

# London Borough of Harrow



## LICENSING PANEL

WEDNESDAY 25 JUNE 2003

7.30 PM \*

PANEL AGENDA (GENERAL PURPOSES)

COMMITTEE ROOM 1&2  
HARROW CIVIC CENTRE

\* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 5

### MEMBERSHIP (Quorum 3)

Chair: Councillor Knowles

#### Councillors:

O'Dell

Branch

#### Reserve Members:

1. Bluston  
2. Burchell

1. Arnold  
2. John Nickolay  
3. Mrs Joyce Nickolay

1. Thornton  
2. Miss Lyne

Issued by the Committee Services Section,  
Law and Administration Division

Contact: Michelle Fernandes, Committee Administrator  
Tel: 020 8424 1542 E-mail: michelle.fernandes@harrow.gov.uk

***NOTE FOR THOSE ATTENDING THE MEETING:  
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.  
IT WILL BE COLLECTED FOR RECYCLING.***

**LONDON BOROUGH OF HARROW**

**LICENSING PANEL**

**WEDNESDAY 25 JUNE 2003**

**AGENDA - PART I**

1. **Appointment of Chair:**

(1) To note the appointment of Councillor Knowles at the Special Meeting of the General Purposes and Licensing Committee on 15 May 2003 under the provisions of Committee Procedure Rule 7.2, as Chair of the Panel for the Municipal Year 2003/2004.

FOR INFORMATION

(2) It is understood that Councillor Knowles will be absent from this meeting by reason of a prejudicial interest in the substantive business. In those circumstances it would be necessary to appoint a Chair for the purposes of this meeting.

FOR CONSIDERATION

2. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

3. **Declarations of Interest:**

To receive declarations of interest (if any) from Members of the Committee arising from business to be transacted at this meeting.

4. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in the Local Government (Access to Information) Act 1985.

5. **Minutes:**

That the minutes of the meetings held on 4 December 2002 and 6 February 2003, having been circulated, be taken as read and signed as correct records.

6. **Public Questions:**

To receive questions (if any) from local residents or organisations under the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution).

7. **Petitions:**

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

8. **Deputations:**  
To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).
9. **Application for Renewal Of A Night Cafe Licence Kebabland, College Road, Harrow, Middx:** (Pages 1 - 16)  
Report of the Chief Environmental Health Officer.
10. **Any Other Business:**  
Which the Chair has decided is urgent and cannot otherwise be dealt with.

## **AGENDA - PART II**

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|                                       |  |
|---------------------------------------|--|
| <b>Meeting:</b>                       | LICENSING PANEL  |
| <b>Date:</b>                          | 25 JUNE 2003   |
| <b>Subject:</b>                       | APPLICATION FOR RENEWAL OF A NIGHT CAFE LICENCE<br><br>KEBABLAND, COLLEGE ROAD, HARROW, MIDDX. |
| <b>Responsible<br/>Chief Officer:</b> | CHIEF ENVIRONMENTAL HEALTH OFFICER   |
| <b>Relevant<br/>Portfolio Holder:</b> | COUNCILLOR PHIL O'DELL   |
| <b>Status:</b>                        | PART 1 (PUBLIC)  |
| <b>Ward:</b>                          | GREENHILL  |
| <b>Enclosures:</b>                    | APPLICATION, EXISTING LICENCE, OBJECTION AND<br>CORRESPONDANCE WITH APPLICANT                  |

## 1. Summary

1.1 This report gives details of applications for the renewal of a Night cafe licence and gives guidance to assist the Licensing Panel in reaching a decision. The application is referred to the Panel, as there is an unresolved objection from a Councillor.

### 1.2 NIGHT CAFE LEGISLATION

1.3 The requirements under the London Local Authorities Act 1990 for night cafe licensing can be complex. As this premises has seating area and a takeaway service both are relevant to the application for a licence. Thus the applicant requires a night cafe licence on two counts, firstly, he wishes to serve food in the restaurant after 11 pm and, secondly, he wishes to serve takeaway food after midnight. The 11 pm time limit applies only to those restaurants that are not licensed for the sale of alcohol, thus as most restaurant premises in the Borough possess liquor licences, they are not also required to be licensed as night cafes.

1.4 The procedure for new applications mirrors the entertainments licensing system. For renewal applications the applicant has to publicise the application with a poster displayed on the premises and copies of the application must also be sent to the Metropolitan Police and the London Fire and Emergency Planning Authority. On receipt of the application by the Council, notice of an application is distributed on the list of Planning Applications and the relevant statutory authorities are informed.

1.5 In normal circumstances night cafe licences are granted by the Chief Environmental Health Officer under delegated powers. However, if there are outstanding objections to a licence, or the initial application for a licence requests opening times later than the standard hours, then these applications are referred to the Panel for determination. The standard hours for night cafe licences are 1am on Friday and Saturday nights and

midnight for the rest of the week. This application is referred to the Panel because there is an outstanding objection to the renewal application.

## **2. Recommendations (for decision by the Panel.)**

- 2.1 Members are asked to determine the application in accordance with the guidance in section 8, below.**

## **3. Relevant Previous Decisions**

The Night Café licence was initially granted on 15<sup>th</sup> May 2001 with the additional condition 6 relating to rubbish in the vicinity of the premises.

## **4. Relevance to Corporate Priorities**

- 4.1 While this report is in response to a request for a licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits, the reduction of crime and disorder and a prosperous local economy.

## **5. Background Information**

- 5.1 Application has been made for the renewal of the existing Night Cafe Licence for Kebabland, 36 College Road Harrow by Mr E Dagdelen. The premises have been licensed since May 2001 for late night trading by this Council.
- 5.2 The premises are licensed to open until 1am on the evenings of Sundays to Thursdays and until 2:30am on Fridays and Saturdays. A copy of the application and the current licence are attached to this report (Appendix A).
- 5.3 The Chief Planning Officer advises that there are no planning restrictions on the use of the premises.
- 5.4 There have been no objections to the application from the London Fire and Emergency Planning Authority.

## **6. Objections to the Application**

- 6.1 A copy of the letter of objection to the renewal is attached, together with relevant correspondence by the applicant (see Appendix B).
- 6.2 Once the date for the hearing was established the applicant and the objector were invited to provide written statements of the evidence they wished to present at the hearing (see Appendix C).

## **7. The Premises**

- 7.1 Location

Kebabland is in a terrace of commercial premises in College Road, facing Harrow on the Hill underground station. The premises are in an area, which is principally commercial in nature.

## 7.2 Construction

The premises are of solid construction and meet the requirements of the Council's Technical Regulations regarding construction.

## 7.3 Complaint History

Environmental Health has not received any complaints about the premises in the last year.

## 8. Determination of the Application

8.1 The Panel has to consider the application and the opening hours. The legislation gives the Panel a discretion to determine the application in any of the ways mentioned in 8.2 below. The legislation lists the grounds on which the Panel can refuse an application to grant a licence (see Appendix D). The legislation does allow the imposition of conditions and restrictions on a licence and provides certain guidance as to the type of condition that may be imposed (see Appendix E). It is clear that any additional conditions would have to comply with the requirements of the Act, be practical, enforceable and meet the rules of natural justice.

8.2 In respect of the application the Panel has the following options open to it:-

- a. To grant the application as it stands. Any licence granted would be subject to the Council's standard conditions for night cafes.
- b. To grant the licence but to vary the hours of opening from those on the application, or place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises as detailed in Appendix E.
- c. To refuse the application.

8.3 It should be noted with options (b) and (c) above that:-

- i. The applicant must be given the right to appear before the Panel if the application is to be refused or amended. The applicant has been invited to attend the meeting.
- ii. Clear reasons for either the refusal to renew the licence, or to grant the hours applied for, or of the imposition of additional conditions, would have to be given to the applicant.
- iii. The applicant would have to right of appeal to a Magistrates Court.

## 9. Consultation

9.1 The applications were advertised in accordance with the Council's rules governing applications and details of the applications were attached to the Planning Application lists. There is one objection to the application.

**10. Finance Observations**

10.1 There are no financial implications for the Council relating to the consideration of this application by the Panel.

**11. Legal Observations**

11.1 In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

**12. Background Papers**

12.1 File for Kebabland, 36 College Road, Harrow.

**13. Author**

13.1 Shankar Sivashankar, 020 8420 9605

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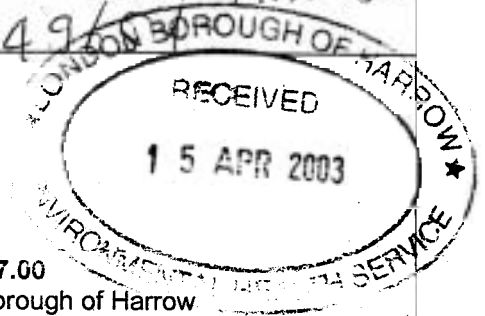
## APPENDIX A

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1571  
see Sect 8

**LONDON BOROUGH OF HARROW**

**APPLICATION FOR [RENEWAL OF] [TRANSFER OF] A NIGHT CAFÉ LICENCE**

|                           |  |
|---------------------------|--|
| 1. Full name of applicant | ERDOGAN DAGDELEN   |
| 2. Address of applicant   | KEBAB LAND<br>36 COLLEGE ROAD,<br>HARROW, MIDDX, HA1 1BE |
| Telephone/Fax             | 0208-4249651   |




3. Name and address of premises  
Kebab Land, 36, College Road, , HARROW, HA1 1BE  
☎ 0208 424 9651  
Current Licence expires on: 14 May 2003  
Application Fee. £157.00  
Payable to London Borough of Harrow

|  |                  |
|--|------------------|
| 4. Names of persons concerned or intended to be concerned in the conducted or management of the premises | ERDOGAN DAGDELEN |
|--|------------------|

| 5. Intended hours of opening |         |           |          |         |          |         |
|------------------------------|---------|-----------|----------|---------|----------|---------|
| Monday                       | Tuesday | Wednesday | Thursday | Friday  | Saturday | Sunday  |
| 1:00 AM                      | 1:00 AM | 1:00 AM   | 1:00 AM  | 2:30 AM | 2:30 AM  | 1:00 AM |

|   |   |
|---|---|
| 6. Previous convictions of the applicant and persons mentioned above  | /   |
| 7. Are there any prosecutions pending against the applicant and those persons mentioned above? If so please state:<br>If no convictions, please enter 'NIL'   | / <span style="float: right;">Continue overleaf if necessary</span> |
| 8. Changes to layout, seating, toilet facilities, heating, lighting, ventilation, means of escape, fire fighting appliances and entertainments since the current licence started on 15 May 2002 are as follows: | / <span style="float: right;">Continue overleaf if necessary</span> |

9. I declare that I have checked the information given on this particular form and to the best of my knowledge and belief, it is correct.

Signed:  Date: 14/04/2003

|  |  |
|--|--|
| Superintendent A Fisf<br>Metropolitan Police Service, Harrow Police Station<br>74 Northolt Road<br>SOUTH HARROW<br>HA2 0DN (fao Sgt Davis) | London Fire Brigade Western Command -<br>Fire Safety<br>61 - 63 Staines Road<br>HOUNSLOW<br>TW3 3JQ (fao Station Officer Newell) |
|--|--|

A copy of this application must also be sent to the Police and Fire Authority: Tick this box when done:   
Your licence may be delayed if these copies are not sent.

LONDON LOCAL AUTHORITIES ACT 1990

**NIGHT CAFÉ  
LICENCE**



LONDON BOROUGH  
OF HARROW

ENVIRONMENTAL  
HEALTH SERVICES

Civic Centre  
PO Box 18  
Station Road  
HARROW  
HA1 2UT

020 8424 1380  
020 8420 9605

Chief Environmental  
Health Officer:  
Gareth Llywelyn-  
Roberts

THE LONDON BOROUGH OF HARROW licenses Mr Erdogan Dagdelen

to keep the premises known as Kebab Land  
36 College Road  
HARROW  
HA1 1BE

TO trade as a NIGHT CAFÉ until the following times subject to the conditions listed below

| MON     | TUE     | WED     | THU     | FRI     | SAT     | SUN     |
|---------|---------|---------|---------|---------|---------|---------|
| 1:00 AM | 1:00 AM | 1:00 AM | 1:00 AM | 2:30 AM | 2:30 AM | 1:00 AM |

Period of Licence

From 15 May 2002

Until end of 14 May 2003

Chief Environmental Health Officer

Dated:.. 21 Jun 2002

The licence is granted subject to the following specific conditions:

- The arrangements for fire precautionary measures including the means of escape and the provision of fire fighting equipment must be maintained. These measures must include the following:
  - The occupier shall take all reasonable precautions for the safety of persons resorting to the premises
  - No material change, permanent or temporary, in the structure of the layout shall be made without the consent of the Borough Council
  - All doorways, corridors, staircases, etc., usable as means of escape shall be kept free of obstruction, be immediately available, adequately illuminated and maintained
  - The London Fire Brigade shall be called to every outbreak of Fire
  - Flues from the kitchen and servery and over the grills and the ventilating shafts shall be maintained in a clear condition
  - The fire fighting appliances shall be efficiently maintained and all times be immediately available for use
- The licensee shall ensure that the means of lighting (normal and emergency) shall be properly maintained.
- The licensee shall ensure that the means of heating shall be properly maintained
- The licensee shall ensure that the means of ventilation shall be properly maintained
- The opening and closing times shall be clearly displayed on the premises and all reasonable steps shall be taken to ensure that the public are aware of them.
- The licensee shall ensure that the vicinity of the premises is kept clear of rubbish, particularly at closing times.

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APPENDIX B

# LONDON BOROUGH OF HARROW

Adrian Knowles  
Councillor, Hatch End Ward

The Conservative Group Office  
Civic Centre  
Station Road  
Harrow HA1 2UH Tel: 020 8424 1236

Fax 020 8424 1007



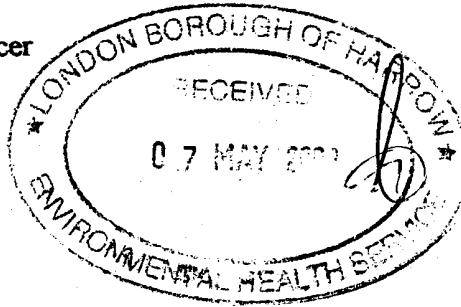
Please reply to: Councillor Adrian Knowles  
at the above address

Telephone: 020 8426 4761

Fax: 020 8426 4761

E-Mail: [adrian.knowles@harrow.gov.uk](mailto:adrian.knowles@harrow.gov.uk)

The Chief Environmental Health Officer  
London Borough of Harrow  
Civic Centre  
Harrow  
HA1 2UH



2 May 2003

Dear Sir

**Re: Renewal of Annual Night Café Licence for Kebabland, 36 College Road, Harrow**

When the above-named establishment was last given its licence by the Licensing Committee, it was stipulated that a condition of the Licence was that the proprietors should make every effort to reduce the amount of litter originating from the premises by mounting litter patrols in and around Harrow.

It was stated that these litter patrols should cover "both sides of the tracks" around Harrow on the Hill Station. This has manifestly failed to happen.

Not only is College Road and surrounding roads in Harrow blighted by the appearance of the yellow Styrofoam containers used by Kebabland, but so is Lowlands Road and Grove Hill in Harrow. Harrow is never going to look clean, tidy and cared for if this litter is allowed to proliferate.

It is my view that the proprietors of Kebabland have failed to observe the conditions of their Licence and do not deserve to have it renewed.

Accordingly, I am writing to object in the strongest terms possible to the renewal of the above-mentioned Annual Night Café Licence.

Yours faithfully

Adrian Knowles

# KEBAB LAND

36 COLLEGE ROAD, HARROW, MIDDLESEX, HA1 1BE  
Mr Adrian Knowles  
Councillor, Hatch End Ward  
The Conservative Group Office, Civic Centre  
Station Road, Harrow, HA1 2UH  
**TEL: 0181-424 9651**

Dear Mr. Knowles;

**Re: Renewal of Annual Night Café Licence for Kebabland, 36 College Road, Harrow**

I am writing in response to your letter of objection, dated 02/05/2003, to renewal of Night Café Licence for Kebab Land at 36 College Road, Harrow and would like you to know that I was deeply saddened by the contents of the letter which lays blame on us for the pollution of the College Road and the surrounding roads with the Styrofoam containers used by Kebab Land.

As the proprietor, I believe I have been taking appropriate steps to keep the vicinity of Kebab Land free of litter originating from the premise. By mounting litter patrols at the closing times, I personally make sure that the section of College Road between the Harrow Post Office and Harrow on the Hill Station is cleared of any litter originated by us. In the process, not only do we clean our own litter, we also clean the litter originated from the other premises which are open at night around Kebab Land and Harrow.

But, because of my concern over the safety of my staff late at night, especially at the weekends, I am reluctant to send them to collect litter as far as the Lowlands Road and Grove Hill which are at the other side of the Harrow on the Hill Station and far off the vicinity of Kebab Land.

I would also like to draw your attention to the fact that it is not only Kebab Land that uses the yellow Styrofoam containers in or around Harrow and also to the contributing factors of some inconsiderate members of public who throws the litter around uncontrollably.

Kebab Land is a small business that relies upon night trade and any decision not to renew its license would profoundly cripple the business and bring it to the verge of bankruptcy. In the light of this fact I have done my utmost to observe the conditions of our Night Café License and will always do so to keep my business running.

I am more than happy to cooperate with you in any way to keep Harrow clear of litter and I kindly ask for your assistance to overcome this problem and to stop the reoccurrence of it in the future.

I would be grateful if you could possibly reconsider your objection and let me know what I can do to satisfy the conditions of our License in order to keep Harrow free of litter.

Yours Sincerely

  
Erdogan Dagdelen

The Proprietor



APPENDIX C

### Points towards the night license

1. We are changing the colour of the polystyrene containers (to white if possible).
2. We are hoping to stamp these containers with a 'Kebabland' title and 'keep Harrow tidy' slogan as well as a corresponding logo.
3. There is a legal undertaking of £2000 as a contribution toward planning permission as to improve Harrow town centre. The money is currently with the Council solicitors.
4. We pay £5500 business rates as well as £2600 council tax. As far as we had thought, at least a proportion of this money would theoretically go towards improvements of Harrow's general litter problems.
5. We would like the panel to acknowledge the fact that we are a small business and feel that these current charges are understandably a large amount of money, especially for a business of our size.
6. We would like to know why no other kebab shops in the surrounding area were not approached with similar requests and objections towards their night licenses.
7. We would correspondingly like to know what Harrow council is doing about other businesses in the context of 'keeping Harrow tidy'.
8. We are a small business with both morals and principles. We would like to know why our shop is the only one being targeted in this scheme, as we would like to think that we are doing everything possible to maintain our business in this moral manner. We also *know for a fact* that some of the other shops in Harrow do not have a night license, nor do they ever clean outside their respective premises.
9. We would like the panel to appreciate that *we are the only kebab shop in Harrow* to clean outside our premises regularly in obligation to the amount of litter that is thrown by pedestrians. We take great pains to carry out a litter patrol every single night, from Barclays Bank plc. Until Harrow Bus Station, cleaning other business' litter *as well as our own*. It is difficult for us to recognise why we are receiving such inquiries when we see these actions on our behalf as actually helping Harrow town council in their cleaning efforts.
10. There is a limit however as to how much we can do, being a relatively small business, as stated previously. We are conscious of the litter problem and as far as we can see we are doing more than our fair share -and obligingly so- yet when such inquiries appear it makes us question whether any of our actions are being appreciated by the Council at all, and would sincerely appreciate any help and advice the Council could give as to more efficient methods of preventing litter.

To Mr. Shivishankur





APPENDIX D

## LONDON BOROUGH OF HARROW

### NIGHT CAFE LICENSING - GROUNDS FOR THE REFUSAL OF A LICENCE

This guidance leaflet reproduces part of Section 8 of the London Local Authorities Act 1990. The numbers used correspond to those used in the Act.

8. The council may refuse to grant, renew or transfer a night cafe licence on any of the following grounds:-
- (a) the premises are not structurally suitable for the purpose;
  - (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
  - (c) the persons concerned or intended to be concerned in the conduct or management of the premises as a night cafe could be reasonably regarded as not being fit and proper persons to hold such a licence;
  - (d) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
  - (e) the means of heating the premises are not safe;
  - (f) proper precautions against fire on the premises are not being taken;
  - (g) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises;
  - (h) the applicant has, within the period of five years immediately preceding the application to the council, been convicted of an offence under this Part of this Act; or
  - (i) the applicant has failed to comply with the requirements of subsection (4) or (6) of Section 7 (Applications) of this Act.

APPENDIX E

## LONDON BOROUGH OF HARROW

### NIGHT CAFE LICENSING - CONDITIONS THAT MAY BE APPLIED TO LICENCES

This guidance leaflet reproduces part of Section 6 of the London Local Authorities Act 1990. The numbers used correspond to those used in the Act.

6. (2) The council may grant to an applicant and from time to time, renew or transfer a night cafe licence on such terms and conditions and subject to such restrictions as may be specified.
- (3) Without prejudice to the generality of subsection (2) above, such conditions may relate to -
- (a) the maintenance of public order and safety;
  - (b) the number of persons who may be allowed to be on the premises at any time;
  - (c) the taking of proper precautions against fire, and the maintenance in proper order of the means of escape in case of fire, fire-fighting appliances and means of lighting, sanitation and ventilation of the premises;
  - (d) the maintenance in safe condition of means of heating the premises;
  - (e) the hours of opening and closing the premises for use as a night cafe to ensure that nuisance is not likely to be caused to residents in the neighbourhood.

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