

LICENSING PANEL

16 AUGUST 2005

Chair: * Councillor Mrs Bath

Councillors: * Janet Cowan * Knowles

* Denotes Member present

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**92. **Appointment of Chair:**

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

93. **Attendance by Reserve Members:**

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

94. **Declarations of Interest:**

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

95. **Arrangement of Agenda:**

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

96. **Minutes:**

RESOLVED: To note that the minutes of each panel 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.

97. **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 or 16 respectively.

98. **Licensing Procedures:**

The Chair introduced the Panel and officers present and outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

99. **Application for variation of hours during transitional period, South Harrow Off Licence, 293 Northolt Road, South Harrow:**

The Chief Environmental Health Officer's representative informed the Panel that the representations received in respect of the South Harrow Off Licence had been withdrawn that afternoon and that, as a result, the application would not now require determination by the Panel.

It was noted that the application for a conversion and simultaneous variation for South Harrow Off Licence would therefore be granted by the Chief Environmental Health Officer under the provisions set out in the Council's Licensing Policy and Delegation of Licensing Functions. Members requested that they be sent a copy of the letter granting the application.

100. **Application for variation of hours at New Moon, Kenton Park Parade, Kenton during transitional period:**

The Chief Environmental Health Officer's representative at the meeting informed the Panel that the representations received in respect of the New Moon public house had been withdrawn that afternoon and that, as a result, the application would not now require determination by the Panel.

It was noted that the application for a conversion and simultaneous variation for the New Moon public house would therefore be granted by the Chief Environmental Health Officer under the provisions set out in the Council's Licensing Policy and Delegation of

Licensing Functions. Members requested that they be sent a copy of the letter granting the application.

101. **Application for variation of hours at The Junction PH, Gayton Road, Harrow 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 Junction Public House, Gayton Road, Harrow.

The application was made by Messrs Blake Laphorn Linnell on behalf of Mitchells and Butlers Leisure Retail Ltd. The pub's landlord, Mr Alan Jap, and his legal representative, Ms Bushra Razek, were present. Representatives from the two responsible Authorities, the Council's Environmental Protection Team and the Metropolitan Police – who had made representations in respect of the application – were also present.

The application sought an extension of hours for the sale of alcohol, recorded music, live music and anything of a similar description to that falling within live music, recorded music, films or dancing to extend to the hours listed in the report of the Environmental Health Officer and the application. The application had been referred to the Panel as there were unresolved representations from responsible authorities.

The premises were situated in the corner of Gayton Road and Lyon Road, an area which was predominantly commercial but with residential flats located at very close proximity to this establishment.

A paper setting out the details of the existing music and dancing and restricted film exhibition (video) licence, held by The Junction Public House was tabled at the meeting in accordance with Procedure A circulated with the agenda.

Prior to the consideration of the application, the applicant's representative sought to further amend the hours of operation applied for and stated that the Metropolitan Police were agreeable to the alterations. The Chief Environmental Health Officer's representative advised that further amendments to the hours of operation could not be considered by the Panel as a fresh application would have to be made by the applicant and which would have to be advertised by the Council.

The Panel proceeded to hear the application before them and as circulated in the agenda papers.

The representations from the Metropolitan Police focused on the preventative measures they expected the licensee to take in order to assist with the protection of children from harm and the prevention of crime, disorder and public nuisance together with reductions to the proposed opening hours. The representatives from the Council's Environmental Protection team placed emphasis on the prevention of noise nuisance.

Responding to issues raised, the applicant's representative, Ms Razek, advised the Panel of the measures taken to resolve these concerns. She informed the Panel that signs requesting patrons to leave the premises quietly had been installed, that windows and doors were fixed shut and that there was a policy to gradually disperse patrons leaving the premises. She explained that door supervisors were already in place, that increased CCTV had been installed, that Amusement with Prizes (AWP) machines would be emptied nightly and that the landlord was a member of a Pubwatch scheme. She asked that Members note that there had been no complaints from local residents in the five months since the arrival of the present landlord. In response to Members' concerns regarding noise from the outside drinking area she stated there was an informal agreement to clear the area by 10.30 pm.

The applicant's representative advised that as the premises were open plan, it would be difficult to designate a non-smoking area. However, parents and other patrons frequenting the public house were advised that a designated non-smoking area was not available.

The Panel was informed that the premises were fenced-off from the road and adjoining building and that the fencing would be enhanced further. This would help to further reduce the noise emanating from the outside drinking area.

The applicant's representative offered amendments to the application by withdrawing the request for extended opening hours on a number of dates and for unspecified sporting events.

RESOLVED: That the variation to the licence for the Junction Public House, Gayton Road, Harrow be granted, as amended, with the following additional amendments to the application and additional conditions which included some of the conditions listed at Annexe 2 of the Chief Environmental Officer's report and the transferred conditions from the existing music and dancing and restricted film exhibitions (video) licence tabled at the meeting:

AMENDMENTS TO THE APPLICATION:

- The withdrawal of extra hours requested for Burns Night, St David's Day, Halloween and Valentine's Night.
- The withdrawal of the request to permit licensable activities for one hour before and after 'recognised international sporting events'.

ADDITIONAL CONDITIONS:

1. The pub manager to participate in and support the local Pubwatch scheme.
2. The premises to be provided with CCTV and operated in line with the Harrow Police's guidelines both inside and outside of the premises while open to the public.
3. The use of toughened glass would continue during additional hours.
4. External areas to be cleared of patrons by 11.00 pm every evening.
5. AWP machines to be emptied nightly or fitted with boots.
6. Signs requesting patrons to leave quietly to be visible both inside and outside the premises.
7. The maximum number of patrons accommodated at any one time should not exceed 80 in the first floor function room and 180 in the ground floor.
8. Window locks to be fitted to all openable windows in the first floor function room.
9. All doors and windows on the premises to be kept closed whenever the entertainment licence is in operation except for entry and exit.
10. Registered door and/or security staff to be employed at the premises when the entertainment licence is in operation.
11. No noise emanating from the premises to be audible at a distance of 1 metre to the façade of the nearest residential dwelling.

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

[Note: The Chair asked the pub's landlord if he consented to the conditions listed above. Responding, the pub's landlord, together with his legal representative, expressed reservations about fully accepting the condition regarding the clearing of external drinking areas by 11pm each night but following further deliberations agreed to accept all the conditions.]

102. **Application for variation of hours at Wealdstone Inn, High Road, Harrow Weald during transitional period:**

The Panel received a report of the Environmental Health Officer, which detailed an application for a conversion and simultaneous variation to the Justices Licensing hours for the Wealdstone Inn Public House, High Road, Harrow Weald.

The application was made by TLT Solicitors on behalf of Punch Taverns plc and not on behalf of Spirit Group Ltd, as stated in sections of the report. The licensee, Mr Dakeland and his legal representative, Mr John Versalo, were also in attendance. A representative from one of the responsible Authorities – the Metropolitan Police – who had made representations in respect of the application was present

The application sought an extension of hours for the sale of alcohol and the provision of live and recorded music. Additional hours were also sought for the notable bank holidays, all of which were detailed in the report of the Chief Environmental Health Officer and the application. The premises were situated in a detached property on the High Road, Harrow Weald, next to some residential properties.

A paper setting out details of the existing music and dancing (weekdays and Sundays) licence held by the Wealdstone Inn was tabled at the meeting, in accordance with Procedure A circulated with the agenda.

The application had been referred to the Panel as there was an outstanding representation from a responsible authority. The Metropolitan Police were concerned with the potential consequences of the removal of a special hours condition ensuring the provision of food during extended hours. The Police advised the Panel that

requests for the provision of CCTV, signage asking patrons to leave the premises quietly and the nightly emptying of Amusement with Prizes (AWP) machines had been agreed by the licensee. He also explained that door supervision had been provided on a voluntary basis as the premises were never full to maximum capacity.

The applicant clarified that children were only allowed on the premises if accompanied by adults, that they were only allowed in the outside area and the function room after 7.00 pm and were not allowed on site at all after 11.00 pm.

The applicant agreed to the inclusion of a condition requiring the enforcement of last entry or re-entry at midnight when extended hours were in place. He informed the Panel that the premises were open plan and that, as a result, it would be difficult to designate a non-smoking area.

Clarification regarding the exact proposed hours of opening was requested and it was confirmed that those hours listed on p138 of the agenda were correct, and that those listed on pages 165-166 should be disregarded.

RESOLVED: That the variation to the license for the Wealdstone Inn Public House, High Road, Harrow Weald be granted with the following conditions which include those listed at Annexe 2 of the report and those transferred from the existing music and dancing licence tabled at the meeting:

ADDITIONAL CONDITIONS:

1. A 30 minute drinking up time to be allowed for gradual dispersal from the premises.
2. The premises to be provided with CCTV and operated in line with the Harrow Police's guidelines both inside and outside of the premises while open to the public.
3. The patrons to be encouraged to leave the premises quietly.
4. Appropriate signage to be in place to request patrons to leave quietly.
5. The maximum number of persons accommodated at any one time not to exceed 200 on the ground floor.
6. All amplified entertainments to be powered via an effective noise limiter device. The settings of this limiter were not to be adjusted except by prior agreement of the Chief Environmental Health Officer.
7. Door supervisors to be provided in agreement with the Metropolitan Police.
8. No children to be allowed anywhere on the premises after 11.00 pm.
9. No entry or re-entry to the premises to be allowed after midnight.
10. AWP machines to be emptied nightly or fitted with a 'boot'.
11. The licensee to continue to participate in the Pubwatch scheme.

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

(Note: The meeting, with the agreement of all applicants and the responsible authorities, having commenced at 3.00 pm due to the late arrival of a Panel Member, closed at 5.39 pm.)

(Signed) COUNCILLOR MRS BATH
Chair

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) printed into the Council Minute Volume, published monthly;
- (3) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].