

LICENSING PANEL

20 DECEMBER 2006

Chairman: * Councillor Mrs Lurline Champagnie

Councillors: * Phillip O'Dell * Jeremy Zeid

* Denotes Member present

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**74. **Appointment of Chairman:**

RESOLVED: That Councillor Mrs Lurline Champagnie be appointed Chairman of the Panel for the purposes of this meeting.

75. **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.

76. **Arrangement of Agenda:**

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

77. **Minutes:**

(See Note at conclusion of these minutes).

78. **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 19, 16 and 17 (Part 4B of the Constitution) respectively.

79. **Licensing Procedures:**

The Chairman introduced the Panel and the officers present and the legal officer outlined the procedure for the conduct of an oral hearing, which was not set out in the agenda.

80. **Application to vary a Premises Licence for South Harrow Food and Wine, 234-236 Northolt Road, South Harrow:**

The Chief Environmental Health Officer's representative advised that the representation that had been made by the Metropolitan Police in respect of the application to vary a Premises Licence for South Harrow Food and Wine, 234-236 Northolt Road, South Harrow, had been withdrawn as they had reached an agreement with the applicant, and that, as a result, the application would not now require determination by the Panel.

RESOLVED: To note that an application to vary a Premises Licence for South Harrow Food and Wine, 234-236 Northolt Road, South Harrow would be granted by the Chief Environmental Health Officer under the provisions set out in the Council's Licensing Policy and Delegation of Licensing Functions.

81. **Application to vary a Premises Licence for The Shawl, 320 Northolt Road, South Harrow:**

The Panel received a report of the Chief Environmental Health Officer which detailed an application to vary a Premises Licence for The Shawl, 320 Northolt Road, South Harrow.

The application had been made by John Joseph and Seamus Anthony McCabe, and had been referred to the Panel as unresolved representations had been received from the Environmental Health Authority, the Metropolitan Police and Interested Parties. The officer informed the Panel that the Environmental Health Authority had withdrawn their representation following the applicant's agreement to three conditions prior to the meeting. Sergeant Carl Davies was in attendance on behalf of the Metropolitan Police. Also present were Joseph McCabe, the applicant, Ambrose Gordon, the Designated Premises Supervisor, and Ian Mann, Counsel for the applicant.

The applicant's representative clarified that the application had been amended, as detailed in the letter from Pettman Smith Solicitors dated 13 November 2006 and included in the agenda pack. Mr Mann drew the Panel's attention to the fact that no objectors were present at the meeting, and that the premises was a family-run business offering a traditional Irish atmosphere. Mr McCabe and his brother had run the business since October 2006, and had four years experience of owning a public house. Since taking over the premises, the owners had introduced a number of measures to make sure noise emanating from the premises was kept to a minimum and security was maximised.

In response to a question from Sergeant Carl Davis, the applicant confirmed that the 'fifteen occasions' on which non-standard timings would apply would be days such as St Patrick's Day. The officer stated that the application did not specify the hours requested, and that having been published, it would not be possible to do so without making a fresh application. The applicant therefore agreed to withdraw this part of the application. The officer also noted that the common law right for the premises to remain open at any time for non-licensable activities, referred to by the applicant on page 71 of the agenda, no longer existed under the Licensing Act 2003.

Sergeant Carl Davis informed the Panel that, in light of the amendments made to the application, the Police had no objections to the application.

RESOLVED: That the application to vary a Premises Licence for the Shawl, 320 Northolt Road, South Harrow, be granted as amended, but that the Panel be not minded to approve the fifteen days of non-standard timings in Section M of the application and not accede to the alleged common law right in Section O.

82. **Application to vary a Premises Licence for the Comfort Inn, 2-12 Northwick Park Road, Harrow:**

The Panel received a report of the Chief Environmental Health Officer which detailed an application to vary a Premises Licence for the Comfort Inn, 2-12 Northwick Park Road, Harrow.

The application had been made by Grangebrook Ltd, and was referred to the Panel as representations had been received from the Metropolitan Police and an Interested Party, Mr Saperia. Sergeant Carl Davis represented the Metropolitan Police. Mr Richard Jackson, the applicant, and Mr Saperia were also present.

The applicant informed the Panel that the application was to vary the Premises Licence of the function room only. This was used exclusively for private bookings, such as weddings and other family occasions, and corporate functions. In response to a question from Mr Saperia, the applicant confirmed that a planning application had been submitted to modernise the function room, but stated that the location of the function room would remain the same. The officer confirmed that any change in the floor plan of the premises would require an application for a new Premises Licence.

In response to questions from Members, the applicant stated that a glass screen had been fitted at the rear of the premises to deflect noise away from the neighbours, that the function room had air conditioning fitted, and that there had been no official complaints regarding noise in the past three years. The applicant informed the Panel that corporate events were usually held on weekdays and family parties were generally held at weekends. For this reason the application sought to extend the hours for licensable activities on all nights of the week, although it was noted that this did not necessarily mean the function room would be open until 2.00 am every night of the week. The applicant explained that, since many functions were booked at short notice, it would not be possible to apply for Temporary Event Notices in time.

In response to questions from Sergeant Davis the applicant confirmed that the fire doors were alarmed, that all events were pre-booked, and that a digital colour CCTV system and intruder alarm were all fitted in the function room. The premises catered for approximately ten weddings per year, and it was mainly this sort of function that involved music.

In his representation, Mr Saperia stated that music caused a disturbance whenever the fire doors at the rear of the function room were left open. Although a condition of licence granted to the premises in 1988 had been to keep the fire doors shut, on a number of occasions since then Mr Saperia had inspected the premises and found the doors to be open. Mr Saperia expressed concerns that the doors would continue to be left open, and that if granted the variation to the Premises Licence, this would result in disturbances even later at night. In response to questions from Members, Mr Saperia

confirmed that since the new management had taken over the premises he had had very few causes for complaint.

RESOLVED: That the application to vary a Premises Licence for the Comfort Inn, 2-12 Northwick Park Road, Harrow be granted, subject to the following additional conditions:

1. Noise or vibration shall not be permitted to emanate from the function room so as to cause a nuisance to nearby properties.
REASON: Prevention of public nuisance
2. External doors shall be kept shut during operating hours.
REASON: Prevention of public nuisance
3. Amplified sound equipment shall be governed by a sound limiting device set at a level approved by the Licensing Authority.
REASON: Prevention of public nuisance

(Note: The meeting having commenced at 7.30 pm, closed at 9.15 pm)

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman

[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 Chairman 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 Chairman and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].