



LICENSING PANEL

WEDNESDAY 26 MAY 2004

7.30 PM *

PANEL AGENDA (LICENSING AND GENERAL PURPOSES)

COMMITTEE ROOM CR5
HARROW CIVIC CENTRE

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 6

MEMBERSHIP (Quorum 3)

Please note that the Panel Membership will be subject to confirmation at the Special Licensing and General Purposes Committee on 17 May 2004

Chair: (To be appointed at the Licensing and General Purposes Committee Special Meeting)

Councillors:

O'Dell

Knowles

Branch

Reserve Members:

1. Bluston
2. Burchell
3. Gate

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.***

HARROW COUNCIL

LICENSING PANEL

WEDNESDAY 26 MAY 2004

AGENDA - PART I

1. **Appointment of Chair:**

To note the appointment at the Special meeting of the Licensing and General Purposes Committee on 17 May 2004 of a Chair of this Panel (subject to confirmation of that decision) under the provisions of Committee Procedure Rule 7.2, for the Municipal Year 2004/2005 (or to now make an appointment)

2. **Appointment of Vice-Chair:**

To consider the appointment of a Vice Chair of the Licensing Panel for the Municipal Year 2004/2005, under the provisions of Committee Procedure Rule 7.3.

3. **Attendance by Reserve Members:**

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

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) after notifying the Chair at the start of the meeting.

4. **Declarations of Interest:**

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

5. **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.

6. **Minutes:**

That the minutes of the meeting held on 22 October 2003 and 24 February 2004, be deferred until the printing of the next Council Bound Volume.

7. **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).

8. **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).

9. **Deputations:**

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).

10. **Any Other Business:**

Which the Chair has decided is urgent and cannot otherwise be dealt with.

11. **Application for a Variation of a Public Entertainments Licence - Rat and Parrot PH, 86 St Anns Road, Harrow:** (Pages 1 - 10)

12. **Application for the Transfer and Renewal of a Public Entertainments Licence - Club Mehfil, 32 Railway Approach, Harrow, Middx:** (Pages 11 - 32)

AGENDA - PART II - NIL

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Meeting:	LICENSING PANEL
Date:	26 MAY 2004
Subject:	APPLICATION FOR A VARIATION OF A PUBLIC ENTERTAINMENTS LICENCE
	RAT AND PARROT PH, 86 ST ANNS ROAD, HARROW.
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION, EXISTING LICENCE AND POLICE LETTER

1. Summary

- 1.1 This report gives details of an application for the variation of a public entertainment licence and gives guidance to the Licensing Panel to assist in reaching a decision. There are no objections to the application, however concerns were raised by the Metropolitan Police. Following discussions with the Police, the applicant has agreed to accept all the proposal made by the Police. The application is referred to the Panel as the original last entry hour condition was agreed by the Panel.

2. Recommendations (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 7, below.**

3. Relevant Previous Decisions

The Panel has granted similar variations to other premises in the Town Centre, namely, Time Night Club, O'Neil's and Trinity Bar.

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 and a prosperous local economy.

5. Background Information

5.1 Application has been made for the variation of the existing Annual Entertainments Licence for Rat and Parrot, St. Ann's Road, Harrow. The application, to seek an extension in the last entry times at the premises, has been made by the Spirit Group the operator of the premises. The premises have been licensed for public entertainments since 1999. The following table shows the current last entry times and the proposed last entry times in the application. The existing hours of opening remain unchanged as 1am on Thursdays, Fridays and Saturdays.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Existing Last Entry	N/a	N/a	N/a	11pm	11pm	11pm	N/a
In application	-	-	-	1am	1am	1am	
After Conciliation				Midnight	Midnight	Midnight	

5.2 Following consultation with the Police, the existing conditions are modified to strengthen door policies and to improve CCTV at the premises.

5.3 The premises are licensed for up to 330 persons, the premises are suitable for this number. A copy of the application and the existing licence are appended to this report.

5.4 The Chief Planning Officer advises that there are no planning conditions that limit the hours of operation of the premises.

5.5 The Police had concerns over the proposal to extend last entry at the premises on Thursdays, Fridays and Saturdays until 1am. Following conciliation between the Police and the representative for the applicant, the applicant has agreed to accept all the suggestions made by the Police. A copy of the original letter from the Police is appended to this report.

5.6 There have been no objections to the application from the London Fire and Emergency Planning Authority.

5.7 As the last entry condition in the licence was established by the Panel, the application is referred to the Panel for decision. In the absence of any objections there is no rigid procedure for the Panel to follow in determining the application. The applicant has been invited to the Panel meeting.

6. **The Premises**

6.1 Location

The Rat and Parrot is a detached building fronting onto St Ann's Road and backing onto Greenhill Way. It is next to the St Ann's Road entrance to the St Georges Centre. The proposed area for entertainments is the ground floor bar. The substantial seating area outside at the front of the premises is outside the licensed area. For many years it has traded as a public house under the name of the Royal Oak.

6.2 Construction

It is purpose built as a public house and of solid construction. The premises meet the requirements of the Council's Technical Regulations regarding construction.

6.3 Complaint History

Environmental Health has received no complaints in relation to the entertainments licensing at the premises in the last year

7. **Determination of the Application**

7.1 Having considered the application and any additional information that might be provided by the applicant the Panel has to determine the application for the variation of last entry hour. The legislation does not list the grounds on which the Panel can refuse an application for a variation. The legislation does allow the modification of existing conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any amendments to conditions would have to be practical, enforceable and meet the rules of natural justice.

7.2 Options available to the Panel for each aspect of the variation:

a. To grant the variation as it stands. Any licence granted would be subject to the Council's Rules of Management.

b. To grant the variation and in light of the evidence presented to amend existing conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises.

c. To refuse the variation.

7.3 It should be noted with options (b) and (c) that;

i. Clear reasons for either the refusal to vary the licence, or of the imposition of amendments to conditions would have to be given to the applicant, and

ii. The applicant would have the right of appeal to a Magistrates Court.

8. **Consultation**

8.1 The application was advertised in accordance with the Council's rules governing applications and details of the application were attached to the Planning Application lists.

9. **Finance Observations**

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

10. **Legal Observations**

10.1 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.

11. Background Papers

11.1 File for the Rat and Parrot PH, 86 St. Ann's Road, Harrow.

11.2 London Borough of Harrow, Rules of Management Technical Regulations for Places of Public Entertainment.

12. Author

12.1 Shankar P Sivashankar, 020 8420 9605

579799

LONDON BOROUGH OF HARROW

ENTERTAINMENT LICENSING

E_006v

£23.50
rec. sent


RH

Application to Vary an Annual Public Entertainments Licence

I/We apply to vary a licence for the following premises:

(The application should be made by the occupier of the premises)

1	Name and address of the premises Rote Parrot, 64 St Ann's Rd, Harrow.
2	Type(s) of licence and variations being sought Removal of condition no 2 of existing PEL to allow entry into the unit post 11pm (until midnight)
3	On which days and to what times will any changes to the licence be desired? NOTE that public objections are likely to be less if a modest application is made. Extra hours / days could be applied for in subsequent years if desired and it can be demonstrated that public disturbance has been avoided. NOTE: requests for finish times after 11pm will be referred to the Panel for decision even if there are no objections.
4	Does the current planning permission for the premises impose restrictions on entertainment use or hours of operation. N/A Telephone the Council Planning Enquiry desk on 8424 1441 if uncertain. Enclose a copy of permission if possible. NOTE licence will not be processed if relevant planning permission has not yet been obtained.
5	Are you enclosing 2 copies of the floor plans for the premises. This is required if any changes are proposed to layout. (ideally to a scale of 1:100 or 1:50 and showing emergency lighting and fire equipment) N/A
6	In which edition of the Harrow Times have you arranged for a legal notice advertising this application to appear. This should be within 14 days of this application HAVING SPOKEN TO MR SIVASHANKER, HE INFORMS THAT IT IS DOUBTFUL THAT AN ADVERTISEMENT WILL BE NECESSARY

7	Who should be contacted about the display of the poster on the premises	ADRIAN LUSTER - 0208 427 0552
8	Fee enclosed based on 10% of scale fee Cheques should be made payable to London Borough of Harrow Fee is not refundable if licence refused	300 occupation 10% £263
9	Date of application	1/10/04
10	Signature(s) of applicant(s)	
11	Name(s) printed	MICHELLE DOUGLAS.
12	Capacity in which you are acting	AGENT FOR APPLICANT
Where application is made by a limited liability company the secretary or a director should sign. In the case of a partnership each partner should sign. Solicitors and other duly authorised agents may sign instead.		
13	Address to which correspondence relating to this application should be sent	SPIRIT ROAD, LAKESIDE HOUSE, THE LAKES, NORTHAMPTON, NN4 7SN
	Telephone	01604 612048

This form should be completed and forwarded to
the Chief Environmental Health Officer, London Borough of Harrow,
P.O. Box 18, Civic Centre, Station Road, HARROW, Middx, HA1 2UT.
Remember to enclose a cheque for the fee shown.

Send a photocopy of this form to:
Chief Inspector A. Fish (FAO Ian Parsons),
Harrow Police Station
Northolt Road
SOUTH HARROW
HA2 0DN

Send a photocopy of this form and a full set of plans to:
Fire Safety Western Command
FAO Paul Newell
61-63 Staines Road
HOUNSLOW
TW3 3JQ.

Please tick this box to show that these copies have been sent
YOUR LICENCE MAY BE DELAYED IF THESE COPIES ARE NOT SENT

E 006V

Date: 17 May, 2004

Chief Environmental Health Officer:
Gareth Llywelyn Roberts

Environmental Health Manager:
Andy Appleby

Contact person: P Sivashankar
Tel: 020 8420 9605



PUBLIC ENTERTAINMENT LICENCE

Licence End:

25 July 2004

Lic No: R2003

LONDON GOVERNMENT ACT 1963

The **London Borough of Harrow** under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

Scottish and Newcastle Retail Ltd

to use the premises known as

RAT & PARROT St Anns Road, Harrow

for:

Music and Dancing on Weekdays

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until:	N/a	N/a	N/a	01:00	01:00	01:00	N/a

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment RI" and to the following specific conditions

1. The maximum number of patrons accommodated at any one time should not exceed **330**
2. No persons are to be admitted to the premises after 11 p.m
3. The licensee is to employ a suitable number of trained badged door staff at the premises during entertainments. The number to be employed to be established in consultation with the Metropolitan Police.
4. A close circuit television system is to be installed covering the inside and outside of the premises. A television monitor is to be fitted where it can be seen from the bar servery.
5. The emergency exits of the premises are to be alarmed.

Signed: Chief Environmental Health Officer

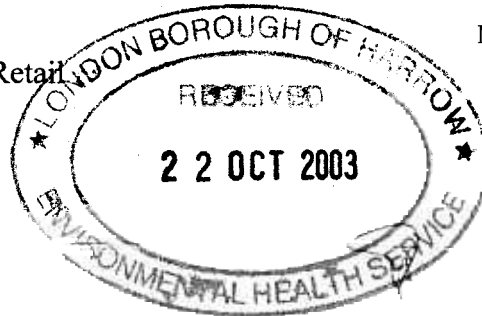
*Your Reference: LIC/PEL.HM1045

Our Reference: 21/235/03/QA

Date: 17th October 2003



Ms Helen Matic
Scottish & Newcastle Retail
Lakeside House
The Lakes
Northampton
NN4 7SN



METROPOLITAN POLICE
Harrow Station
74 Northolt Road
South Harrow
Middlesex HA2 0DN
Telephone 020 8423 1212.
Direct Line 020 8733 3415.

Dear Ms Matic

I am writing with reference to your letter of 11th September 2003 and the application regarding the Rat & Parrot , 64 St Anns Road , Harrow, Middx, HA1 1JP.

I have had made enquiries with the council and with Mr Adrian Lister at the premises and the police position is this:

Police have no objection to your request that the premises be granted an amendment of condition No 2 which will allow admittance up to midnight 'in line with other establishments in the area ' however this is **provided the following conditions are added to the P.E.L.**

We request that

- 1) CCTV is reviewed in the premises and is confirmed as being and will continue to be a colour system, in good working order and that a 31 day tape storage system is used and adhered to.
- 2) All entry/exit routes must be monitored by CCTV cameras
- 3) Analogue CCTV system must record in SVHS quality; Digital CCTV must have the facility to download images to a CD.
- 4) The recording equipment must be kept in a secure cabinet or office.
- 5) Door Supervisors are used on the nights that entertainment takes place/the licence is used
- 6) Door Supervisors are registered
- 7) Door Supervisors are in possession of a 'Magic Wand' or similar metal detecting device
- 8) The number of door supervisors will mirror the capacity on a ratio of 1 door supervisor to 50 patrons
- 9) One of the Door Supervisors is female to facilitate searching of female customers

I believe it unlikely that you will not wish to comply with these conditions, as they will bring your premises 'in line with other establishments in the area'.

It also goes without saying that police request these security measures in order to safeguard the public, staff and applicant's property.

Please do not hesitate to contact me should you have any further enquiries regarding this matter.

Yours sincerely



Carl Davis
Police Sergeant 12QA
Licensing Department

c.c. Mr Shankar Sivashanker, Environmental Health Department, PO Box 18
Civic Centre , Harrow , HA1 2UT

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Meeting:	LICENSING PANEL
Date:	26 May 2004
Subject:	APPLICATION FOR TRANSFER AND RENEWAL OF A PUBLIC ENTERTAINMENTS LICENCE
Responsible Chief Officer:	CLUB MEHFIL, 32 RAILWAY APPROACH, HARROW, MIDDX. (Formally Club Moonlight) CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION, EXISTING LICENCE, OBJECTION AND CORRESPONDANCE WITH APPLICANT

1. Summary

- 1.1 This report gives details of applications for the Transfer and Renewal of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The application is referred to the Panel as the applicants for the transfer and renewal have failed to respond to a written request for improvements in management at the premises and a plan to maintain safe operating procedures. There is also objection to the renewal application from the Metropolitan Police; the Police also wish to object to the transfer application.
- 1.2 An observation by officers on 8 May 2004 revealed that licence conditions requiring the use of registered door staff and to the keeping of a register of door staff were not being complied with at the time of the visit. The premises were being managed at the time by Mr Suchdeva and Mr Hussain, who are the applicants for the transfer. As a result of the observation by officers the solicitors for Mr Sachdeva and Mr Hussain have indicated that they now will be seeking the transfer to Dawn Robson, the current liquor licensee. Due to the short notice period in relation to the transfer application, the Metropolitan Police is yet to respond. However, the Police have indicated that they may be objecting to this Transfer further to the findings by the Licensing Officer on 8 May 2004. As a result, the transfer application is being reported to the Panel for decision.
- 1.3 Additionally an application has been made for the renewal of the annual licence. The Metropolitan Police have objected to this application. The Panel should consider first the transfer and then the renewal of the licence.

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 Panel may recall that this matter was reported on 29th July 2003. However, at that time the Metropolitan Police were awaiting a hearing at the Magistrates Court to revoke the liquor licence at the premises. Hence the outstanding matters for the Council were postponed. On 14th November 2003 the liquor licence was revoked by the Magistrates at Harrow Magistrates Courts. Pending a subsequent appeal, the Management employed an experienced licensee, Dawn Robson, and the licence was reinstated.

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 and a prosperous local economy.

5. Background Information

- 5.1 Application has been made for the Transfer and Renewal of the existing Annual Entertainments Licence for Club Mehfil, 32 Railway Approach, Harrow. The premises, previously Club Moonlight, has been operated in recent years by Mr P Behimji and Mrs S Mihaylova trading as Glass Palace Ltd. The applicants for transfer and renewal, Mr Arvind Suchdeva and Mr Khalid Mahmood Hussain, have been promoting entertainments at the premises for approximately three years. The premises have been licensed for many years for entertainments both by this Council and by the former Greater London Council. All the above persons have been invited to the meeting.
- 5.2 The premises are licensed for up to 280 persons, the premises are suitable for this number. A copy of each application is 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 The transfer application by Mr Suchdeva and Mr Hussain was made in July 2002. At the time they had only promoted events at the club and had no experience in the management of night-clubs. At the time of their application for transfer it was strongly recommended by officers that they undertake a training course designed to provide the managers with the knowledge of their role and responsibilities so as to ensure public safety. Linked to this would be the creation of an operating safety plan for the premises. This approach was initially agreed with the applicants at a meeting and subsequently confirmed in writing. It was proposed that the transfer be considered when they had passed the course.
- 5.5 The Licensing Panel had been due to consider the transfer of the licence in October 2002, however at the request of Mr Suchdeva, the report to the Panel was postponed to allow the applicants to implement the operational plan that would satisfy the Police and the Council as Licensing Authority. This is still awaited. Additional detail is in the summary by the Licensing Officer at Appendix B.

- 5.6 A during performance inspection by officers on the evening of 16th February 2003 revealed that licence conditions requiring the use of registered door staff and the keeping of a register of members were not being complied with. Mr Khalid Hussain was subsequently interviewed but gave no commitment for future performance.
- 5.7 In the last year the Police have raised concerns over the management of the premises by Mr Suchdeva and Mr Hussain. Such is the level of concern that the Police have successfully applied to the Licensing Justices for the revocation of the licence at the premises.
- 5.8 At the time of the preparation of this report, the Police were unable to comment on the application for transfer by Dawn Robson. Hence the transfer application is put to the Licensing panel for consideration.
- 5.9 Additionally Mr Arvind Suchdeva and Mr Khalid Mahmood Hussain have applied for Renewal of the annual entertainments licence for the premises. The Metropolitan Police have objected to this application on the grounds the premises are not run in a fit and proper way. Specifically, the inadequate management of the premises has led to breaches of the conditions of the licence, this continues to lead to public nuisance and the threat to public order and safety.
- 5.10 The applications are being referred to the Panel as the applicants for the transfer and renewal have failed to comply with requirements of the licence conditions and have not implemented officers' requests for improvements at the premises. There is also objection by the Metropolitan Police to the renewal application. The correspondence is appended to this report. The Panel should consider first the transfer and then the renewal of the licence.

6. Objections to the Application

- 6.1 A copy of the Police's letter of objection to the renewal is attached, together with relevant officer notes (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).
- 6.3 Regarding the consideration by the Panel of the Transfer application is to be determined at an Oral Hearing in public. The Renewal application is to be determined at an Oral Hearing in public. Guidance regarding the procedure for an Oral Hearing in public is at Paragraph 27 onwards in the attached document (see Appendix D).

7. The Premises

7.1 Location

Club Moonlight is in a terrace of commercial premises to the front of the Civic Centre. 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. The premises also have been refurbished within the last few months.

7.3 Complaint History

Environmental Health dealt with a rat infestation within in the last month. The Food Safety Section has now confirmed that this infestation is rectified. The Panel will be aware that a shooting took place within the premises in 2002.

8. **Determination of the Application**

8.1 Having considered the reports by officers and the representations of the objector and the applicant, the Panel has to determine the application for the transfer and then the application for the renewal of the licence.

The Transfer Application

8.2 The legislation does not list the grounds on which the Panel can refuse an application for a transfer, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

8.3 Options available to the Panel for the transfer:

a. To grant the transfer as it stands. Any licence granted would be subject to the Council's Rules of Management.

b. To grant the transfer and in light of the evidence presented both by officers and the applicant, to amend existing conditions upon the licence, or to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises.

c. To refuse the transfer. In the event of the Panel taking this option, the advice of officers should be sought as to whether the existing licensees, Mr Behimji and Mrs Mihaylova, are present and able to proceed with the renewal application.

The Renewal Application

8.4 Once the Panel has determined the transfer application, consideration is to be given to the application for renewal. The legislation does not list the grounds on which the Panel can refuse an application for a renewal, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

8.5 Options available to the Panel:

a. To grant the renewal application as it stands for a full 12 months. Any licence granted would be subject to the Council's Rules of Management.

b. To grant the licence and, in light of the evidence presented at the hearing, from officers, the objector and the applicant, to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises. In circumstances that appear appropriate the Panel may grant the licence for a period less than 12 months.

c. To refuse to renew the licence.

8.6 It should be noted with options (b) and (c) in paragraphs 8.3 and 8.5 above that;

i. if the Panel refuse to either transfer the licence, or to renew the licence, alternatively if amendments or new conditions are imposed, or the renewal is granted for less than 12 months, then clear reasons would have to be given to the applicant, and;

ii. the applicant would have the 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. Aside from the Police, there were no objections to the applications.

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 the Club Mehfil, 32 Railway Approach, Harrow.

12.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

13. Author

13.1 Shankar P Sivashankar,

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APPENDIX A

Application forms and existing licence

LONDON BOROUGH OF HARROW

PUBLIC ENTERTAINMENT LICENSING

APPLICATION FOR THE TRANSFER OF LICENCES

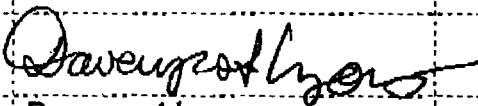
I/We apply for the transfer of the entertainment licences currently in force at the following premises:

1. Name and address of the premises: **CLUB MEHFIL
32 Railway Approach, Harrow, Middx HA3 5AA**

The application should be made in the name of the occupier of the premises.

2. Full names of applicant(s):	DAWN ROBSON	
3. Private address of applicant(s):	22 Jennings Road St Albans AL1 4NT	Fax:
4. Telephone:		

If a limited liability company makes the application, please answer questions 5 –9 and furnish a separate statement giving details of the directors.


5. Company Name:		
6. Registered Office:		Fax:
7. Telephone:		
8. Main trading address of the company, if different:		Fax:
9. Telephone:		
10. Fee enclosed:	Cheques payable to London Borough of Harrow	
11. Date of application:	13 May 2004	
12. Signature(s) of applicant(s):		
13. Name(s) printed:	Davenport Lyons	
14. Capacity in which you are acting:	Applicant's Solicitors	

Where a limited liability company makes the application, the secretary or director should sign. In case of a partnership each partner should sign. Solicitors and other duly authorised agents may sign in their stead.

15. Address to which correspondence relating to this application should be sent:	Davenport Lyons 1 Old Burlington Street London W1S 4NL DX 37233 Piccadilly 1	Fax: 020 7434 2732
16. Telephone:	020 7468 5564 Ref: TOM/TB	

NOTES: This form should be completed and forwarded to the Health Safety and Licensing Section, Environmental Health Services, London Borough of Harrow, P.O.Box 18, Civic Centre, Station Road, HARROW, Middlesex, HA1 2UT with a cheque for the fee shown.

Written notice of the application must be given by the applicant without delay to the Superintendent A Fish, Harrow Police Station, 74 Northolt Road, HARROW, HA2 0DN, and to the LFEPA, London Fire Brigade Western Command – Fire Safety, 61-63 Staines Road, HOUNSLOW, Middlesex, TW3 3JO.

S 76384
 £2,447
 Rec Sat


**Application for renewal of annual licence
 for premises to be used for public entertainments**

The Licensee

Glass Palace Limited, Club Moonlight 30-32 Railway Approach, WEALDSTONE HA3 5AA ☎ 8427
 7685/8952 1829/8952 7124

hereby applies to the Council of the London Borough of Harrow for the premises

Club Moonlight, 30-32 Railway Approach WEALDSTONE HA3 5AA

to be re-licensed on the day following **31 January 2003** for public entertainments under the provisions of the above mentioned Act on the same basis as currently applies i.e.

	Music & Dancing	Music on Sundays	Dancing on Sundays	Extension of hours	Video	Film exhibitions	Plays
Fee £	1,976	Included	135	336	0	0	0

for a maximum patronage of up to 280

on the evenings of:

	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.	Sun.
until	02:00	02:00	02:00	02:00	03:00	03:00	02:00

I / We hereby declare:-

- that the particulars of this application are true to the best of my/our knowledge and belief.

I / We enclose the prescribed renewal application fee of **£2,447**

Cheques should be made payable to "London Borough of Harrow"

CERTIFICATES REQUIRED: Please indicate in the following table the certificates you are forwarding;

Electrical Installation NICEIC	Required <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Emergency Lighting Test Certificate	Required <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Automatic Control of Projector (ACOP)	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Ceiling Certificate	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Other:	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>

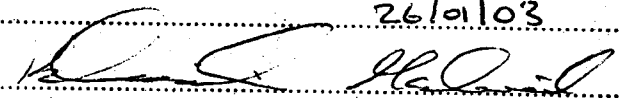
Agent dealing with licensing administration

Glass Palace Limited, Club Moonlight, 30-32 Railway Approach, WEALDSTONE HA3 5AA

Date

..... 26/01/03

Signature of agent / applicant(s)

..... 

Full names in capitals

..... ARVIND Sachdeva-ADD. KHALID MAHMOOD

Position(s) in business

..... OWNER

Please photocopy the completed form and send one copy each to:

Superintendent A. Fish, Metropolitan Police Service, Harrow Police Station,
 74 Northolt Road. SOUTH HARROW, Middlesex, HA2 0DN

AND TO

LFEPA, London Fire Brigade Western Command - Fire Safety
 61 - 63 Staines Road, HOUNSLOW, Middlesex, TW3 3JQ

Please return the original completed form and any enclosures together with the prescribed fee to:-

Licensing Officer, Environmental Health Services, Civic Centre PO Box 18, Station Road, HARROW, Middlesex, HA1 2UT

Failure to return this form with the full fee before the renewal date shown will automatically result in loss of the licence.

Date: 24 October, 2002

Chief Environmental Health Officer:
Gareth Llywelyn Roberts

Environmental Health Manager:
Andy Appleby

Contact person: P Sivasankar
Tel. 020 8420 9605



PUBLIC ENTERTAINMENT LICENCE

Licence End:

31 Jan 2003

Lic No:

LONDON GOVERNMENT ACT 1963

The London Borough of Harrow under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

Glass Palace Ltd

to use the premises known as

CLUB MOONLIGHT

32 Railway Approach, Wealdstone

for:

Music and Dancing on Weekdays and Sundays

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until:	02:00	02:00	02:00	02:00	03:00	03:00	02:00

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment RI" and to the following specific conditions

- 1. The maximum number of patrons accommodated at any one time should not exceed 280
- 2. There shall be no admission of persons to the premises after 12:30am on Sundays to Thursdays (inclusive) and 1am on Fridays and Saturdays.
- 3. The management to organise and run a membership scheme which encourages patrons to join as club members. The success of this scheme will be reviewed at time of annual renewals. A register of all members should be kept at the premises and available to Police and Council Officers at all reasonable times.
- 4. Before organising any under 18s events (discos, parties, etc.), prior permission should be sought from the Council.
- 5. The premises must employ a suitable number of trained badged door staff at all times of trading.
- 6. Full details of the door supervisors should be supplied to the Police and the Council and a register of the door staff employed should be kept at the premises.
- 7. Closed circuit television recording should be in operation both inside and outside the premises throughout the trading areas of the premises during all of the times the premises are open.

Signed: Chief Environmental Health Officer

APPENDIX B

Letters of Objection and summary observations

*Your Reference: EHS/ent/PS
Our Reference: 21/61/03/QA
Date: 10th March 2003



Mr Shankar Sivashankar
Environmental Health Department
PO Box 18
Civic Centre
Harrow
HA1 2UT

METROPOLITAN POLICE
Harrow Station
74 Northolt Road
South Harrow
Middlesex HA2 ODN
Telephone 020 8423 1212.
Direct Line 020 8733 3415.

Dear Mr.Sivashankar

With reference to an application being made by:

Glass Palace Limited , Club Moonlight , 30-32 Railway Approach , Wealdstone HA3 5AA.


to renew the Annual Public Entertainment Licence for the premises Club Moonlight

On 3rd March 2003 police served notice of intention to apply to revoke the Justice's licence on Harrow Magistrates Court .

This was on the grounds that the premises was not being run in a fit and proper way and that the mismanagement of the premises has led to breaches of the conditions of the licence and that this continues to lead to public nuisance and the threat to public order and safety.

Police will on the same grounds be making formal objection to this renewal.

Yours sincerely


Carl Davis
Police Sergeant 12QA
Licensing Department



STATEMENT OF EVENTS - P Sivashankar, Licensing Officer

As a result of the shooting inside the premises in June 2002, a meeting was arranged at this Division's request at the Civic Centre on 27th June 2002. At this meeting the existing licensees stated that a new management team would be taking over the management at the premises with immediate effect and that they will be making an application to transfer the Public Entertainment Licence on their names.

As the new managers, Mr A Sachdeva and Mr K Hussain, did not have a background in late night entertainment venue management and also due to the history of the premises, Officers suggested that they should consider undergoing an appropriate training before the transfer is made. There was agreement in general to this suggestion and also it was confirmed that in accordance with the licence conditions, registered door staff have also been appointed to enforce the new tightened door policy at the premises.

Further to this Division receiving the transfer application on 15th July 2002, a visit was made on 5th September 2002. The lack of details and recording of members and guests were pointed out to the applicants in writing. At this time the applicants were also asked to supply an operating schedule and details of their training records to this Division. On 16th October, the applicants provided an operating statement, which was found to be inadequate, and appeared reluctant to gain any training.

Due to the lack of response, another meeting was held at the Club to resolve matters and inform this Division's requirements and the licensees' responsibilities to maintain licence conditions. Further to these discussions, the applicants wanted a postponement of the 28th October 2002 hearing of their transfer application. The applicants also proposed meetings with this Division to resolve the outstanding matters, but the applicants appear to have made little or no progress on these management issues.

Further to their renewal application, a further visit on 16th February 2003 was made. At this time, breach of the following conditions 3,5 and 6 were observed:

A further visit was made on 5th July 2003, and the findings are outlined in the letter dated 7 July 2003.

On the above evidence, the Licensing Justices revoked the liquor licence at the premises on 14 November 2003, stating that the applicants were not suitable to manage such a late night venue. Since, the Management have employed a more experienced licensee and reinstated the liquor licence.

The following observations were made on 8th May 2004.
No records of door supervisors were kept at the premises. The door supervisors were not wearing any badges to confirm that they were registered. There were only computer record was available regarding members contrary to club rules, which requires a signing in book.

LONDON BOROUGH OF HARROW SOCIAL SERVICES

Director of Social Services: RUTH VINCENT

Head of Housing and Environmental Health Services: MICHAEL WRIGHT

Chief Environmental Health Officer: GARETH LLYWELYN-ROBERTS

P.O. Box 18, Civic Centre, Harrow, Middlesex, HA1 2UT

Fax: 020-8427 0389 DX 30450 Harrow 3 Minicom 020-8424 1844

Web site: www.harrow.gov.uk Email: shankar@harrow.gov.uk



ENVIRONMENTAL
HEALTH SERVICES

Mr Arvind Sachdeva
Club Mehfil
32 Railway Approach
Wealdstone

Your contact is: Mr P. Sivashankar

Telephone: direct line: 020- 8420 9605
or use main switchboard: 020- 8863 5611 ext. 5605

Our ref: EHS/LIC/ PS

Date: 7th July 2003

Dear Mr Sachdeva

Club Mehfil, 32 Railway Approach, Wealdstone,
London Government Act 1963 - Public Entertainment Licensing

Further to my visit to the above premises on 5th July 2003, Saturday at 1:05 am, I would like to confirm my findings.

Membership Records.

At the time of the visit, a members and guests record book was kept at the front desk and it appears that all customers were asked to sign this book. However, the details on the book were hardly readable and also it appeared that no check on the identity of guests been made at time of their visit.

There were great emphasis made regarding the computer aided membership scheme and swipe cards by Mrs Mihaylova, Mr Bhimji and yourself, but there was hardly any evidence of proper use or compliance with conditions were found on the night.

- There were about 25 patrons signed in the book
- There was only one member's name in the computer as record of attendees that night
- The computer operator appeared to be not well trained in the use of the software
- The computer records did not bear any relation to who were in attendance.

It was also not possible to extract information regarding who is whose guest nor the type of IDs used to verify signatures.

CCTV.

At the time of the visit, there were 3 cameras out of action but the rest of the system appeared to be in working order. However, there were only 24 tapes available for recording and there were no evidence to suggest that recordings were made on a daily basis with traceable record keeping.

Registered Door supervisors.

There were two door supervisors present on the night. One of the supervisors was able to produce his badge for inspection. However, there were no records available on site and no evidence was produced regarding the registration details of the Head doorman.

Last entry condition

Doc ref: PS3046.doc



INVESTOR IN PEOPLE



Awarded for excellence
to Environmental Health



Awarded for excellence
to Animal Services



Awarded for excellence
to Renovation Grants

The last entry condition for Fridays and Saturday nights was 1am. However, there was no apparent control was exercised at the door regarding this condition. The patrons seem to be arriving at all hours expecting entry to premises and there was no mention of last entry times neither by the door staff nor by Mr Sachdeva or Mr Hussain.

Conclusions.

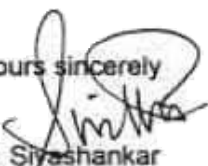
With Mr Sachdeva and his team qualifying through the National Licensees (Liquor and Entertainment) courses, this Division was expecting improvements in the operation of the premises. Unfortunately, the findings on the night were that licence conditions were not being complied with despite the presence of both applicants for the licence transfer.

The membership scheme is merely a token gesture to the requirements of the liquor and entertainment licensed conditions and fails to address the serious issue of control at the premises. The same attitude is shown with the CCTV recordings and again fails to meet the minimum of standards.

The current management has not shown that they understand the seriousness of breaches of conditions nor demonstrated that they are able to provide a satisfactory standard of management to run a late night establishment to Officers of this Division.

Whilst these concerns remain unresolved it is unlikely that this Division is able to provide a positive report to the Licensing panel. It is likely that this letter will be attached to the report to the forthcoming Licensing Panel on 29th July 2003.

Should you wish to contact me I can be contacted on the above numbers at the Civic Centre.

Yours sincerely


P. Sivashankar
Licensing Officer (Health, Safety & Licensing)

COPIES TO: Mrs Mihaylova, Sgt. Davis

APPENDIX C

Applicant's Response

Club Mehfil

The trendiest Asian
Bar & Restaurant

Attn : Mr Shiva Shankar
Dept : Environmental Health
Fax Number : 0208 427 0389
Date : Monday, 07 July 2003

Dear Mr Shiva Shankar

Thank you for your visit on Friday Evening 4th July 2003. We have noted your points you advised us of and have already carried out the actions.

We realised that we had only 30 Video Tapes instead of 31 and have now bought a set of 31 new tapes as you advised and these are in operation now. We have developed a catalogue book referencing dates to tape numbers to accommodate easy tracking.

With regards to our new software, I did stress at the time it was a new system and hence we parallel running with the membership diaries. There has also been updates to the system which now enables you to enter guest details with members. And in the instance a members has forgotten his/ her membership card we could already search by membership number, but now also by surname, postcode etc.

These were the main points you mentioned and I would like to invite you in at your convenience to see the updates.

Best Regards

Harry Sachdeva



Eastern Arts Promotions T/A Club Mehfil, 32 Railway Approach, Harrow, Middlesex, HA3 5AA.
Tel No 020 8427 7685 Fax No 020 8861 5556
Worldwide Web www.clubmehfil.co.uk Email: info@clubmehfil.co.uk

APPENDIX D

Guidance - Procedure for the determination of the application

PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

- 27 The procedure at the meeting will, in general, be similar to that in a Court of Law. Although the strict rules of evidence will not apply, they will be observed to a great extent because this is the best way of hearing the evidence from all parties. Members may seek clarification of any procedural, technical or legal matter from officers at any time during the proceedings.
- 28 A report will be put before the Panel, prepared by the appropriate officer of the Council. In addition an appropriate officer will provide a location plan showing the premises. A copy of the report will be sent to the applicant in advance of the meeting.

WARD COUNCILLOR'S SUBMISSION

- 29 The Councillor for the Ward in which the applicant's or objector's premises are situated may either:
- (a) Object to an application in accordance with numbers 10 to 26 of these rules or
 - (b) Appear as a witness on behalf of an applicant or objector or
 - (c) Give evidence by way of Ward Councillor's submission as detailed in rule 30 below.
- 30 If a Councillor for the Ward, who has not made a formal objection, wishes to give evidence he may either address the Panel or may submit written representations in respect of the application regardless of whether or not he is an objector called by any party as follows:
- (a) If a Ward Councillor wishes to give oral testimony this will normally be given after the Chief Environmental Health Officer has introduced the report.
 - (b) Before a Ward Councillor addresses the Panel he must first make a declaration that he has not previously discussed the application with the Members of the Panel and will take no part in the determination of the application.
 - (c) Evidence given by way of oral testimony is subject to questioning by the parties to the application and by members of the Panel.

- (d) If representation is given by way of written submission the Chairman will indicate that the Panel will take into account the fact that the submission of the Ward Councillor cannot be tested by questioning.
- (e) Any evidence presented by a Ward Councillor by way of a Ward Councillor's submission shall only relate to those issues already known to the applicant by way of the Report to Panel or otherwise.
- (f)
 - (i) Evidence given by way of written submission under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the Hearing.
 - (ii) Notice of evidence to be given by way of oral testimony under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the hearing. If he wishes to raise issues which are not already known to the applicants, such notice shall be in writing and shall set out in general terms the issues to be raised.
 - (iii) The Chief Environmental Health Officer shall on receipt of evidence under (i) or a notice under (ii) above send a copy to the applicant as soon as possible and at least 5 days in advance of the hearing.
- (g) If there is an objection to the Ward Councillor's submission, the Ward Councillor and both applicant and objectors may give their reasons for or against the submission to the Panel. The Legal Advisor to the Panel may also give advice before the Panel decides whether to allow the submission in as evidence. If the Panel decides to hear the submission it may be appropriate to adjourn the proceedings after it has been made so as to allow the party objecting to it time to consider the submission in detail.

Note: It should be noted that a Ward Councillor's involvement in a hearing under this rule is limited solely to making representations i.e. there is no right of questioning of other parties or making a closing address.

ORDER OF PROCEEDINGS

- 31 At the start of the hearing the Chairman will introduce himself and other members of the Panel.
- 32 The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing which will have been prepared in advance by the appropriate officer and he will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:
- (a) The Chief Environmental Health Officer will introduce the report and will outline the matter before Panel. He will give any relevant background information and explain the reasons for any recommendation.
 - (b) The applicant (or his representative) is then entitled to address the Panel and call evidence in support of his application.
 - (c) All the objectors then present their cases by addressing the Panel and/or calling witnesses. The objector may address the Panel either before or after calling his witnesses.
- Note: In appropriate cases the Panel may during or at the end of the objector's case wish to establish whether the objectors are opposed to the application in its entirety or, for example are objecting to the lateness of the hours sought and not to the grant of the licence itself.
- (d) Council officer(s) wishing to give information in support of any recommendation or to give any other relevant factual information will now present their information. These officers can be questioned by any of the parties present or questioned by members of the Panel on matters relating to their professional expertise and are subject to further questioning by the Chief Environmental Health Officer.
 - (e) When all the evidence has been presented the objectors may each make a closing statement. An objector is not entitled to call new evidence at this stage and his closing statement must be limited to commenting on matters raised by the applicant either in the applicant's opening statement or the evidence called in support of the application.
 - (f) When the objectors have made their closing statements the applicant (or his representative) may make a closing statement to the Panel.

- 33 Each person giving evidence may be questioned by the opposing party or parties and by Members of the Panel. A person may decline to be questioned but less importance would then be attached to his evidence.

Note: Objectors to an application may not question each other but an objector may question his witness(es).

- 34 When a person gives evidence:
- (a) He is first asked to state his full name and address.
 - (b) He either makes a statement or, if appropriate, is questioned by the person calling him.
 - (c) He may be questioned by the other party or parties or their representative.
 - (d) Throughout the presentation of the respective cases for the Objector and the Applicant questions may be put by Members of the Panel. Such questions will normally be put immediately following the questions by the opposing party or parties. (Following the questions by Members of the Panel they may have to consider whether another opportunity for further questioning should be afforded to the other party or parties on "new" evidence introduced as a result of the replies to Members' questions).
 - (e) He may be questioned further (if appropriate) by the person who called him. These questions must be limited to matters which have already arisen in previous examination or Members' question. This is solely an opportunity to ask questions and not a time to make statements. No new matters may be raised at this stage.

DOCUMENTARY EVIDENCE

- 35 Documentary evidence on which it is intended to rely shall be submitted to the Chief Environmental Health Officer not less than 10 working days before the date of the Hearing so that it may be included with the report to be submitted to the Panel. If documents are not easy to photocopy on an A4 machine, (eg photographs) then normally eight copies must be supplied. If an applicant does not comply with this requirement the hearing may be adjourned. The date for any reconvened meeting will be arranged at the convenience of the Panel after receipt of the information.

- 36 Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:
- (a) The party concerned should explain why the document concerned was not submitted in advance.
 - (b) If the Chairman accepts the explanation he shall then establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submissions.
 - (c) If the other parties have not previously seen the document the Chairman will request that it first be passed to them (or to their representative) so that they can decide whether they object to it being submitted to the Panel and if so the grounds of their objection.

Note: For this purpose it may be necessary to allow time for the study of the document.

- (d) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Panel. The Legal Adviser to the Panel may also give advice before the Panel decide whether to allow the document to be submitted.

Notes In some cases it may be necessary for them to see the document before making a decision.

Clearly rules 35 and 36 have to be interpreted flexibly in relation to models, colourboards etc. A party wishing to produce such models etc. should give notice in advance to the Chief Environmental Health Officer.

- 37 If there has been no objection to the submission of a document or if the Panel has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chairman, (if the Panel have ruled that it should be admitted) will indicate that the weight of evidence (importance) that the Panel will attach to the document and will take into account the fact that the signatory of the letter or the maker of the statement is not present to be questioned. In some cases it may be appropriate to adjourn the proceedings so as to allow the party objecting to the submission time to consider the submission in detail.

Note: At least 8 copies should be provided of any document which is to be submitted at the meeting.

DECISION

- 38 At the end of a hearing the Chairman will announce that the hearing is adjourned to enable the Panel to deliberate in private and will return as soon as possible to announce their decision (which can be reached by majority decision). The Panel will normally be accompanied by the Legal Advisor and the Clerk but the decision shall be arrived at by Members of the Panel only. Sometimes the Panel will go to a private room or they may ask the parties concerned, their witnesses and the public to leave.
- 39 The Panel may decide to grant part or all of an application, or may refuse an application. The Panel may attach conditions to any licence granted, or in the case of variations, vary existing conditions. The Panel is also able to revoke or refuse to renew a licence.

NOTIFICATION OF A DECISION

- 40 The Chairman will normally announce the Panel's decision in public at the end of the hearing and the reasons for this decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

WAIVERS OF RULES

- 41 In any particular case, any of these rules may be waived, altered or modified by the Council's Environment and Transport Committee or by the Panel.

APPEALS

- 42 A person refused an application in respect of an entertainment or indoor sports licence or licensee aggrieved by any term, condition or restriction attached to the licence can appeal to a Magistrate's Court (the Crown Court in the case of cinema licences). The Council is the party who defends any such appeal but the Court rehears all the evidence for and against the grant of the application or the imposition of the term, condition or restriction as the case may be. A person aggrieved by the order of a Magistrates Court on such an appeal has a right of appeal to the Crown Court.
- 43 An objector aggrieved by the decision of Panel does not have these rights of appeal but is entitled to object again when the licence comes up for renewal or may be called by the Council as a witness on the hearing of any appeal by the applicant.

END

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