

Licensing Panel

Minutes

28 June 2021

Present:

Chair: Councillor Maxine Henson

Councillors: Dean Gilligan Chetna Halai

98. Appointment of Chair

RESOLVED: That Councillor Maxine Henson be appointed Chair of the Licensing Panel Hearing.

99. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by members

100. Minutes

(See Note at conclusion of these minutes).

101. Licensing Procedures

The Chair asked the Panel Members, officer/s, Responsible Authority/ies and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

Resolved Items

102. Dragons Lounge, 225 Kenton Lane, Harrow, Middlesex, HA3 8RP.

In attendance:

Legal Adviser:	Paresh Mehta, Harrow Council
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Licensing Officers:	Ash Wagela, Harrow Council
Relevant Representations:	Sathiaseelan Easwarakumar Arlene Auf Der Mauer

The Licensing panel carefully considered all the relevant information including:

- Written and oral representations by all the parties
- The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives
- The Guidance issued under section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998

The Licensing Panel hearing was held remotely via an online platform. The sub-committee were present throughout and were able to see and hear all representations made.

In making its decision, the Licensing panel carefully considered the application and all written representations, as set out within the report and the verbal representations made at the hearing.

The application was for a new premises licence for a restaurant, with facilities for shisha in the rear yard in a structure yet to be completed. During the consultation period, the applicant had agreed with the police, a change to the hours open to the public and for the supply of alcohol, but at the hearing the applicant also confirmed that the hours for late night refreshment should be amended to match the agreed closing times each day. The Panel considers that this change and the other agreed times (as set out in the table above) are now satisfactory.

In addition, the Panel noted the conditions agreed between the police and the applicant, and subject to deleting two of them, the panel considered the remaining conditions suitable for the promotion of the licensing objectives.

The Panel noted that the proposed rear shisha area was not ready yet, and whilst planning requirements are separate from licensing, given that the applicant sought to have licensable activities in that area too, it did cause concern that there was no clarity as to how that area would look in terms of design, capacity etc. The applicant's representative confirmed that the applicant had been advised to go and look at other shisha lounge designs and work with his architect to ensure that any structure is not only compliant with local planning requirements and the Health Act 2006, but also to seek a design that minimises noise and smoke disturbance.

The two conditions deleted (numbers 4 and 7) to do with ID and door supervisors are being deleted from those agreed with the police on the basis that shisha will not be running at the premises currently and it will effectively be a restaurant only. However, should the applicant continue with his plans to have shisha at the premises in the future, he is advised to work closely with

the Responsible Authorities and to have measures in place similar to those required by the deleted conditions.

The applicant's representative also clarified issues of concern in relation to the blocked staircase at the rear of the property and confirmed that they had contacted the nearby school to find out if the school had any concerns about the proposed business and were told that they did not. She also went on to explain why they considered that children would not be put at risk as their business (for shisha) would start after 5pm when children will have gone home, although the Panel did subsequently hear from Mr Setul Mehta (objector) that the school had an after school club that runs up to 5.45pm and other activities at the school on some nights up to approx. 9pm (eg Beavers and Scouts). The Panel notes there is a service road between the rear of the premises and the school, and that the applicant confirmed that the only entrance to the property would be from the front of the building on Kenton Lane, although there would be a rear exit for emergency purposes.

In terms of public nuisance the applicant's representative told the panel about how it is difficult to see that this premises will cause additional litter in the area, and that the applicant also ran the post office/shop in the same parade and as part of his contract with the Post Office, he comes out to litter pick and keep the area tidy. The applicant's representative also spoke about how traffic was mostly at its greatest during school times, although the panel noted Mr Setul Mehta's submission that a venue of the type being proposed here *could* lead to an increase in traffic in the area, and that it *could* give rise to more litter, than say, an accountant's or lawyer's office.

Whilst both an increase in traffic and litter may be possible, the Panel does not consider that these issues should currently prevent the grant of the licence, or additional conditions, and that the likelihood of extra litter (on the parade) from this premises seems very low.

The Panel was concerned that there may extra noise generated with a shisha area at the rear and the potential for shisha fumes (as well as restaurant fumes), particularly bearing in mind the residential homes above the shops, but as noted above, without clarity of how this area will look and operate, it was extremely difficult for the panel to consider this properly at this stage.

The Panel also noted and heard from Mr Nizar Dhanji, Environmental Health, regarding his objection, which was partly around planning issues that this Panel cannot directly deal with but his other concerns were discussed, as noted above.

The applicant's representative also confirmed that if the Panel was so minded, they would accept a licence for the existing building and not the rear (yard) area. For reasons noted above, the Panel has resolved to agree to approve a licence for the existing ground floor building, but does not agree to licence the rear area of the premises (currently the yard with a part built construction according to the photographs in the agenda papers). It is also noted by the Panel that the applicant is now trying to resolve planning matters with the council in relation to the site.

The Licensing Panel believes that the measures taken above in terms of the licensable area, the conditions to be applied to the licence, and the hours for licensable activities and hours open to the public, are appropriate and proportionate in the circumstances to promote all the licensing objectives.

RESOLVED: To grant the premises licence for the existing ground floor area of the building subject to the applicant providing a new plan for approval, and the following requirements:

Hours Open to the Public and hours for Licensable Activities:

	Supply of alcohol	Late night refreshment	Hours open to public
Monday	07.00 – 23.30	23:00 – 00:00	07.00 – 00:00
Tuesday	07.00 – 23.30	23:00 – 00:00	07.00 – 00:00
Wednesday	07.00 – 23.30	23:00 – 00:00	07.00 – 00:00
Thursday	07.00 – 23.30	23:00 – 00:00	07:00 – 00:00
Friday	07:00 – 01:30*	23:00 – 02:00*	07:00 – 02:00*
Saturday	07:00 – 01:30*	23:00 – 02:00*	07:00 – 02:00*
Sunday	07.00 – 23.30	23:00 – 23.30	07:00 – 00:00

* Continues into the following day

Conditions

1. CCTV shall be installed to Home Office Guidance standards, covering all entrances and exits, capturing clear facial images. This system shall be maintained & recordings shall be kept for 31 days and shall be made available to police and licensing officers immediately upon request. A member of staff fully conversant with the use and operation of the CCTV system and how to provide footage to police or local authority requests shall be present throughout the permitted hours for sale of alcohol. Suitable CCTV signage regarding the use of CCTV must be displayed.
2. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal with all service by waiting staff.
3. An incident/refusal book shall be kept at the premises, and made available for inspection on request to an authorized officer of Harrow Council or the Police; which will record the details (including day, date, time, summary of incident) of any of the following:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received
 - any faults in the CCTV system
 - any refusal of the sale of alcohol including 'Off Deliveries/sales of alcohol'
 - any visit by a relevant authority or emergency service.

4. No children shall be admitted after 2100 hours unless accompanied by a responsible adult.
5. Any staff directly involved in selling alcohol to consumers, staff who provide training and all managers will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
6. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
7. Notices will be clearly displayed at all exits requesting that patrons respect the needs of local residents and leave the premises and area quietly.
8. All doors and windows are to remain closed except for entry to, and egress from, the premises from 2100hrs.
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
11. A "Challenge 25" policy shall be adopted and adhered to. Signage to be displayed at point of sale.
12. Promotions that encourage irresponsible drinking shall not be permitted.
13. A suitable intruder alarm complete with panic button shall be fitted and maintained.
14. A fire detection and warning system shall be installed and maintained along with emergency lighting.

REASONS: As detailed in the Decision Notice sent to all interested parties and set out in brief in the preamble above.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.20 pm).

(Signed) Councillor Maxine Henson
Chair