



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 29th November, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Karen Scarborough, Susie Burbridge and Aicha Less

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 CHICKEN COTTAGE, 338 KILBURN LANE, LONDON, W9 3EF

LICENSING SUB-COMMITTEE No. 4

Thursday 29 November 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Aicha Less

Legal Adviser: Horatio Chance

Committee Officer: Georgina Wills

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health and two local residents.

Present: Mr Ken Macleay (Licensing Agent, representing the Applicant), Mr Zulfiqar Khan (Applicants) and Mr Anil Drayan (Environmental Health)

Chicken Cottage, Ground Floor, 338 Kilburn Lane, London, W9 3EF (The Premises") 18/12003/LIPV

1. Late night refreshments					
Indoors, outdoors or both			Current:		Proposed:
			Indoors		No Change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	23:00	00:00	No Change
Tuesday	23:00	23:30	23:00	00:00	
Wednesday	23:00	23:30	23:00	00:00	
Thursday	23:00	23:30	23:00	00:00	
Friday	23:00	00:00	23:00	01:00	
Saturday	23:00	00:00	23:00	01:00	
Sunday					
Seasonal variations/ Non - standard timings:	Current:				
	No Change				
Amendments to application advised at hearing: None					
<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Mr Zulfiqar Khan, for a variation of a premises licence in respect of Chicken Cottage, Ground Floor, and 338 Kilburn Lane, London, W9 3EF. The Premises was not situated in the Cumulative Impact Zone.</p> <p>The Licensing Officer introduced the application to the Sub-Committee and advised that Representations had been received from Environmental Health Service and three local residents. The Sub-Committee was advised that Conditions proposed by Environmental Health had not been included in the Licensing Sub-Committee Report and had been circulated to all Parties.</p> <p>Mr Macleay (Applicant's Representative) at the start of his submissions advised that he had further supporting documents which included a bundle of pictures and maps of the local area where the Premises was situated and this included photos of other nearby premises. The Legal Adviser stated that the supporting documents would be classified as a late submission and could only be considered if all parties present consented to the material, which was then sanctioned by the Sub-Committee. The Chairman exercising her discretion agreed to accept such documentation and this was, considered by the Sub-Committee in its determination of the matter. The individual Members of the Sub-Committee all advised that they were familiar with the locality and surrounding</p>					

areas.

Mr Macleay advised that Mr Khan (Applicant) had occupied the property which the Premises was located since 2000 and held a Licence since 2007. He commented that the Premises was surrounded by a number of other businesses which operated various times throughout the day and this included a 24hr convenience store as well as other eateries. He advised that the locality had changed since the redevelopment of the area and had become busier especially near to the local Station. The local Station was reported to now close at a later time and that the traffic flow in the immediate areas had increased. Mr Macleay stated further that the Premises did not trade on Sunday.

The Sub-Committee was advised that two staff members were on the Premises on all shifts and this increased to three during the weekends. Mr Macleay advised that the Applicant had agreed to the Conditions which had been proposed by Environmental Health. Mr Macleay advised that the Applicant had maintained a good relationship with the Police and were keen to preserve this, and that the Premises did not have any history of concerns or public nuisance. He highlighted that only two objections about the Application had been received one of which was in support.

Mr Macleay commented that there were a number of eateries in the surrounding areas which offered similar food and operated until 01:00hrs. He advised that regular customers would frequently question why the Premises did not operate during later hours. There has been an increase in the demand for late night refreshments and this was also due to an increase in the number of residents. Mr Macleay advised that the Applicant was effectively requesting an additional four hours per week

Mr Anil Drayan, representing Environmental Health advised the Premises had recently been visited and apologised that the Conditions which had been offered by the Applicant and those proposed by Environmental Health had not been included in the Sub-Committee Report. He advised that Environmental Health had proposed some new additional Conditions and also replaced some of the existing conditions on the Licence. This was undertaken in order for them to reflect the model wording.

He advised that there had been no objections received by the Police Service and that the Applicant had proposed to adopt the prevention of crime and disorder Model Condition 3 and Model Condition 4 and was to replace their current Condition on CCTV with the Council's Model CCTV Condition. Mr Drayan commented that the adjacent property to the Premises had undergone a roof conversion and advised that also the height of adjacent bloc of flats situated to the right of the Premises was higher than the ducting. It was envisaged that these occupiers could potentially be affected by odour nuisance, this in turn could have the effect of undermining the public nuisance licensing objective.

Mr Drayan advised that the noise emanating from the Premises Plant and Machinery was not of concern and was at lower volume when compared to those of nearby premises. He advised that the Premises was situated in a triangle junction and the locality was busy. There was also no issues about noise being

transferred into buildings and flats and no history of any recorded complaints. Mr Drayan advised that patrons being allowed to park and also noise from motor vehicles could also potentially create a nuisance as the hours requested were beyond the core hours.

Mr Dryan commented that there were no concerns with the Premises operating to 01:00hrs and advised that the Applicant had agreed to undertake the necessary schedule of works, which would reduce the odour and noise nuisance before implementing the Variation.

Following further questions from the Sub-Committee, Mr Drayan advised that MC 14 addressed the management of litter and that additional requirements to also include a litter patrol could also be added. The Sub-Committee was advised that previous Sub-Committees had requested for Premises to ensure that litter emanating from their establishment was disposed appropriately and also for them to scan the immediate area half an hour after the closing time or up to 50yds from the subject Premises. Mr Khan advised the Sub-Committee that MC14 would be accepted alongside the requirement to undertake litter patrols. The Sub-Committee was advised that an additional bin would also be made available inside the Premises so that customers could discard their rubbish easily.

Following questions from the Sub-Committee, Mr Khan advised that deliveries were received once during the day and four times during the course of the week. The deliveries were received between 11:00hrs and 12.00hrs. He commented that there was a single yellow line and nearby zebra crossing and that delivery motors could only be stationed for a maximum of 20 minutes. Mr Khan advised that the internal layout of the Premises was that of a restaurant and that seating was removed after 22:00hrs. This was to ensure that customers left the Premises and to allow staff members to close the Premises within the set time. At present the Premises had five staff members and a minimum of two staff were present during all operational hours.

Mr Khan advised that the eatery was a franchise and that staff members had received basic First Aid training and also were aware what course of actions should be taken during emergencies. Staff Members had also received training on hygiene and attended a refresher course every five years. Mr Khan advised that the Premises did not have external seating and that the CCTV on the Premises had been upgraded.

Mr Dryan advised that it was preferred for tables and chairs to be left and for customers to remain in the eateries. He advised that the operational aspects of business were determined by the Applicant.

Mr Macleay advised the Sub-Committee that the Applicant had been an operator for some 18 years and that the Premises was a well-established business. He commented that there had been no representation from the Police and that the Applicant was willing to accept the Conditions which had been proposed and these would satisfy the representations which had been made.

After carefully considering the Application and the evidence provided by all

<p>parties the Sub-Committee agreed to grant the application with conditions. The Sub-Committee noted that the Applicant had agreed to the conditions which had been proposed by Environmental Health and this included to undertake suitable works which would help to eliminate any odour and noise emanating from the Premises. The Sub-Committee noted the concerns raised by residents in relation to potential public nuisance and felt that the conditions it had imposed on the licence in relation to litter patrols and plant and machinery equipment would allay those fears residents had raised in their representations. The Applicant had also agreed to undertake these works before the variation of hours were implemented. The Sub-Committee agreed that the conditions proposed were appropriate and proportionate and would help promote the licensing objectives, in particular the public nuisance licensing objective. The Sub-Committee was pleased to note that the Premises was well managed and had no history of complaints about its operation or in relation to public nuisance</p> <p>The Sub-Committee was of the view that the conditions it imposed on the Premises licence would have the effect of promoting the licensing objectives</p>					
2. Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	23:30	09:00	00:00	No Change
Tuesday	09:00	23:30	09:00	00:00	
Wednesday	09:00	23:30	09:00	00:00	
Thursday	09:00	23:30	09:00	00:00	
Friday	09:00	00:00	09:00	01:00	
Saturday	09:00	00:00	09:00	01:00	
Sunday					
Seasonal variations/ Non-standard timings:			Current: None		
to application advised at hearing: None					
Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).					
3. Layout alteration:					
No Change					
Amendments to application advised at hearing: None					

	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).	
4.	Conditions proposed to be removed:	
	The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.	
	Amendments to application advised at hearing: That the Westminster City Council's Model Condition on CCTV be adopted.	
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).	
5.	Adult Entertainment	Current Position: None
		Proposed: No Change
	Amendments to application advised at hearing: None	
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).	

Conditions attached to the Licence	
1.	A minimum of 2 members of staff shall be on duty at the premises at all times after midnight whilst it is open for business.
2.	The variation of this premises licence, 18/12003/LIPV, will have no effect until the premises has installed an odour reduction scheme to the kitchen extract ventilation system and which has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
3.	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area

where the premises are situated.

4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. Notices shall be prominently displayed at the exit and in the display window requesting patrons not to congregate outside the premises to ensure that there is no public nuisance or obstruction of the public highway and to leave the area quietly.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
7. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
12. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
13. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising

Or

accumulating from customers in the area and within 50 yards outside the premises, and the immediate shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any faults in the CCTV
 - (e) Any visit by a relevant authority or emergency.

16. In 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) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police: and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

2 15A ELIZABETH STREET, LONDON, SW1W 9RB

Granted Under Delegated Authority.

The Meeting ended at 11.00 am

CHAIRMAN: _____

DATE _____