017

PRESENT

Committee members: Councillors Colin Aherne and Natalia Perez (Chair)

Officers: Horatio Chance – Legal Adviser, Adrian Overton – Licensing Officer, Ainsley Gilbert – Clerk

Parties:

Swallow Coffee Shop: Matt Parkes (Applicant), Richard Lieper (Applicant's Representative)

Chelsea Grill: Kasim Chaudry (Applicant), Angela Howarth (Local Resident), Keith Mehaffy (Noise and Nuisance Service).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alford.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

Councillor Perez explained that she was a Ward Councillor for Shepherd's Bush Green where Swallow Coffee Shop was located; she said that she did not know the applicant or any of those residents who had made representations.

3. SWALLOW COFFEE SHOP, 75 GOLDHAWK ROAD, W12 8EG

Adrian Overton explained that the application was for the sale of alcohol on the premises from 12 noon until 7.30pm Monday to Sunday. Conditions had been agreed with the Council's Noise and Nuisance team and a number of other conditions had been included in the operating schedule, following pre-application advice from the Licensing team. 1 objection had been received to the proposal from a local business owner. The premises were located within the Shepherd's Bush Green cumulative impact area.

Horatio Chance explained that location of the premises within the cumulative impact area meant that the applicant was required to demonstrate that the

proposal would not have a negative cumulative impact on one or more of the licensing objectives in order for the Sub-Committee to be able to grant the licence.

Richard Lieper, the applicant's representative, said that no negative cumulative impact would arise if the application were to be granted. He noted that only one representation remained and that this was from another local restaurant business; he reminded the meeting that concern about competition was not something which the licensing authority should consider in making their decision.

Mr Lieper explained that the cumulative impact of licenced premises in Shepherd's Bush related mainly to street drinking and resulting anti-social behaviour. He said that the application was for on-sales only and that the problems with street drinking would not therefore be exacerbated by the premises. He added that the premises would implement a number of policies to prevent customers from causing disorder or nuisance, these policies included: Challenge 25; Alcohol to be served only as an ancillary to a substantial meal; Entry to be refused to anyone who was under the influence of alcohol or drugs. He explained that as alcohol would be ordered at the counter and staff would be delivering it to tables customers' behaviour would be constantly monitored. Mr Lieper explained that there were no objections from local residents, and that indeed the Richford Street Residents Association was supportive of the application. He noted that the applicant lived in the local area and would not allow the premises to have any negative impact on his neighbourhood.

The Chair asked how many people the café could seat. Matt Parkes explained that there were 2 tables for four people in the rear outside area and 40 seats inside the café. There was no room for people to stand and drink, although there was one high table with stools by the window.

The Chair asked how the café's policy on customers under the influence of drugs or alcohol worked. Mr Parkes explained that if people who appeared to be under the influence of drugs or alcohol tried to enter the premises staff would ask them to leave. He explained that the most frequent use of the policy was drug addicts wanting to use the café's toilet to inject themselves, which happened about once a week.

Horatio Chance asked what training staff were given. Mr Parkes explained that staff were generally trained informally but that training on 'Challenge 25' would be provided.

At 5.30pm the Sub-Committee retired to make its decision, accompanied by the legal adviser and the clerk. The Sub-Committee reconvened at 5.35pm and the Chair explained that the Sub-Committee had decided to grant the licence requested subject to those conditions included in the applicant's operating schedule and those agreed with the Council's Noise Nuisance Service.

4. CHELSEA GRILL, 301 NORTH END ROAD, W14 9NS

Adrian Overton explained that the application was for the provision of late night refreshment on and off the premises from 23.00 to 01.00 Monday to Saturday and 23.00 to 00.30 on Sundays. The hours had been reduced by 30 minutes Monday to Saturday and by 60 minutes on Sundays at the request of the police. The Noise

and Nuisance service had made representations regarding additional conditions and a further reduction in hours but these had not been agreed by the applicant. Mr Overton explained that the application had been made as a result of a warning letter sent by the Licensing Authority as the premises had been trading after 11pm without permission. Licensing officers had given pre-application advice.

Keith Mehaffy explained that the Noise Nuisance service was concerned about the potential for noise to be created by customers of the premises. He explained that the applied for hours might lead the premises to become a destination venue, attracting lots of potentially noisy people late at night. Mr Mehaffy said that there was potential for noise from people parking in nearby residential areas, and from customers congregating near the premises. Reducing the hours to midnight Sunday to Thursday would help to mitigate these risks on days when residents were likely to need to go to work the next morning. Mr Mehaffy explained that there were also problems with the premises creating cooking smells and noise from equipment which could create a public nuisance. He had proposed conditions relating to problems with the premises operation, which he hoped the Sub-Committee would impose.

Angela Howarth explained that she lived above the Chelsea Grill and that the premises caused strong cooking smells in her flat; she clarified that this had not been a problem with previous take away restaurants operating from the unit. She feared that extended hours would cause the smells to last longer. Ms Howarth said that there were also problems with litter and with people loitering at the rear of the premises which she worried would be exacerbated by longer opening hours.

Kasim Chaudry said that he did not believe customers would park in nearby residential roads as there was free parking in front of the shop from 7pm onwards and did not expect noise nuisance to result from his customers. He said that the hours applied for had already been reduced at the request of the police and that a further reduction would damage the business's profitability. Mr Chaudry addressed the concerns raised by Ms Howarth and explained that a new extraction system had been given planning permission and would be installed soon which would reduce the cooking smells. He said that the business's waste was removed by a waste collection contractor twice a week and that the rubbish was placed directly into a large metal bin to the rear of the premises before collection. Mr Chaudry also said that he was not aware of people hanging round at the rear of the shop and added that customers could only access the premises from North End Road and so anyone loitering at the rear of the shop could not be attributed to the Chelsea Grill being open.

Councillor Aherne asked for how long the premises had traded without a licence. Kasim Chaudry said that the restaurant had opened until 1am during the week and until 2am on Friday and Saturday nights for about a year, until the Council had informed him that this was not permitted; it had been assumed that this was allowed as the previous owners had also opened to that time. He said that in the year when the premises had been trading without a licence there had been no issues raised about noise. Angela Howarth disputed the date when the premises had started to open until to 1.30am under previous owners, noting that it had not opened late when it operated as a Fish and Chip shop.

Councillor Aherne asked whether any noise complaints had been made about the premises whilst they had been open to 1/2am. Keith Mehaffy explained that the Noise and Nuisance service had not received any complaints regarding the premises.

The Chair asked whether the business ran litter patrols. Kasim Chaudhry explained that staff constantly monitored the area in front of their premises and cleared this as it was important to them that potential customers would not be put off by litter.

Angela Howarth said that rubbish had previously been left in the premises rear yard and attracted vermin. Councillor Aherne asked how many times this had happened; Ms Howarth replied that it had happened on at least 3 occasions. Kasim Chaudhry told the Sub-Committee that in the past when a deep clean had been carried out excess bags of rubbish had been left in the yard, however, this would not now be done as their bin was now emptied more regularly. He added that the shop had a pest control contract and that the Council had previously inspected the premises in response to Ms Howarth's complaints to them and had found that no vermin was being attracted.

Angela Howarth said that she and some of her neighbours had complained to the staff at Chelsea Grill and to the building's management company, but that they had found the staff to be unhelpful. Mr Chaudhry said that he his staff had told him that Ms Howarth had complained but that she had been aggressive; he said that he had told staff that they should treat their neighbours with respect but admitted that he had not then tried to visit her. He had not received any complaints from the management company. Angela Howarth explained that she had complained to the Council's Environmental Health Team. Keith Mehaffy said that these records were likely to be with food safety officers and that he had not requested these for the meeting.

Councillor Aherne asked whether the fact that the new extraction system had been given planning permission would mean that it was capable of dealing with the food smells and smoke complained about by residents. Keith Mehaffy confirmed that the adequacy of the system would have been considered as part of the application.

Horatio Chance asked whether the applicant would be willing to accept conditions relating to litter patrols and waste collection. Mr Chaudhry confirmed that he was happy to accept those conditions and those suggested by environmental health. He was not prepared to reduce the premises opening hours further.

Keith Mehaffy summed up his objection saying that he remained concerned about public nuisance being caused by customers of the premises, especially late at night. Angela Howarth explained that she was still unhappy that the proposal might lead to increased litter, smells and noise; she was also concerned that complaints made to Chelsea Grill had not been dealt with.

Kasim Chaudhry said he felt the conditions he had agreed to would mitigate the impact of those issues raised in the representations and asked that the Sub-Committee approve the application.

At 6.40pm the Sub-Committee retired to make its decision, accompanied by the legal adviser and the clerk. The Sub-Committee reconvened at 7.18pm and the Chair explained that the Sub-Committee had decided to grant the licence requested subject to those conditions included in the applicant's operating schedule relating to CCTV, litter and training, those agreed with the Council's Noise Nuisance Service relating to signage, a telephone number being displayed, delivery and collection times and plant and ducting. The Sub-Committee had also imposed two conditions relating to the keeping of an incident log and a record of complaints. The Sub-Committee also added as an informative that they would welcome the new extraction system being installed without delay.

5. **REQUEST FOR AN ADJOURNMENT OF THE HEARING TO CONSIDER 2-14 LILLIE ROAD, LONDON, SW6 1TU**

This item was not considered as the representations relating to the premises had been withdrawn and the application could therefore be determined without a hearing.

Meeting started: 5.00 pm
Meeting ended: 7.25 pm

Chair

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