

## LICENSING PANEL

16 OCTOBER 2007

Chairman: \* Councillor Jeremy Zeid

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

\* Denotes Member present

**PART I - RECOMMENDATIONS - NIL****PART II - MINUTES**174. **Appointment of Chairman:**

**RESOLVED:** That Councillor Jeremy Zeid be appointed Chairman for the purposes of the meeting.

175. **Declarations of Interest:**

**RESOLVED:** To note that the following interest was declared:

- (i) Agenda Item 7 – Application to vary a Premises Licence for ‘Blues’, 86 High Street, Harrow-on-the-Hill, HA1 3LW  
Councillor Mrs Eileen Kinnear, who was not a Member of the Panel, declared a personal interest in that she was a Ward Councillor for Harrow on the Hill. She would remain in the room as an observer whilst the matter was considered.

176. **Arrangement of Agenda:**

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

177. **Minutes:**

(See Note at conclusion of these minutes).

178. **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.

179. **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.

180. **Application to vary a Premises Licence for ‘Blues,’ 86 High Street, Harrow-on-the-Hill, HA1 3LW.:**

The Panel received a report of the Chief Environmental Health Officer, which detailed an application to vary a Premises Licence issued under the Licensing Act 2003 to ‘Blues’ (previously Gauchos), a bar and restaurant at 86 High Street, Harrow on the Hill, HA1 3LW. Blues had sought to:

- extend the permitted hours for sales of alcohol;
- remove two conditions from an already licensed premises;
- provide a piano within the premises;
- provide live music.

An officer confirmed that the applicant had made an amendment to the original application, which was detailed on page 6 of the agenda.

The application had been referred to the Panel as unresolved representations had been received from the Metropolitan Police and Interested Parties. Sergeant Carl Davis was in attendance on behalf of the Metropolitan Police. The Interested Parties (local residents) in attendance were Mr Robert Williams, Ms Charonne Boulton, Mr Jeremy Boulton, Mr Ray Anderton, Ms Norma Williams and Ms Ann Whybrow.

Mr Ken MacLeay, the applicant's solicitor, confirmed that since 1980, the premises had held a full Justices' Licence. Since 1980, the premises had not been allowed to serve draught beer. Mr MacLeay also confirmed that that premises had always operated as a 'bar-restaurant'.

Mr MacLeay produced two letters of support for the applicant: one letter from a local resident, Mr Thomas Shortall, and the other from Mr Felipe Rompesillas who had performed at the premises as a Flamenco guitarist. It was agreed to accept these additional documents.

In response to questioning by Mr MacLeay, Mr Guy Marx (the applicant) confirmed that:

- he had been the owner of the premises since 1981;
- the premises' Manageress or himself were always available during opening hours, both of whom were very experienced in this type of industry;
- the intention of the application was to achieve 50/50 wet/dry sales;
- the bar could seat approximately 20 people;
- no nuisance order had been issued for the premises;
- the Police had never been called out to investigate noise emanating from the premises;
- dedicated cab firms were used by the premises for customers;
- the premises was mainly used by local people including staff and pupils from Harrow School;
- customers tended to be over the age of thirty;
- Harrow School was the premises' landlord;
- no roller blinds were present in the premises;
- there were no deliveries to the premises at 5.30 am;
- his phone number could be made available for local residents to contact him should there be a problem with noise.

It was confirmed by the applicant that there would be no more than 2 people performing at one time.

In response to questions by local residents, the applicant confirmed that there were no plans for sound-proofing the premises and that the door to the premises would not be left open beyond a reasonable hour and certainly not beyond midnight.

One resident queried whether all letters of representation had been included in the agenda. An officer confirmed that, to the best of his knowledge, all letters of objection received were in the agenda.

In response to questions by Sergeant Davis, the applicant confirmed that, should the licence be granted:

- provision for digital CCTV would be made and recordings would be kept for a minimum of 14 days should the Police require them;
- they were willing to become Members of 'Challenge 21';
- they were willing to have a panic alarm installed.

The applicant also confirmed that weatherproof garden furniture was present in the garden at all times and that there were no loudspeakers in the garden.

In response to questions from the Panel, the applicant confirmed that:

- the earliest time that deliveries were made to the Premises was between 7.30 am and 8.00 am;

- people could smoke in the garden: ashtrays and appropriate furniture were provided;
- parasols were in the garden to protect customers against bad weather;
- customers were allowed to take drinks to the garden with them when they smoked;
- the premises had air-conditioning;
- it could be that noise emanating from other premises in the area could be mistaken as coming from 'Blues'.

In his representation, Mr Robert Williams, who was acting on behalf of local residents and the Harrow on the Hill Trust stated that his concern was the possible noise that could arise should the premises be granted extended hours on Friday and Saturday. Mr Williams noted that the area was a primarily residential village. Mr Williams stated that extending the drinking hours would offend three of the Council's licensing objectives.

Mr MacLeay then questioned Mr Williams regarding the issue of staggering of hours.

In her representation, Ms Charonne Boulton stated that, despite the amendments to the hours, her objections still stood. Ms Boulton stated that she thought that there was a problematic late night drinking culture in the Harrow on the Hill conservation area and highlighted why local residents and the Police had made representations against the application.

Mr MacLeay then questioned Ms Boulton. Mr MacLeay confirmed that 'Blues' had always been a 'Pub' in that it had the benefit of a premises licence and that, under 'Grandfather Rights', customers were currently able to stay in the premises as long as they wished.

An officer confirmed that the character of the area was not a matter for the Panel and that the Panel could only consider the application against the four licensing objectives.

In response to questioning by the Panel, residents confirmed that, while they were satisfied with Mr Marx's ability to effectively manage 'Blues', they were concerned that he could not control the noise from customers who had left the premises and that they were concerned about it turning into a 'late night club'.

In his closing statement, Sergeant Davis confirmed that due to the amendments to the application, the Police position had changed as he was satisfied that the applicant was committed to meeting Police requirements.

In the closing statement for the applicant, Mr MacLeay stated that the application met the necessary requirements to prevent crime and disorder and that there was no history of complaints regarding noise from the Environmental Health Team. Mr MacLeay further stated that noise from live music from the premises was minimal and that Mr Marx was available for residents to contact should they ever have any concerns.

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

**RESOLVED:** That the variation to the Premises Licence for 'Blues', 86 High Street, Harrow on the Hill, HA1 3LW, as detailed on pages 5 and 6 of the agenda, be granted subject to the following conditions:

1. Premises doors to be kept closed after midnight in order to stop noise.  
**REASON:** The prevention of public nuisance.
2. Live music is to not be amplified.  
**REASON:** The prevention of public nuisance.
3. CCTV to be brought up to Police requirements.;  
**REASON:** The prevention of crime and disorder.
4. A monitored security system must be equipped with a signal terminating at a recognised Alarm Receiving Centre (ARC) and must comply with the current version of the EN 50131-1 standard and be eligible for a police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1

status. It should be fitted with panic alarm buttons and remote panic buttons for staff.

**REASON:** The prevention of crime and disorder.

5. Notices requesting that patrons leave and disperse quietly to be displayed prominently.

**REASON:** The prevention of public nuisance.

6. The Premises to be a Member of 'Pubwatch'.

**REASON:** The prevention of crime and disorder.

7. The operation of the 'Challenge 21' proof of age policy.

**REASONS:** The prevention of crime and disorder and the protection of children from harm.

8. The garden area to be cleared thirty minutes before closing time.

**REASON:** The prevention of public nuisance.

(Note: The meeting having commenced at 7.30 pm, closed at 9.38 pm)

(Signed) COUNCILLOR JEREMY ZEID  
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].