

Licensing Sub-Committee – Meeting held on Monday, 12th November, 2012.

Present:- Councillors Rasib (Chairman), Malik and Plimmer.

Officers Present:- Mrs Channa (Legal Officer) and Mrs Kauser (Democratic Services)

PART 1

25. Declarations of Interest

Agenda item 5: Private Hire Driver Conduct Hearing - Councillor Rasib declared that he had been contacted by an individual regarding this case and that he had advised that he was not able to discuss the matter. Councillor Rasib stated that he would consider the issue with an open and clear mind.

26. Application for a Premises Licence - 17 Elmshott Lane, Cippenham, Slough

The Chairman welcomed all parties to the meeting and explained the procedure for the hearing. It was confirmed that all had received a copy of the paperwork for the hearing.

Introduction by the Council's Licensing Officer

Mrs Rumney, Senior Licensing Officer, reminded Members that during a scheduled enforcement operation on 7 September 2012, it was found that that KZ was opening after 2300 hours, in contravention of the requirements of the Licensing Act 2003; which stated that the provision of late night refreshment between 2300 hours and 0500 hours was a licensable activity and therefore required a premises licence.

Upon speaking with the owner of the premises, Mr Khan, it was submitted that he was not aware of the requirement to hold a premises licence for the sale of food after 2300 hours. An application for the provision of late night refreshment, on and off the premises between the hours of 2300 hours and 0100 hours Monday to Sunday was submitted on 17 September 2012.

It was brought to Members attention that although no objections were received from any of the Responsible Authorities, Thames Valley Police (TVP) had requested that additional conditions be added to the premises licence should it be granted. The proposed additional conditions were noted as:

- At least one CCTV camera to be in operation at the front of the premises at all times when the premise is in use
- CCTV images to be kept for 31 days and made available upon request of Thames Valley Police employees and Slough Borough Council Licensing Officers.
- Nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential

Licensing Sub-Committee - 12.11.12

evidence required by Thames Valley Police employees and Slough Borough Council Licensing Officers.

Mrs Rumney informed Members that written confirmation had been received from the Applicant stating that he was agreeable to the conditions proposed by TVP.

The matter had been referred to the Sub-Committee as a local resident had submitted a representation objecting to the application.

Options available to the Sub-committee were outlined for their consideration.

Questions to the Licensing Officer

Mr Mace, a local resident, asked why the premise licence had not been revoked once it was known that the sale of food had taken place after 2300 hours. It was clarified that no licence was in place to enable for it to have been revoked.

Applicant's Case

Mr Khan and Mr Ahmed, co-owners of the premises were in attendance. Mr Khan stated that they had been trading for over sixteen months and that there had been no complaints or issues raised during this period. Mr Khan stated that he had not been aware of the requirement of a premises licence and apologised to the Sub-Committee for not having the appropriate licence in place.

Mr Khan informed Members that although the application for premises licence had stated a terminal hour of 0100 hours, they wished to amend the application for a terminal trading hour of 0000 hours.

Responding specifically to the objections that had been raised regarding noise and anti-social behaviour in the area, it was explained that the premises were supplied with electric roller shutters. Furthermore, all customers were advised to wait inside the premises whilst their food order was being prepared and requested to exit the premises quietly.

Questions to the Applicant

A Member requested clarification regarding the outside seating area. Mr Khan stated that four chairs were provided immediately outside the vicinity of the premises for customers. The Licensing Officer explained that an application to the Highways Department had to be made regarding the tables and chairs on the pavement outside the premises.

Mr Khan confirmed that a delivery service was available and drivers parked in the car park which was located behind the premises.

Licensing Sub-Committee - 12.11.12

Representations made by a Local Resident

Mr Mace, who resided in close proximity to the premises, expressed his concerns regarding the premises providing late night refreshment and summarised his grounds of objection as:

- Increase in noise pollution
- Increased disturbance to local residents
- Increase in anti-social behaviour

Mr Mace also submitted that residents already had to contend with deliveries during the early hours in the morning to a local superstore. The Legal Officer stated that this information was not relevant to the application that was being considered.

Questions to Local Resident

None.

Summing Up

All parties were given an opportunity to provide a summary, following which they were asked to leave the meeting whilst the Sub-Committee deliberated.

Decision

All parties were asked to re-join the meeting.

After careful consideration the Sub-Committee decided to grant a Premises Licence as follows:

- a) Late Night Refreshment:** Monday to Sunday – 2300 hours to 0000 hours.
- b) Hours the Premises are Open to the Public:** Monday to Sunday 1100 hours to 0000 hours

The Premises Licence was granted subject to the following additional conditions:

- At least one CCTV Camera will be in operation at the front of the premises at all times when the premise is in use
- CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees and Slough Borough Council Licensing Officers
- Nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Slough Borough Council Licensing Officers.

Licensing Sub-Committee - 12.11.12

Sub-Committee Members considered the conditions to be necessary, reasonable and proportionate to address concerns relating to crime and disorder, public safety and the prevention of public nuisance.

27. Street Trading Application - Kondal Catering, Gibtel Lodge Car Park, Colnbrook By Pass, Colnbrook, Slough

All parties were welcomed to the meeting and the procedure for the hearing was outlined. It was confirmed that all had received a copy of the paperwork for the hearing.

Introduction by the Council's Licensing Officer

Licensing Officer, Miss O'Keefe, stated that an application had been submitted by Mr Kondal for a street trading consent for 'Kondal Catering' in Gibtel Lodge Car Park, Colnbrook By-Pass. The application was requesting street trading consent at the specified pitch between the hours of 1700 hours and 2300 hours Monday to Sunday.

In accordance with the Council's Street Trading Protocol and Guidance, the Licensing Office consulted with all of the relevant responsible authorities within a 100 yards of the proposed site. It was brought to Members' attention that objections had been received from two local businesses and Colnbrook Parish Council. The grounds of objection were summarised as an increase in air pollution, increase in litter and nuisance to residents.

Members were reminded of the options available to them. It was noted that should approval be granted, the Council's set of standard conditions regarding Street Trading Consent would be applicable.

Questions to Licensing Officer

The Legal Officer sought clarification regarding the opening hours given that the application form stated an opening time of 1700 hours and the Licensing Officer's report stated 1600 hours. Mr Kondal confirmed that the application was made for a start time of 1700 hours.

Representations made by the Applicants

Applicants Mr Kondal and Mr Sehbat submitted their reasons for applying for a street trading consent. The healthy food options that would be available were outlined. It was noted that written permission had been obtained from the car park landowner allowing for the car park to be used.

It was brought to Members' attention that staff would monitor the area twice on a daily basis for litter. Mr Kondal explained that the car park was equipped with CCTV cameras and that any anti-social behaviour would be reported to the relevant authorities immediately.

Licensing Sub-Committee - 12.11.12

Questions to the Applicants

None.

Summing Up

Following a summary by both parties, the Sub-Committee asked them to leave the meeting in order for them to deliberate.

Decision

All parties were asked to re-join the meeting.

The Sub-Committee considered the report of the Licensing Officer and listened carefully to the applicants' representations and the written submissions made by local businesses, ward Councillor Walsh and Colnbrook Parish Council.

After careful consideration the Sub-Committee decided to grant an application for street trading consent for Kondal Catering at Gibtel Lodge Car Park, Colnbrook By-Pass, Monday to Sunday 1700 hours to 2300 hours.

Members approved the Street Trading Consent for a period of **three months** and noted that should any complaints be received within this time period from local residents, businesses, interested parties or responsible authorities, the matter would be referred back to a Licensing Sub-Committee for determination. However, if no objections were received during this time period, the Street Trading Consent would be renewed.

28. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

29. Private Hire Driver Conduct Hearing (Reference 04-12)

The Chairman welcomed all parties to the meeting, including the Appellant and his wife, an interpreter to assist the Appellant and the Appellant's legal representative. It was confirmed that all had received a copy of the paperwork for the hearing and the procedure for the meeting was outlined.

Mrs Rumney, Senior Licensing Officer stated that the Appellant held a private hire driver and vehicle licence. Members were informed that in August 2012 Mrs Rumney and a colleague, Mr Idowu, were carrying out enforcement duties at Slough train station, when they noticed the Appellant's vehicle in the drop area picking up passengers at 8.35am. Although the vehicle had markings on the back that looked like a licence plate, no plate was on display.

Licensing Sub-Committee - 12.11.12

The vehicle details were noted by officers for checking as the vehicle had driven off prior to officers having had an opportunity to approach the driver.

At 9am Officers found the same vehicle parked in Tesco's car park. It was noted that an Asian male approximately 30 years old was sitting in the driver's seat. Mr Idowu confirmed that this was the same individual who he had seen driving the vehicle when it pulled into the drop off point at Slough train station. Mrs Rumney referred Sub-Committee Members to Appendix A of the report which was Mr Idowu's witness statement.

Mr Wilson, legal representative for the Appellant objected to the inclusion of the witness statement from Mr Idowu given that it was unsigned. In addition, it was noted that Mr Idowu was not present at the hearing to be questioned on the information contained within his statement.

Mrs Rumney explained that the written statement had been produced following notes that had been made by both herself and her colleague in their notebooks at the time of the incident. It was noted that Mr Idowu was not present at the meeting as he was currently on leave.

Mr Wilson submitted that the written statement should not be considered by the Sub-Committee and that the pocket book notes relied upon by officers should have also been submitted as part of the paperwork for the meeting.

The meeting was adjourned in order for Members to give consideration to the points that had been highlighted.

All parties were asked to re-join the meeting and informed that the hearing would be adjourned in order to ensure that Mr Idowu was available at the next meeting.

Resolved – That consideration of the matter be adjourned.

Chair

(Note: The Meeting opened at 10.00 am and closed at 1.50 pm)