

LICENSING PANEL

19 MARCH 2009

Chairman: * Councillor Jeremy Zeid

Councillors: * Husain Akhtar * Phillip O'Dell

* Denotes Member present

[Note: Councillor Marilyn Ashton also attended this meeting].

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**375. **Appointment of Chairman:**

RESOLVED: That Councillor Jeremy Zeid be appointed Chairman of the Licensing Panel for this meeting.

376. **Declarations of Interest:**

RESOLVED: To note that the following interest was declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
6. Application to Review the Licence of Abercorn Arms Public House	Councillor Marilyn Ashton	The Member who was not a Member of the Panel declared a personal interest in that she was Chairman of the Planning Committee that had previously agreed a planning application for the premises, although she had not chaired the specific meeting when the application was granted. She also added that she was Ward Councillor for Stanmore Park. Councillor Ashton remained in the room and did not take part in the discussion on this item.

377. **Minutes:**
(See Note at conclusion of these minutes).378. **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.

379. **Licensing Procedures:**

The Chairman asked the Panel Members, Officers, Responsible Authority and other attendees at the meeting to introduce themselves. A licensing services officer then outlined the procedure for the conduct of an oral hearing, as set out in the agenda.

380. **Application to Review the Licence of Abercorn Arms Public House, 78 Stanmore Hill, Stanmore, HA7 3BU:**

The Panel received a report of the Chief Environmental Health Officer which sought determination of an application for review of the premises licence of Abercorn Arms Public House, 78 Stanmore Hill, Stanmore, Middx, HA7 3BU.

In attendance at the meeting were Mrs Serra, Police Sergeant Carl Davis and Mrs Nathan. Mr Pandya and Mr Popat were in attendance as, the Premises Licence holders ("the respondents") and were represented by Ms C Eames. Also present were Mr P Sivashankar and Ms M Khan from Licensing Services.

An officer informed the Panel that the application for review had been made by Mrs Serra on the grounds of public nuisance stated in the Licensing Act 2003. Other representations had been received from the Metropolitan Police, and another local resident Mrs Nathan who both supported the review application. He added that the representation made by the Environmental Health Officer of Harrow Council had been

withdrawn after the respondents had agreed to attach two additional conditions to the existing operating schedule.

The officer advised that the conditions of the premises licence could not be enforced in the event of a Temporary Event Notices (TENs) that were in operation before the review. In response to questions raised by a Member of the Panel and the respondent, the officer confirmed that:

- the Licensing Policy used by Harrow Council was reviewed every 3 years;
- options available to the Panel in imposing conditions to promote the licensing objectives, should be proportionate and evidence based;
- the Panel could use the model conditions outlined in the Council's existing licensing policy;
- only 12 notices or 15 days could be granted in respect of the TENs on the same premises during a calendar year;
- events could last up to 96 hours under a TEN;
- under the Licensing Act 2003, a TEN that operated between 11.00 pm and 2.00 am the following day, would be classed as existing for a two day period.

The applicant for the review reported that:

- incidents relating to crime and disorder as well as public nuisance had been reported to the respondents, and they had not sought to engage the community to resolve matters;
- the number of anti-social behaviour incidents caused by patrons to the premises had risen in the last six months. Some of the incidents had been included in the application for review;
- on the occasions where the applicant for the review had visited the premises to speak to the Designated Premises Supervisor (DPS), he was not present and the staff were not aware of his identity;
- reassurances provided by the Manager of the premises had not been implemented. The applicant's quality of life had deteriorated since the change of ownership and being woken up in the small hours had become a common occurrence for her;
- the number of incidents, such as early morning deliveries, had fallen since the possible review of the licence had been discussed.

In support of the comments made by the applicant, Mrs Nathan, reported that various complaints made regarding unsociable hours had now been addressed by the Managers of the premises. She requested that the Panel consider reinstating the previous opening hours of the premises.

Police Sergeant Carl Davis reported that police representations submitted previously had been included to provide a history of the property. He added that local residents had been affected by issues of public nuisance and that he had previously advised the licence holders that opening late at night could have an impact on local residents. In response to a question raised by the solicitor representing the licence holders, Police Sergeant Carl Davis confirmed that his advice given to the management regarding public nuisance had been ignored but that there had been no reported incidents of crime and disorder since the premises had been taken over.

In response to questions raised by the Panel, the applicants for the review confirmed that:

- problems with the premises had been reported previously and additional conditions to the licence had been attached;
- the current owners had no previous experience of operating a late night venue;
- signs requesting patrons to leave the premises quietly had not been displayed inside and outside of the premises;

- younger clientele had started visiting the premises since there had been a change in ownership;
- the reported issues occurred during the week and escalated at weekends;
- managers had not implemented any procedures to address the issues previously reported by residents.

The respondent licence holders provided clarification to questions from their representatives and Members of the Panel and reported that:

- in light of the issues raised by residents, the applicant had been provided with a contact number so that issues could be reported directly to the respondents;
- the premises planned to place greater emphasis on the restaurant aspect of the business;
- referring to pictures of the premises, the respondents confirmed that notices were displayed around the property. The car park was also patrolled by staff when patrons were leaving the premises;
- the respondents would be willing to meet with residents and Environmental Health Officers to address any further issues;
- more than eight notices asking patrons to consider residents and leave the premises quietly were displayed inside the premises;
- the respondents regularly attended the premises during the evening;
- staff members monitored the premises and car park to minimise the nuisance experienced by neighbours;
- the current Manager had developed and implemented a programme of training for staff members;
- empty bottles were collected in the afternoon so that neighbours living adjacent to the property were no longer disturbed;
- CCTV cameras did not cover all areas of the car park;
- CCTV footage was digitally recorded on hard disk and stored for a month;
- the "Challenge 21" scheme was in operation at the premises;
- the management had been instructed to log complaints and organise regular meetings with residents to resolve issues raised.

Ms Eames confirmed that the respondents were trying to address a number of the concerns raised and invited the Panel to impose conditions that were necessary and proportionate. She added that:

- additional conditions agreed with Environmental Health before the meeting had been imposed to address the representations made by all interested parties;
- deliveries to the premises would not be made before 8.00 am and bottles would not be collected after 11.00 pm;
- concerned residents had been provided with a contact number for the respondents;
- the respondents were willing to meet with concerned residents and other interested parties.

In response, the applicants for the review, advised that they would like to live in peace and for the respondents to honour all the conditions imposed by the Panel.

RESOLVED: That the following conditions be added to the premises licence:

1. Clear and prominent notices shall be displayed within the car park requesting customers to respect the needs of local residents and to leave the premises and area quietly. The location of the notices shall be agreed with the Environmental Health Authority.
2. The designated premises supervisor (or representative) shall employ staff to monitor activities in the car park to ensure that customers use outside areas quietly and leave the premises and area quietly.
3. CCTV cameras and equipment should be installed, operated and maintained in good working order and in accordance with the recommendations of the Police and the Crime Prevention Officer.
4. A mobile number of the premises licence holder shall be made available to local residents and businesses.
5. A designated member of staff in a high visibility jacket shall patrol and monitor the car park from 10.00 pm to closing time.
6. The placing of bottles into receptacles outside the premises shall only take place between the hours of 8.00 am and 9.00 pm.
7. All reasonable steps shall be taken to ensure that people entering or leaving the premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and people passing the premises.
8. Deliveries should be no earlier than 8.00 am at all times.

REASON: To prevent public nuisance and to promote the four licensing objectives as set out in the Council's licensing policy.

(Note: The meeting having commenced at 7.10 pm, closed at 10.00 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) 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].