

## LICENSING PANEL

19 MARCH 2007

Chairman: \* Councillor Robert Benson

Councillors: \* John Nickolay \* Phillip O'Dell

\* Denotes Member present

**PART I - RECOMMENDATIONS - NIL****PART II - MINUTES**90. **Appointment of Chairman:**

**RESOLVED:** That Councillor Robert Benson be appointed Chairman of the Panel for the purposes of the meeting.

91. **Declarations of Interest:**

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

92. **Arrangement of Agenda:**

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

93. **Minutes:**

(See Note at conclusion of these minutes).

94. **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.

95. **Licensing Procedures:**

The Chairman asked the Panel Members, officers, Responsible Authorities and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda. The Chairman asked the objectors (local residents) whether they wished to nominate a spokesperson for the group. The residents indicated that they all wished to make individual statements.

96. **Application to Vary Premises Licence, Kingsfield Arms:**

The Panel received a report of the Chief Environmental Health Officer, which detailed an application to vary a Premises Licence for the Kingsfield Arms Public House, 111 Bessborough Road, Harrow, HA1 3DF. The Kingsfield Arms had not sought to alter any timings or add licensable activities, but to convert an existing yard area into a further garden area with a new polycarbonate roof. This would create an area where customers could smoke after the national smoking ban came into effect on 1 July 2007.

The applicant also sought to replace the existing rear door with a fully glazed door, and to replace the existing rear bay window with new clear toughened glass. Removal of Condition 3 requiring that external drinking areas be cleared by 23.00 was additionally sought.

The application was made by Greene King Retailing Limited and had been referred to the Panel as unresolved representations had been received from the Environmental Health Authority, the Metropolitan Police and Interested Parties. Sergeant Carl Davis was in attendance on behalf of the Metropolitan Police. Also present were Louise Roberts, Environmental Health Officer, Richard Wormald, Counsel for the applicant, Bob Luke, Regional Manager for Greene King Retailing Limited, James McLaughlin, manager of the Kingsfield Arms and Karlie Wallace, the designated premises supervisor. The Interested Parties (local residents) in attendance were Dr Alexandra Xanthaki, M McCardle, Dr Richard Race, Catherine Mulroy and Katie Ravenscroft.

The applicant produced a plan of the proposed alterations to the premises and showed photos of the yard area in which it was proposed to create a new smoking area. The applicant highlighted that the proposed new yard area would open in line with the hours in which the Public House could serve alcohol. It was explained by the applicant that it was intended to make the yard an 'unappealing' area to deter people from lingering

there. The applicant confirmed that there would be some tables and chairs present in the yard where people could sit and have a cigarette. It was also confirmed by the applicant that there would be no application for music to be piped into the proposed yard area.

Objectors and the panel then questioned the applicant. In response to questions from local residents, the applicant stated that, if the application were successful, staff would closely monitor noise from the area. The applicant was also asked by residents why it was proposed that tables and chairs be allowed in the yard area if it was meant as an area people should spend minimal time. The applicant was also asked what the maximum amount of people that were allowed in the yard area was. An officer advised that the capacity would be known due to fire regulations. Local residents inquired as to how the building conversion was going to occur. It was stated by the applicant that it would be a partially covered yard. An officer stated that any covering would have to leave the area partially open in order to comply with the smoking ban in July 2007.

In response to a question from Louise Roberts, the applicant confirmed that the fire service had seen their application. The applicant stated that the fire service had withdrawn their representations.

In response to a question from Sergeant Davis, the applicant confirmed that digital CCTV was present at the premises and that the lighting of the yard would be sufficient for the CCTV to work. The applicant agreed that if the application were to be successful, the local crime reduction unit would be contacted.

Following agreement by all parties, the Panel adjourned to study a plan of the premises.

Following resumption of the meeting, in response to questions from Members, the applicant confirmed that the yard area in question was currently used to store rubbish. If the yard was converted into a 'smoking area' there would still be ample storage for rubbish and the 'biffa bin' that was currently there would be adequate for the premises' needs. The applicant also confirmed that combustibles would be locked up and that the necessary provisions for smokers such as ashtrays and buckets of sand would be available. In response to a question from a Member, the applicant also confirmed that they would be prepared to limit the number of those in the smoking area to between 15 and 18. The applicant also stated that they did not believe it was practical to have staff on the door to the yard area.

In her representation, M McCardle stated that the current provision of CCTV at the premises was a concern to her, and reported that last year, after a burglary had occurred locally and the applicant was asked to provide CCTV for evidence, there had been none available that had been recorded. M McCardle also stated that she believed that noise including the use of abusive language from the premises' garden was a problem and noted how on one occasion she had come home to find an intoxicated man who had been to the Public House sitting on her doorstep. M McCardle stated that on one occasion she had also found an intoxicated man lying nearby in a gutter.

Ms K Ravenscroft stated that she strongly opposed removing condition 3. Ms C Mulroy stated that she had concerns about the noise from the pub.

In her representation, Louise Roberts, Environmental Health Officer expressed concern about the noise from the Premises. Ms Roberts stated that an acoustic survey would be necessary and that the amount of people allowed in the proposed yard area would have to be limited. Ms Roberts also stated that the area must be made to look as uninviting as possible and that clear and prominent notices which make people aware it was a residential area should be displayed. Ms Roberts suggested that one option the Panel had would be to make it a condition that no alcohol be allowed in the yard area.

The applicant and Panel then questioned the objectors. In response to a question from a Member, Louise Roberts stated that it would be difficult to determine how much noise the proposed polycarbonate roof in the yard would restrict.

Sergeant Davis in his representation stated that he had no further comments to make.

In response to a question from a Member, Sergeant Davis stated that the current 'alcohol-free' zone around the pub was of no particular comfort to residents. Sergeant Davis also stated that the provision of door staff was one possible way to control noise.

In their closing statement, local residents stated that their main concern about this application was the possibility of increased noise, which was already a problem. It was also stated by one resident that if the application was granted, they particularly wanted to limit the hours that the proposed yard was open.

In their closing statement, the applicant stated that they were perfectly happy to control hours of the yard but that the provision of SIA door staff was not a possibility, as it would change the nature of the pub. The applicant stated that they believed that the experience of the smoking ban in Ireland highlighted that people would go onto the streets to smoke, causing further disturbance to local residents.

The Panel considered all the facts and evidence presented before them and

**RESOLVED:** That the application be granted with the exception that Condition 3 remain, as outlined below:

3. External drinking areas to be vacated at 23.00.  
**REASON:** The prevention of public nuisance.

97. **Application to Vary a Club Premises Certificate, Tithe Farm Social Club:**

The Panel received a report of the Chief Environmental Health Officer, which detailed an application to vary a Club Premises Certificate for Tithe Farm Sports and Social Club, 151 Rayners Lane, HA2 OXH. The club had sought to change the hours of certain licensable activities.

Mr Andrew Marshall, who was present at the hearing, had made the application. Mr Marshall was the secretary for Tithe Farm Social Club. The applicant stated that he had instructed his solicitor to apply for a Premises Licence, but the solicitor had submitted an application for a variation to a Club Licence. Mr Marshall advised that he did not wish to withdraw the application.

Due to an increased use of the club by county sports teams, different hours were being sought for licensable activities. The applicant advised that the timings shown in the application were wrong, and confirmed that the hours he wished to apply for were as follows:

Plays: No change  
Indoor Sporting Events: Tuesday and Thursday to 23.30  
Live Music: Monday to Sunday 20.00 – 01.00  
Recorded Music: No Change  
Performance of Dance: Monday to Sunday 20.00 - 01.00  
Anything similar to live and recorded music and performance of dance: Monday to Sunday 20.00 - 01.00  
Facilities for Making Music: Monday to Sunday 20.00 - 01.00  
Supply of alcohol: Friday and Saturday 12.00 - 02.00, Monday to Thursday 12.00 – 01.00, Sunday 12.00 – 00.00

In response to questions from Sergeant Davis, the applicant confirmed that he had been club secretary for one and a half years. The applicant also confirmed that he was aware of any unlicensed use of the premises. The applicant confirmed that the premises had digital colour CCTV and that tapes were kept for 31 days.

In response to questions from Members, the applicant confirmed that the club had 640 members, approximately 300 of which were regular members. The applicant also stated that in order to counter problems with nuisance, CCTV and door swipe systems had been implemented at the club and that bar staff regularly monitored the behaviour of club members.

In his representation, Sergeant Davis stated that he had had to deal with occasions where club members had violated club rules. Sergeant Davis was concerned that by extending the hours that the club could serve alcohol then members would stay longer, increasing the possibility of disturbance to local residents.

In his closing statement, Sergeant Davis stated that he wholly opposed the application and that he had nothing to add.

In his closing statement, the applicant stated that during the club's existence, the police had been called out only a few times.

The Panel considered all the facts and evidence presented before them and

**RESOLVED:** That the application be wholly rejected.

**REASON:** The prevention of crime and disorder and the prevention of public nuisance.

(Note: The meeting having commenced at 7.30 pm, closed at 10.32 pm)

(Signed) COUNCILLOR ROBERT BENSON  
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].