

LICENSING PANEL

28 SEPTEMBER 2005

Chair: * Councillor Knowles

Councillors: * Mrs Bath * Choudhury

* Denotes Member present

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**246. **Appointment of Chair:**

RESOLVED: That Councillor Knowles be appointed Chair of the Panel for the purposes of the meeting.

247. **Attendance by Reserve Members:**

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

248. **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.

249. **Arrangement of Agenda:**

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

250. **Minutes:**

See Note at conclusion of these minutes.

251. **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.

252. **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.

253. **Application for variation of Hours at Chandi Bar, 59 High Street, Edgware during Transitional Period:**

The Chief Environmental Health Officer's representative at the meeting informed the Panel that the unresolved representation relating to the application for the variation in respect of Chandi Bar, 59 High Street, Edgware, had been withdrawn, and that as a result, the application would not now require determination by the Panel.

It was noted that the application for the conversion 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.

254. **Application for Variation of Hours during Transitional Period, Ajans Food & Wine, 324 Rayners Lane, Harrow:**

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 Ajans Food & Wine, 324 Rayners Lane, Harrow.

The application, which had been made by Mr Niranjana, sought to increase the hours during which Ajans Food & Wine was licensed to sell alcohol off the premises to twenty-four hours per day. The premises were situated in a predominantly commercial part of Rayners Lane; there was, however, residential accommodation provided above most of the nearby premises.

The application had been referred to the Panel as there was one unresolved representation from a Responsible Authority, namely the Metropolitan Police, represented by Sergeant Davis.

The Panel was informed that, following consultation with the Metropolitan Police, the applicant wished to amend the application so that the requested hours for the sale of alcohol, and during which the premises would be open, would now be 8.00 am until 11.30 pm on Sundays to Thursdays, and 8.00 am to 1.00 am on Fridays and Saturdays.

Sergeant Davis stated that the Police were satisfied with the application as amended, provided that the applicant continued to operate CCTV during licensed hours, and that during these hours, should the Designated Premises Supervisor not be present, a suitably qualified licence holder should be present.

RESOLVED: That the application be granted, with the following amendments and additional conditions:

AMENDMENTS

Hours open to the public for the sale of alcohol off the premises:

Sundays to Thursdays: 8.00 am – 11.30 pm
Fridays and Saturdays: 8.00 am – 1.00 am

ADDITIONAL CONDITIONS

1. CCTV equipment to be installed, operated and maintained in good working order during licensed hours and in accordance with the recommendations of the Police or Crime Prevention Officer.
REASON: Prevention of Crime and Disorder
2. During extended hours, if the Designated Premises Supervisor was not on the premises, a suitably qualified licence holder to be present.
REASON: Prevention of Crime and Disorder.

255. **Application for Variation of Hours at Rambling Inn, 410 Kenton Lane, Kenton 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 Rambling Inn, 410 Kenton Lane, Kenton.

The application had been made by Mr Kelly of McGowan's Irish Bars (which traded as Postcode Pubco Ltd), for the extension of hours for the sale of alcohol to 3.00 am on Mondays to Sundays, and for the extension of hours for the provision of both recorded and live music, dancing, films, and late night refreshment to 4.00 am on Mondays to Sundays. The premises were situated in the main commercial part of Belmont Circle, although residential premises were situated in close proximity.

The application had been referred to the Panel as there were three unresolved representations from Responsible Authorities, and one unresolved representation from a member of the public. The Panel was informed that following agreement between the applicant and the Environmental Protection team, this representation had been withdrawn. Sergeant Carl Davis represented the Metropolitan Police, and Ms Sophia Bix represented the Planning Department of Harrow Council. Mrs Valerie Knights, a local resident, was present at the meeting, together with another local resident, Mr Walker. The Panel heard, however, that since Mr Walker had not made a written representation to the Council, and Mrs Knights had not informed the Council that she wished for Mr Walker to be present at the meeting as a witness, Mr Walker could not speak without the applicant's consent. The applicant stated that he did not wish to allow Mr Walker to act as a witness or speak at the meeting.

The representative of the applicant, Mr Henderson, stated that, following consultation with the Police, the applicant wished to amend his application so that the premises would be open from 10.00 am to 12.00 am on Mondays and Tuesdays, from 10.00 am to 12.30 am on Wednesdays and Thursdays, from 10.00 am to 1.00 am on Fridays and Saturdays, and from 10.00 am to 11.30 pm on Sundays, with all licensable activities to terminate thirty minutes before the close of premises. The applicant's representative advised that, given the amendments to the application, the variation would not significantly alter the nature of the premises.

The applicant's representative stated that, in addition, the applicant had agreed four conditions with the Police, namely that the premises continue to operate its existing CCTV system, that AWP machines continue to be emptied each night, that notices be displayed requesting patrons to leave the premises quietly, and that the applicant make endeavours to minimise disturbance caused to local residents by noise and vibrations.

The applicant's representative clarified that, in light of the amendments made to the application, points 11 and 15 in Box Q (b), along with point 8 in box Q (d), included in the agenda papers, were no longer relevant. He requested that these additional steps proposed in the application be removed.

The Panel was informed that if the amended application were granted, the applicant would need to apply to the Planning Department, either to remove Condition 2 of the Planning Permission, which limited the use of the premises to midnight on Mondays to Saturdays, and to 10.30 pm on Sundays and Bank Holidays, or to vary its existing permission. The applicant stated that he would not allow the premises to stay open beyond the hours permitted by the Planning Department until this condition had been removed or varied.

The applicant's representative stated that there was background noise in the area of the premises due to passing traffic, and that the applicant could not be held responsible for the conduct of individuals outside the premises. Responding to concerns voiced by Mrs Knights, however, the applicant stated that he was prepared to fit an additional door at the rear of the building in order to reduce the noise emanating from the premises.

Sergeant Davis stated that, with the amendments to the application, and in light of the applicant's willingness to accept the conditions he had proposed, the Police had no objections to the application.

RESOLVED: That the application be granted with the following amendments to the application and additional conditions:

AMENDMENTS TO THE APPLICATION:

Hours during which the premises may remain open to the public:

Mondays and Tuesdays: 10.00 am until 12.00 am
Wednesdays and Thursdays: 10.00 am until 12.30am
Fridays and Saturdays: 10.00 am until 1.00 am
Sundays: 10.00 am until 11.30 pm

All licensable activities would cease thirty minutes before the close of premises.

ADDITIONAL CONDITIONS:

1. CCTV equipment to be installed, operated and maintained in good working order and in accordance with the recommendations of the Police or Crime Prevention Officer.
REASON: Prevention of Crime and Disorder
2. All AWP machines to be emptied of cash every night or fitted with a "boot" device.
REASON: Prevention of Crime and Disorder
3. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
REASON: Prevention of public nuisance
4. Noise or vibration shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.
REASON: Prevention of public nuisance
5. The Council's Rules of Management shall apply.
REASON: Prevention of Crime and Disorder and the Promotion of Public Safety
6. The maximum number of patrons accommodated at any one time shall not exceed 100.
REASON: Promotion of Public Safety
7. The front elevation French windows must be locked shut when entertainments were taking place. The front and rear exits must be kept shut except for those moments when persons are entering or leaving. The outer pair of doors to the front entrance must be locked open at all times when patrons are on the premises.
REASON: Prevention of Public Nuisance.

(Note: The meeting having commenced at 1.30 pm, closed at 3.48 pm)

(Signed) COUNCILLOR ADRIAN KNOWLES
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].