

LICENSING PANEL

8 AUGUST 2005

Chair: * Councillor Mrs Bath

Councillors: * Branch * Knowles

* Denotes Member present

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**82. **Appointment of Chair:**

RESOLVED: That Councillor Mrs Bath be appointed Chair of the Panel for the purposes of this meeting.

83. **Attendance by Reserve Members:**

RESOLVED: To note that no Reserve Members were currently appointed to this Panel.

84. **Declarations of Interest:**

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

85. **Arrangement of Agenda:**

RESOLVED: That all items be considered with the press and public present.

86. **Minutes:**

RESOLVED: That the minutes of each Panel meeting are signed by the relevant Chair, to confirm their accuracy, shortly after the meeting has taken place. Minutes of such previous meetings appropriately are not submitted to subsequent Panels, which will be considering relevant cases under different Chairmanships.

87. **Public Questions, Petitions and Deputations:**

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

88. **Application for Variation of Hours at Flying Eagle, Mollison Way, Edgware during Transitional Period:**

The Panel received a report of the Chief Environmental Health Officer, which detailed an application for a conversion and simultaneous variation to the Justices Licensing hours for the Flying Eagle, Mollison Way, Edgware.

The application was made by Messrs Macneil Ltd, for a premises licence. In attendance were Mischelle Aliu and Mary Kelly, licensees for the premises.

The premises are situated in a part residential and part commercial area and the application was before the Panel as there were unresolved representations from two responsible authorities and six from local residents.

The representation from the Metropolitan Police had cited three of the four Licensing Objectives against the premises namely, the prevention of crime and disorder, public nuisance and the protection of children from harm. It stated that the premises did not have a children's certificate and that additional measures to protect children from harm should be considered in any additional conditions. Sergeant Carl Davis raised concerns in relation to the excessive hours and also indicated that door supervisors should be to the ratio of 1:50 patrons.

The officer from the Environmental Health Protection Team had cited the prevention of public nuisance. The applicant had failed to provide information as to what preventative measures they proposed with regard to noise from music and noise in general from the premises, such as patrons leaving the establishment.

Local residents had collectively cited all four of the Licensing Objectives. Mr Surendran and Mr Patel, two of the objectors, attended the meeting to present their cases. Complaints included noise emanating from patrons on and off the premises, from music, fights and vandalism, broken glass and patrons urinating in public spaces, including residential gardens.

The applicant responded to the allegations and indicated that she had not received any complaints and that at no stage had any of the residents approached her to complain. Ms Aliu felt there were adequate provisions in place. The licensee assured the Panel that she patrolled the surrounding premises every 20 minutes during functions to ensure there was no noise leakage and checked that windows remained closed. In addition, signs were placed asking patrons to leave quietly. She asked the two objectors present to contact her when the music was loud, so that she could visit the neighbouring properties to hear the noise for herself, to which the objectors agreed. In addition, she suggested a reduction in the additional hours sought.

RESOLVED: That the conversion and simultaneous variation to the Justices Licensing hours for the Flying Eagle, North Parade, Mollison Way, Edgware, Middx, HA8 SQH be granted with the following amendments to the application and additional conditions:

AMENDMENTS TO THE APPLICATION:

Reduction of hours:

Ground Floor

All forms of entertainment to end by 11.00 pm.

Sale of alcohol to end by 11.00 pm with a 30 minutes drinking up time ie 11.30 pm finish.

First Floor Function Room

Sale by Retail of Alcohol

Monday, Tuesday & Wednesday finish at midnight

Thursday finish at 1.00 am

Friday & Saturday finish at 2.00 am

Sunday finish at 11.30 pm

Late Night Refreshments Indoors

Monday, Tuesday and Wednesday finish at midnight

Thursday finish at 12.30 am

Friday & Saturday finish at 1.30 am

Sunday finish at 11.00 pm

Hours open to the Public

Monday, Tuesday and Wednesday finish at midnight

Thursday finish at 1.00 am

Friday & Saturday finish at 2.00 am

Sunday finish at 11pm or 11.30 pm

ADDITIONAL CONDITIONS

1. Fully operational air conditioning to be kept on, and windows and doors to remain closed when the first floor function room is in use.
2. A no smoking sign to be erected in the restaurant area.
3. No admittance to unaccompanied children, and no entrance to children after 9.00 pm.
4. The outside patio/seating area to be cleared of patrons by 11.00 pm.
5. Visible and legible signs and notices to be clearly displayed asking patrons to leave quietly.
6. The car park to be fenced in and locked when the premises are no longer open to the public, according to the operating schedule.
7. Any AWP machines to be emptied each night or "boot" to be fitted.
8. Regular monitoring patrol of sound leaving the premises to check noise levels at the start of an event and hourly thereafter.
9. Fully operational CCTV during hours the premises was open to the public.
10. The installation of a noise limiter to be fitted and operational for all live and recorded music, subject to the satisfaction of the Chief Environmental Health Officer by 24 November 2005.

REASONS: The above conditions were imposed in support of the Council's four Licensing Objectives.

[Note: The Chair asked the applicant, the licensee, if she consented to the conditions listed above. Responding, she confirmed that she did agree].

89. **Application for Late Night Refreshment, Tennessee Fried Chicken, 227 Northolt Road, South Harrow:**

RESOLVED: Following conciliation with the Environmental Health Protection Team, this application had been withdrawn from the meeting, as there were no other representations.

90. **Application for Variation of Hours at The Leaping Bar, Carmelite Road, Harrow Weald during Transitional Period:**

The Panel received a report of the Chief Environmental Health Officer, which detailed an application for a conversion and simultaneous variation to the Justices Licensing hours for the Leaping Bar, Carmelite Road, Harrow Weald, HA3 5LS.

The application was made by Messrs TLT Solicitors on behalf of Punch Taverns Plc. In attendance were the licensees, Mr and Mrs Savage, and a representative from Punch Taverns Plc.

The premises were situated in a residential area and the application was before the Panel as there were unresolved representations from two responsible authorities.

The representation from the Metropolitan Police had cited all four of the Licensing Objectives against the premises. The main concern was the additional hours for the sale of alcohol, particularly in light of the reported incidences by the Police. Sergeant Carl Davis advised that the premises did not have a children's certificate and that additional measures to protect children from harm should be considered in any additional conditions. He also indicated that there should be a door supervisor to the ratio of 1:50 patrons. The officer advised Members that CCTV had now been installed but that several crime reduction measures still needed to be put in place. He indicated that the designated fire exit doors required modification and, should there be a break in, with the doors in their existing state, he would seek a review of the licence. He suggested that the Crime Reduction Officer be requested to carry out an on site survey and to assist with the implementation of some of the suggested measures. He also outlined measures to assist with the prevention of noise leakage.

The Environmental Health Protection Team officer cited the prevention of public nuisance. The officer was dissatisfied with the inadequate precautions to be taken with regard to the prevention of nuisance. In response, the applicant advised Members that he thought there was sufficient sound proofing by fitting the windows with loft insulation. He advised that the windows remained closed at all times and that a fan system was in place, not air conditioning. In addition, signs were placed asking patrons to leave the premises quietly.

RESOLVED: That the conversion and simultaneous variation to the Justices Licensing for the Leaping Bar, Carmelite Road, Harrow Weald, Middx, HA3 5LS be granted with the following amendments to the Application and additional conditions:

AMENDMENTS TO THE APPLICATION

Sale of Alcohol

Monday, Tuesday and Wednesday finish at 11.00 pm
Thursday finish at 11.30 pm
Friday and Saturday finish at midnight
Sunday finish at 11.00 pm

A further additional hour into the morning every Friday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning every Friday for the Easter Bank Holiday weekend.

A further hour on Boxing Day, including when it fell on a Monday, Tuesday, Wednesday or Thursday.

A further hour every Christmas Eve including when it fell on a Monday, Tuesday, Wednesday or Thursday.

All other licensable activities except recordable music to cease 30 minutes before closing time.

ADDITIONAL CONDITIONS

1. Outside patio/seating area to be cleared of patrons by 11.30 pm.
2. Regular monitoring patrol of sound leaving the premises to check noise levels at the start of an event and hourly thereafter.
3. No drinks promotions.
4. Visible and legible signs and notices to be clearly displayed asking patrons to leave quietly.
5. Doors and windows to remain closed during musical entertainment.
6. AWP machines to be emptied each night or "boot" to be fitted.
7. Fully operational CCTV during the hours the premises were open to the public.
8. DPS to join the Pubwatch scheme and regularly attend meetings.
9. The bar serving food to be designated a no smoking area and to allow the admittance of children accompanied by a responsible adult.

REASONS: The above conditions were imposed in support of the Council's four Licensing Objectives.

[Note: The Chair asked the applicants Mr and Mrs Savage and their representative, if they consented to the conditions listed above. Responding, their representative confirmed that they did agree].

91. **Extension and Termination of the Meeting:**

In accordance with the provisions of Committee Procedure Rule 14.2 (ii) (Part 4B of the Constitution), it was;

RESOLVED: at (1) 10.00 pm to continue until 10.30pm;

(2) 10.30 pm to continue until 10.45 pm;

(3) 10.45 pm to continue until 10.50 pm.

(Note: The meeting having commenced at 7.30 pm, closed at 10.50 pm)

(Signed) COUNCILLOR CAMILLA BATH
Chair