

# Licensing Panel Agenda

**Date:** Thursday 13 April 2023

**Time:** 7.00 pm \*

**Venue:** The Auditorium - Harrow Council Hub, Kenmore Avenue, Harrow, HA3 8LU

\*There will be a briefing for Members at 6.30pm in the Auditorium Harrow Council Hub Kenmore Avenue, Harrow, HA3 8LU.

## Membership (Quorum 3)

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**Chair:** To be appointed

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**Conservative Councillors:** June Baxter

Samir Sumaria

**Labour Councillor:**

Maxine Henson

**Reserve Members:**

There are currently no Reserve Members appointed to this Panel.

**Contact:** Kenny Uzodike, Senior Democratic Services Officer  
E-mail: [democratic.services@harrow.gov.uk](mailto:democratic.services@harrow.gov.uk)

Scan this code for the electronic agenda:



# Useful Information

## Joining the Meeting virtually

The meeting is open to the public and can be viewed online at [London Borough of Harrow webcasts](#)

## Attending the Meeting in person

### Directions by car:

Go along Kenmore Avenue and head towards the Kenton Recreation Ground. When approaching the end of the Kenmore Avenue turn right before reaching the Kadwa Patidar Centre.

You will be admitted on a first-come-first basis and directed to seats.

Please:

- (1) Take a Covid 19 test before travelling and do not attend in person if you test positive.
- (2) Wear a face covering and use the provided hand sanitiser.
- (3) Stay seated.
- (4) Access the meeting agenda online at [Browse meetings - Licensing Panel](#)
- (5) Put mobile devices on silent.
- (6) Follow instructions of the Security Officers.
- (7) Advise Security on your arrival if you are a registered speaker.

## Filming / recording

This meeting may be recorded or filmed, and if you choose to attend, you will be deemed to have consented to this. Any recording may be published on the Council website.

**Agenda publication date: Monday 3 April 2023**

# Agenda - Part I

1. **Appointment of Chair**  
To appoint a Chair for the purposes of this meeting.
2. **Declarations of Interest**  
To receive declarations of disclosable pecuniary or non-pecuniary interests, arising from business to be transacted at this meeting, from all Members present.
3. **Minutes**  
[Note: Licensing Panel minutes are:-
  - (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
  - (2) not submitted to the next panel meeting for approval.Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].
4. **Licensing Procedures (Pages 5 - 8)**  
Procedure to be followed at an oral hearing.
5. **Fire and Ice, 256 Uxbridge Road, Hatch End, Pinner, Harrow, HA5 4HS (Pages 9 - 52)**  
Report of the Corporate Director, Place.
6. **Any Other Urgent Business**  
Which cannot otherwise be dealt with.

# Agenda - Part II - Nil

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## Licensing Panel – Licensing Act 2003

### Procedure A - Oral Hearing in Public

This document provides a summary of the Panel's usual procedure for the conduct of an oral hearing in public (either in person or by remote hearing).

Please note that the **Applicant** is the party who has applied for a premises licence or variation to a premises licence.

Please note that the **Objector(s)** is the party or parties who oppose the application that has been made.

- i. **Introductions:**
  - Chair of the Panel
  - Members (councillors)
  - Officer presenting the report
  - Officers of Responsible Authorities objecting
  - Applicant and Objector(s)
- ii. **Procedure** – Chair of the Panel to outline the procedure for the hearing (with variations where needed).
- iii. **Presentation** of the report (**agenda item 6**) by a Licensing Officer of the Relevant Authority.
- iv. **Presentation** by the **applicant** of their statement. Additional material may only be submitted at the hearing with the agreement of the Panel and the other party/parties, subject to advice by the Panel's legal advisor at the time.
- v. **Presentation** by **other persons** who have made representations **supporting the applicant's case**.
- vi. **Questioning** of the **applicant** and the **other persons** above by:
  - the objector(s)
  - the Panel
- vii. **Presentation** by the **objector(s)** (including Responsible Authorities) of their statements. Additional material may only be submitted at the hearing with the agreement of the Panel and the other party/parties, subject to advice by the Panel's legal advisor at the time.
- viii. **Questioning** of the **objector(s)** by:
  - the applicant
  - the Panel
- ix. **Concluding statement(s)** by the objector(s).

- x. **Concluding statement** by the applicant.
- xi. The Panel together with its legal advisor (and committee clerk if in attendance) withdraw to consider the application. Before withdrawing, the panel will confirm (if not already done) how the decision will be provided (see below). Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.
- xii. **Decision:**
  - Option 1 - The hearing is reconvened for the Panel to announce their decision.
  - Option 2 - The Panel's written decision is sent to the parties within 5 working days.

The Panel will give reasons for its decision.

### Notes

**Witnesses:** Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party/parties, subject to advice by the Panel's legal advisor at the time.

**Adjournment:** The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.

## Licensing Panel – Licensing Act 2003

### Procedure for a Review Hearing - Oral Hearing in Public

This document provides a summary of the Panel's usual procedure for the conduct of a premises licence **Review** hearing, in public (either in person or by remote hearing).

Please note that:

- the **Applicant** is the party who has asked for a review of the premises licence.

- i. **Introductions:**
  - Chair of the Panel
  - Members (councillors)
  - Officer presenting the report
  - Officers of Responsible Authorities objecting
  - Applicant (the person(s) seeking the review)
  - The Licence holder
  - Other persons
- ii. **Procedure** - Chair of the Panel to outline the procedure for the hearing (with variations where needed).
- iii. **Presentation** of the report (**agenda item 6**) by a Licensing Officer of the Relevant Authority.
- iv. **Presentation** by the **Applicant(s)** (seeking the review) of their case/statements. Additional material may only be submitted at the hearing with the agreement of the Panel and the other party/parties, subject to advice by the Panel's legal advisor at the time.
- v. **Presentation** by **other persons** (if any) (including Responsible Authorities) who have made representations **supporting the Applicant's case**.
- vi. **Questioning** of the **Applicant(s)** and the **other persons** above by:
  - the Licence holder
  - the Panel
- vii. **Presentation** by the **Licence holder(s)** of their case/statements. Additional material may only be submitted at the hearing with the agreement of the Panel and the other party/parties, subject to advice by the Panel's legal advisor at the time.

## Agenda Item 4

- viii. **Presentation by other persons** (if any) who have made representations **supporting the Licence holder's case.**
- ix. **Questioning** of the Licence holder and the **other persons** above by:
  - the Applicant
  - the Panel
- x. **Concluding statement** by the Applicant.
- xi. **Concluding statement** by Licence holder(s).
- xii. The Panel together with its legal advisor (and committee clerk if in attendance) withdraw to consider the application. Before withdrawing, the panel will confirm (if not already done) how the decision will be provided (see below). Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.
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**Adjournment:** The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.



## **Report for:                      Licensing Panel**

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<b>Date of Meeting:</b>	13 April 2023
<b>Subject:</b>	Application for a variation of a premises licence for Fire and Ice, 256 Uxbridge Road, Hatch End, Pinner, Harrow, HA5 4HS.
<b>Responsible Officer:</b>	Dipti Patel, Corporate Director, Place
<b>Exempt:</b>	No
<b>Ward affected:</b>	Hatch End
<b>Enclosures:</b>	<b>Appendix 1</b> – Application <b>Appendix 2</b> – Current Premises Licence <b>Appendix 3</b> – Representations <b>Appendix 4</b> – Location map

### **Section 1 – Summary**

An application for a variation of the premises licence under Section 34 of the Licensing Act 2003 has been received for Fire and Ice, 256 Uxbridge Road, Hatch End, Pinner, Harrow, HA5 4HS.

Representations have been received from one other person which is an association which represents businesses and residents who live and or work within the vicinity of the premises.

The representation express concerns about the possible undermining of one or more of the licensing objectives should the application be granted.

### **Section 2 – Report**

- 2.1 Harb Brothers Limited have applied to vary the premises licence for Fire and Ice, 256 Uxbridge Road, Hatch End, Pinner, Harrow, HA5 4HS

(Appendix 1). A location map and image of the premises is available in Appendix 4.

2.2 Fire and Ice is a Cocktail Lounge & Bar located in Hatch End Broadway.

2.3 The Licence Holder is looking to vary condition 8 under Annex 2 which the applicant states says:

- 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.

(This appears at condition 3 not condition 8)

2.4 The applicant also wishes to amend the terminal closing time by an additional 15 minutes after the end of licensable activities to allow customers a period of drinking up time and to vacate the premises

2.5 The current licence authorises the following licensable activities and times:

	Late Night Refreshment, Performance of dance, Recorded music and Live music	Retail sale of alcohol on the premises	Hours open to public
Monday	23:00 – 00:00	10:00 – 00:00	10:00 – 00:00
Tuesday	23:00 – 00:00	10:00 – 00:00	10:00 – 00:00
Wednesday	23:00 – 00:00	10:00 – 00:00	10:00 – 00:00
Thursday	23:00 – 00:00	10:00 – 00:00	10:00 – 00:00
Friday	23:00 – 01:00*	10:00 – 01:00*	10:00 – 01:00*
Saturday	23:00 – 01:00*	10:00 – 01:00*	10:00 – 01:00*
Sunday	23:00 – 00:00	10:00 – 00:00	10:00 – 00:00
“*” indicates hours continue into the following morning			

2.6 The variation seeks to amend the times for hours open to the public to the following:

	Hours open to public
Monday	10:00 – 00:15*
Tuesday	10:00 – 00:15*
Wednesday	10:00 – 00:15*
Thursday	10:00 – 00:15*
Friday	10:00 – 00:15*
Saturday	10:00 – 01:15*
Sunday	10:00 – 01:15*
“*” indicates hours continue into the following morning	
Seasonal variations and non-standard timings:	

During any seasonal timings permitted on licence LN/000014496/2020/1 the closing times to be extended by an additional 15 minutes so as to permit a drinking up and exit time for customers after the end of licensable activities.

2.7 Where a relevant representation is submitted under Section 35(3) of the Licensing Act 2003 the Authority must hold a hearing to consider such representations, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary.

2.8 Relevant representations mean those which are about the likely effect of the grant of the application on the promotion of the licensing objectives, and have been made in time, not withdrawn, and in the case of representations made by a person (other than a responsible authority), are not considered by the Licensing Authority to be frivolous or vexatious.

### **3. Alternative Options considered**

3.1 The Licensing panel is required by the Licensing Act 2003 to take one of the options listed below as it considered appropriate for the promotion of the licensing objectives.

3.2 The options are:

(a) To grant the licence subject to

(i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application

3.3 For the purposes of 3.1(a) (i) above, the conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

### **4. Licensing Officer's observations**

4.1 The representation received is mainly based on the possible increase in anti-social behaviour, an increase in public nuisance and a risk to public safety. The representation also raises concerns about the hours proposed in the application.

- 4.2 Consideration should be given on how these issues could directly affect the prevention of crime and disorder, public safety and the prevention of public nuisance objectives.
- 4.3 The Hatch End Association has made a representation and this can be found at Appendix 3
- 4.4 The most critical part of the operating schedule are the steps taken by the applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be transferred into conditions on the licence.
- 4.5 The Panel has the discretion to add to or modify conditions in light of the representations where it is appropriate to do so to promote the licensing objectives.

## **5. Statutory Guidance**

- 5.1 The panels attention is drawn to section 2 of the Revised Guidance issued under section 182 of the Licensing Act 2003 which refers to the licensing objectives:

- 5.2 *“Crime and disorder*

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of



closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

### *Public safety*

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### *Ensuring safe departure of those using the premises*

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

#### *Maintenance and repair*

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

*Safe capacities* 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

#### *Public nuisance*

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate

sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to

place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night. “

*Protection of children from harm*

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants,

responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions

relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency. Offences relating to the sale and supply of alcohol to children 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A



(persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.”

## **6. Harrow licensing Policy**

6.1 Paragraph 6.3 of the Licensing Authority’s Statement of Licensing Policy sets out the matters that the Panel may take into account when considering representations (although the Panel is not limited to these matters):

- degree of confidence in the management of the premises
- location of premises
- gang-related activity in the area
- management of waste particularly preventing fly-tipping
- commitment to reporting all crimes and anti-social behaviour associated with premises
- crime prevention audit conducted by police/professional security organisation
- staff training
- anti-theft provisions (eg time-locked safes, magnetic door locks, regular removal of cash from tills)
- suitable and sufficient security plan
- effective wind-down and dispersal policies
- use of CCTV
- noise mitigation measures associated with licensable activities, particularly near to residential properties
- provision of litter bins and litter patrols
- use of low-impact litter materials
- noise from people arriving at or leaving from the premises and which is related to licensable activities
- control of other nuisances relating to licensable activities such as light or odours
- measures to protect children from being exploited or coming to harm

## **7. Legal implications**

7.1 The Licensing Panel is required to hold a hearing to consider any relevant representations made in relation to the premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

7.2 Under Part 3 of the Council’s Constitution (22 December 2022), the Licensing Panel has the power to determine applications and to make Orders in respect of licences

7.3 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the

parties, the Revised Guidance issued under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy and the steps that are appropriate to promote the four licensing objectives.

7.4 Having considered those relevant matters, the Licensing Panel is required to take such steps (as outlined in section 3.2) as it considers appropriate for the promotion of the licensing objectives

7.5 It should be noted with all options that –

- clear reasons should be given for the decision.
- any additional or modified conditions should be practical and enforceable
- the applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003.

7.6 In addition to determining the application in accordance with the legislation, Members must have regard to the –

- (a) common law rules of natural justice
- (b) provisions of the Human Rights Act 1998
- (c) considerations in section 17 of the Crime and Disorder Act 1998

7.67 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property)

## 8. **Financial Implications**

8.1 There are no financial implications, other than a small fee income from the application of the variation of a premises licence.

## 9. Appeals

9.1 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a magistrates' court within 21 days from notification of the decision.

## 10 **Risk Management Implications**

10.1 Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **No**

10.2 The following key risks should be taken into account when agreeing the recommendations in this report:

<b>Risk Description</b>	<b>Mitigations</b>	<b>RAG Status</b>
Failure to determine the application for a variation of a premises licence would put the Licensing Authority in breach of its obligations under the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.	<ul style="list-style-type: none"><li>The Authority must determine this application within the timescales set by prescribed regulations</li></ul>	Green

## **Section 3 - Statutory Officer Clearance**

**Statutory Officer: Jessie Man**

Signed on behalf of the Chief Financial Officer

**Date: 23 March 2023**

**Statutory Officer: Alister Cryan**

Signed on behalf of the Monitoring Officer

**Date: 3 April 2023**

**Chief Officer: Cathy Knubley**

Director of Environmental Services

**Date: 3 April 2023**

## **Mandatory Checks**

**Ward Councillors notified: YES**

### **Section 4 - Contact Details and Background Papers**

**Contact:**

Emma Phasey, Head of Licensing and Enforcement,  
[emma.phasey@harrow.gov.uk](mailto:emma.phasey@harrow.gov.uk)

**Background Papers: Background Papers: Licensing Act 2003 Statutory Guidance (issued December 2022).**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1125660/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_December\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf)



**Harrow**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@harrow.gov.uk](mailto:licensing@harrow.gov.uk)  
 Telephone: 020 8901 2600

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

PRE-LIC-VAR-FIRE-&-ICE-FEB-23

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

Harb Brothers

\* Family name

Ltd

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

11855411

Business name

Harb Brothers Ltd

If the applicant's business is registered, use its registered name.

VAT number

-

unknown

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

**Continued from previous page...**

Applicant's position in the business

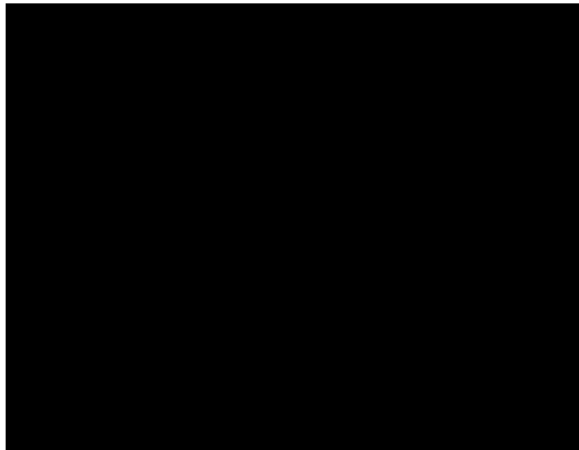
Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name  
Street  
District  
City or town  
County or administrative area  
Postcode  
Country



**Agent Details**

\* First name  
\* Family name  
\* E-mail  
Main telephone number  
Other telephone number



Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

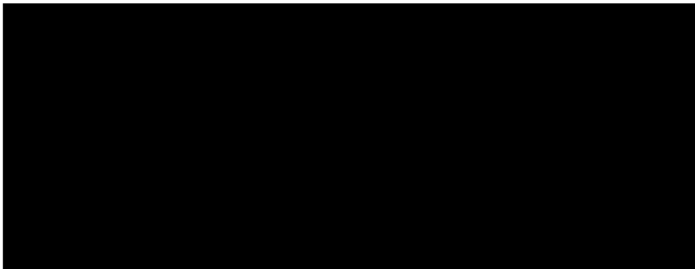
A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number  
Business name  
VAT number  
Legal status



If your business is registered, use its registered name.  
Put "none" if you are not registered for VAT.

**Continued from previous page...**

Your position in the business

Home country

**Agent Registered Address**

Building number or name

Street

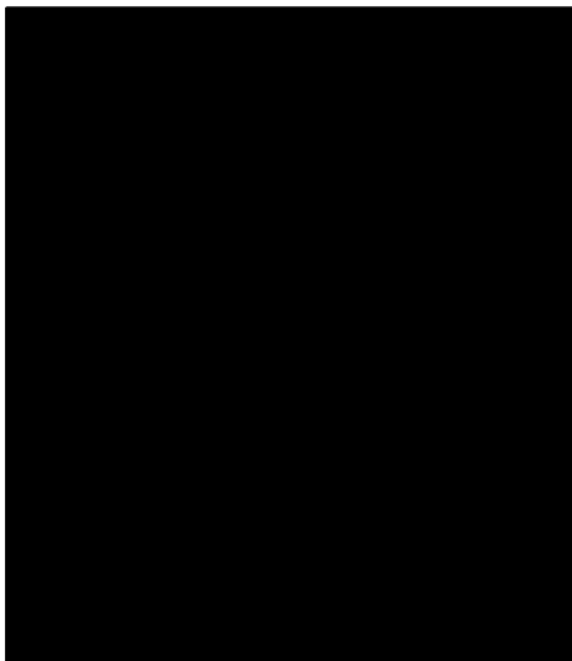
District

City or town

County or administrative area

Postcode

Country



The country where the headquarters of your business is located.

Address registered with Companies House.

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

### Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

38,000

## Section 3 of 18

### VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

1.0 - Fire and Ice is a Cocktail Lounge & Bar located in Hatch End Broadway.

1.1 - The licence holder is looking to vary condition 8 on premise licence LN/000014496/2020/1 detailed in italics below to permit alcohol to be served without the requirement of food.

- 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.

1.2 - The applicant also wishes to amend the terminal closing time by an additional 15 minutes as detailed in the paragraph below:

- To extend the terminal closing timings by an additional 15 minutes after the end of licensable activities to allow customers a period of drinking up time and to vacate the premises.

2.0 - Pre application enquiry

Prior to the development of this application to vary, the licence holder commissioned Joshua Simons & Associates to conduct a pre application enquiry. This involved a review of Harrow Councils Statement of licensing policy Version 3.1 dated 2017 specifically in relation to licence conditions and the provision of alcohol. It also liaised with Harrow Council licensing authority and Harrow Police to establish if the proposal to vary the licence as set out in numbered points 1.1 and 1.2 could be acceptable and whether there were any points that needed to be addressed in relation to the scope of the variation/s to the licence.



*Continued from previous page...*

3.0 - No other variations are sought as part of this application.

**Section 4 of 18**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes  No

**Section 5 of 18**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

*Continued from previous page...*

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

No adult entertainment is provided.

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

During any seasonal timings permitted on licence LN/000014496/2020/1 the closing times to be extended by an additional 15 minutes so as to permit a drinking up and exit time for customers after the end of licensable activities.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

During any seasonal timings permitted on licence LN/000014496/2020/1 the closing times to be extended by an additional 15 minutes so as to permit a drinking up and exit time for customers after the end of licensable activities.

**Continued from previous page...**

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

During any seasonal timings permitted on licence LN/000014496/2020/1 the closing times to be extended by an additional 15 minutes so as to permit a drinking up and exit time for customers after the end of licensable activities.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

No additional control measures as licensing conditions are offered to the operating schedule as part of this variation.

b) The prevention of crime and disorder

No additional control measures as licensing conditions are offered to this part of the operating schedule as part of this variation.

c) Public safety

No additional control measures as licensing conditions are offered to this part of the operating schedule as part of this variation.

d) The prevention of public nuisance

No additional control measures as licensing conditions are offered to this part of the operating schedule as part of this variation.

e) The protection of children from harm

No additional control measures as licensing conditions are offered to this part of the operating schedule as part of this

*Continued from previous page...*

variation.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

315.00

**DECLARATION**

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

**Continued from previous page...**

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/harrow/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

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# LICENSING ACT 2003

## Premises Licence

APPENDIX 2

Schedule 12

Part A (Regulation 33,34)

HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number:

LN/000014496/2020/1

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Fire and Ice, 256 Uxbridge Road, Hatch End, Pinner, Middlesex, HA5 4HS

Telephone Number: [REDACTED]

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

**Sale by retail of Alcohol**

**Late night refreshment**

**Performance of dances (g) Recorded music (f) Live music (e)**

Signed by Richard LeBrun

Environmental Services Manager (Public Protection)



**Licensable Area****Hours open to public**

Sunday	00:00 - 01:00	10:00 - 00:00
Monday	10:00 - 00:00	-
Tuesday	10:00 - 00:00	-
Wednesday	10:00 - 00:00	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	00:00 - 01:00	10:00 - 00:00

**The times the licence authorises the carrying out of licensable activities****Location: Licensable Area****Sale by retail of Alcohol**

Sunday	00:00 - 01:00	10:00 - 00:00
Monday	10:00 - 00:00	-
Tuesday	10:00 - 00:00	-
Wednesday	10:00 - 00:00	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	00:00 - 01:00	10:00 - 00:00

**Location: Licensable Area****Late night refreshment**

Sunday	00:00 - 01:00	23:00 - 00:00
Monday	23:00 - 00:00	-
Tuesday	23:00 - 00:00	-
Wednesday	23:00 - 00:00	-
Thursday	23:00 - 00:00	-
Friday	23:00 - 00:00	-
Saturday	00:00 - 01:00	23:00 - 00:00

**Location: Licensable Area****Performance of dances (g) Recorded music (f) Live music (e)**

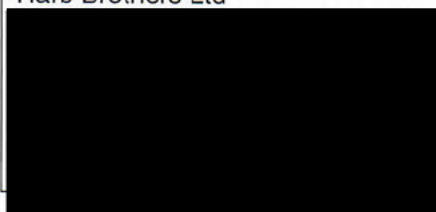
Sunday	00:00 - 01:00	23:00 - 00:00
Monday	23:00 - 00:00	-
Tuesday	23:00 - 00:00	-
Wednesday	23:00 - 00:00	-
Thursday	23:00 - 00:00	-
Friday	23:00 - 00:00	-
Saturday	00:00 - 01:00	23:00 - 00:00

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies

**Sale by retail on premises****Part 2**

Name, (registered) address, telephone number and email (where relevant of holder of premises licence):

Harb Brothers Ltd



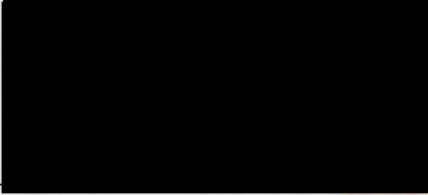


Registered number of holder, for example company number, charity number (where applicable):

11855411

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Joseph Harb



Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

EALING - 03570

State whether access to the premises by children is restricted or prohibited: N/A

### Annex 1 – Mandatory Conditions

#### Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

#### Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

#### The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

#### **Mandatory Condition order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Mandatory conditions where licence authorises exhibition of films:**

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in



accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

## **Annex 2 - Conditions consistent with the Operating Schedule**

The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the police. 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. Recordings shall be made available immediately upon the request of Police or authorised officer in accordance with the Data Protection Act throughout the preceding 31 day period.

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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

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.

A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises is open.

An incident log shall be kept at the premises for at least 12 months, and examined on a regular basis by the DPS and the date and time of each examination will be endorsed in the register.

The register shall be made available on request to an authorised officer of the licensing authority or the Police, which will record the following:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any visit by a relevant authority or emergency service.

The Premises must implement a "Challenge 25" policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S).

Substantial food and non-intoxicating beverages (including free drinking water) shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided.

No children shall be admitted after 2100 hours unless accompanied by a responsible adult.

Any staff directly involved in selling alcohol for retail 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.

Notices will be clearly displayed at all exits requesting that patrons respect the needs of local residents and leave the premises and area quietly.

After 2200 hours smoking areas shall be limited to six persons and each area shall be suitably supervised.

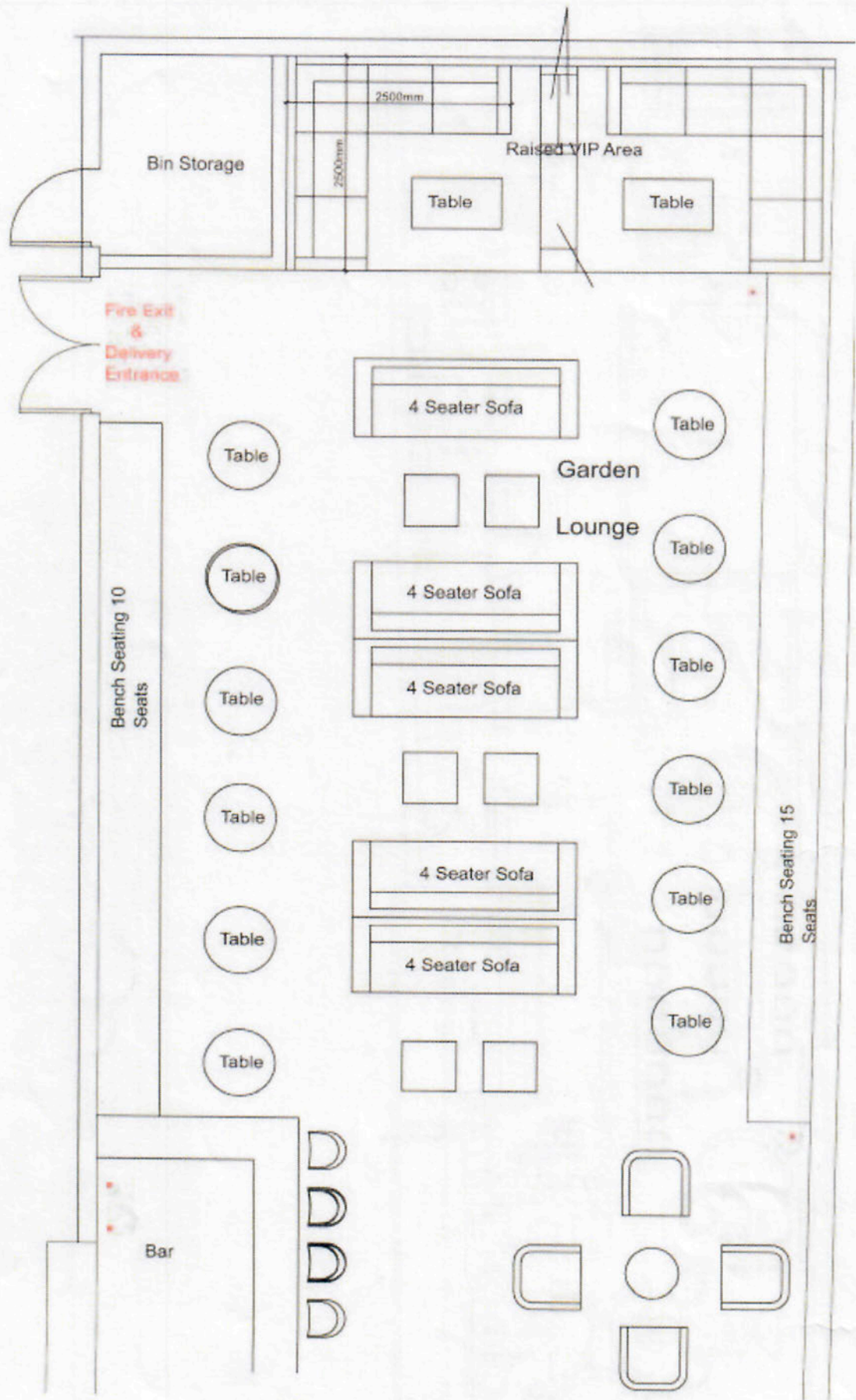
Annex 3 - Conditions attached after a hearing by the Licensing Authority











Date of original grant:	Reason for issue: New Application
Date of issue: 10th March 2020	Issue Number:



Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

## Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Hatch End Association** make this representation under  
(Insert name of applicant)  
the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
<b>Fire &amp; Ice Lounge</b>	
<b>258 Uxbridge Road, HATCH END,</b>	
<b>PINNER.</b>	<b>HA5 4HS</b>
Post town	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)
<b>HERB Brothers Ltd</b>
Number of premises licence or club premises certificate (if known)
<b>LN/00001496/2020/1</b>

### Part 2 - Applicant details

I am	Please tick <input checked="" type="checkbox"/> yes
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input checked="" type="checkbox"/> <b>yes</b>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates   
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick  yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

**Hatch End Association**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

**This representation relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |  |
|---|--|
| 1) the prevention of crime and disorder | <input type="checkbox"/>                       |
| 2) public safety                        | <input type="checkbox"/>                       |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> <b>yes</b> |
| 4) the protection of children from harm | <input type="checkbox"/>                       |

**Please state the ground(s) for review** (please read guidance note1)

**The Hatch End Association, founded in 1929 has a membership of some 1600 households and 50 businesses in the Hatch End area.**

**Our representation is to the licence variations application dated 08 February 2023**

**1.1 remove Condition 8 requirement that the supply of alcohol had to be to a person seated taking a table meal.**

**1.2 Extend terminal business hours by 15mins to allow for 'drinking-up'.**

**We consider the variation completely changes the nature of the approved licence from that of a restaurant type establishment to that of a public house. From persons sitting at tables having alcohol served to person drinking alcohol from 10:00 in the morning till after midnight with no requirement to be seated or have food.**

**We are concerned at the likelihood of noise from the patrons of the Pub on closing with raucous good nights and banging car doors disturbing the area where working citizens are sleeping in flats above and adjacent to the premises and houses at the rear.**

**We do not have a concern with Fire & Ice providing alcohol with meals as allowed in the present licence and would not object to an extension of the terminal business hours only although we feel 'drinking-up' was believed to be included in the present licence timings.**

**Our Concern at the likely hood of public nuisance is strengthened as the business is next door to a public house 'The Moon and Sixpence' which closes within 15 minutes of the variation application times. The closure of two adjacent public houses at the same time in a residential area. is an invitation to public nuisance and should not be permitted.**

**Please provide as much information as possible to support the application** (please read guidance note 2)

Please tick  
yes

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

--

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

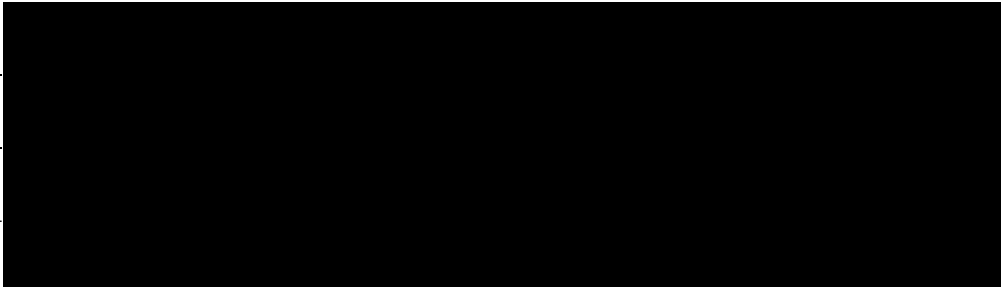
**Part 5 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (please read guidance note 4)  
**If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date.....**04MAR23**.....

Capacity **Chair, Hatch End Association,**

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Julian Maw,</b>	
<b>Hatch End Association,</b>	
	
	(optional)

**Notes for Guidance**

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.



Legend

**Areas**

- Override 1





52

258

256

LOUNGE BAR **fire&ice**

www.fireicebar.co.uk

0208 1919 258

General Garden

*The Moon and Sycamore*



Google