



LICENSING PANEL
THURSDAY 19 MARCH 2009
7.00 PM *

PANEL AGENDA (LICENSING AND GENERAL PURPOSES)

**COMMITTEE ROOM 5,
HARROW CIVIC CENTRE**

* THERE WILL BE A BRIEFING FOR MEMBERS AT 6.30 PM IN COMMITTEE ROOM 5

MEMBERSHIP (Quorum 3)

Chairman: (To be appointed)

Councillors:

Husain Akhtar
Jeremy Zeid

Phillip O'Dell

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

**Issued by the Democratic Services Section,
Legal and Governance Services Department**

**Contact: Paul Gallagher, Democratic Services Officer
Tel: 020 8424 1265 E-mail: paul.gallagher@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

LICENSING PANEL

THURSDAY 19 MARCH 2009

AGENDA - PART I

1. **Appointment of Chairman:**

To appoint a Chairman for the purposes of this meeting.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Minutes:**

[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].

4. **Public Questions, Petitions and Deputations:**

To receive any questions, petitions or deputations (if any), under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B) of the Constitution respectively.

[Note: These items are qualified by the requirements of the licensing legislation and will not be applicable to applications on the current agenda.]

Enc. 5. **Licensing Procedures:** (Pages 1 - 2)
Procedure to be followed at an oral hearing.

Enc. 6. **Application to Review the Licence of Abercorn Arms Public House, 78 Stanmore Hill, Stanmore, HA7 3BU:** (Pages 3 - 70)
Report of the Chief Environmental Health Officer.

7. **Any Other Urgent Business:**

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

This document provides a summary of the Panel's usual procedure for the conduct of an oral hearing in public.

1. Introduction by chair of:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objectors
 - the procedure for the hearing.

2. Presentation of the report by Officers of the Relevant Authority.

3. Presentation by the applicant of their statement. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.

4. Questioning of applicant by:
 - each of the objectors
 - the Panel

5. Presentation by the objectors, or their representative of their statements. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.

6. Questioning of each objector by:
 - the applicant
 - the Panel

7. Concluding statement(s) by objectors.

8. Concluding statement by applicant.

9. The Panel together with their legal advisor and committee clerk withdraw to consider of the application. Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.

10. The hearing is reconvened for the Panel to announce their decision. Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: *Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.*

ADJOURNMENT: *The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible*

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Meeting:	Licensing Panel
Date:	19 th March 2009
Subject:	Application for a review of the Premises Licence held by Abercorn Arms PH, 78 Stanmore Hill, Stanmore, HA7 3BU
Key Decision:	No
Responsible Officer:	Chief Environmental Health Officer
Contact Officer:	P Sivashankar, Service Manager, ext 6237
Portfolio Holder:	Councillor Susan Hall
Exempt:	No
Status	Public

Section 1: Summary and Recommendations

Decision Required

Members are asked to determine the review application in accordance with the guidance below.

Reason for report

An application was made by Mrs Serra, a local resident, for a review of the premises licence under one of the licensing objectives - **the prevention of public nuisance**. Additional representations were also received from Police Sergeant Carl Davis of the Metropolitan Police, Mr. Edward Davis, Environmental Protection Officer, Harrow Council and a local resident. The Authority must hold a hearing to consider the application and relevant representations.

Representations Received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	Representation Received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	Representation Received

Representation from interested parties

From	Relevant Representations details
Interested Party	Representation Received

Benefits

The hearing provides the Premises Licence Holder, the person making the review application, persons making representations and the Licensing Authority, an opportunity to engage in constructive dialogue to determine the application for review, in an open public forum.

Cost of Proposals

N/A

Risks

To comply with the Licensing Act 2003 and the Regulations, the Authority must hold a hearing to consider the application for Review.

Implications if recommendations rejected

N/A

Section 2: Report

2.1 Current Situation

2.1.1 There is a Premises Licence in force at the 'Abercorn Arms PH, 78 Stanmore Hill, Stanmore, HA7 3BU': a copy of the Premises Licence is attached to this report. Briefly, the licence authorises the following licensable activities:

Sale by retail of alcohol	Monday to Saturday	1000 – 0000
	Sunday	1000 – 2330

Late Night Refreshment	Monday to Sunday	1000 - 0000
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The Premises Licence was granted during the transitional period when application was made for conversion of the Justices Licence. At this time the applicant sought a simultaneous variation to extend the hours for the sale of alcohol and the premises licence was granted with the above licensable activities for the hours detailed.

2.1.2 A review application has been made by Mrs G. Serra of 82 Stanmore Hill, Stanmore, relating to the prevention of public nuisance. Sergeant Carl Davis of the Metropolitan Police and Mr Edward Davis, Environmental Protection Officer of Harrow Council have made representations in support of the review application. Mrs Nathan, a local resident has also submitted a representation in support of the

review application. A copy of the application for the review and the supporting representations are attached to this report.

2.1.3 The premise is situated at 78 Stanmore Hill, Stanmore. There is a residential street, Hill Close, situated south of the premises. There is a property immediately adjacent to the premises' front car park to the north and a property adjacent to the rear of the premises' rear car park to the north.

A location map is attached to this report.

2.2 Representations

Mrs G. Serra, a local resident submitted the review application. Sergeant Carl Davis of the Metropolitan Police and Mr Edward Davis, Environmental Protection Office of Harrow Council have made representations in support of the review application. Mrs Nathan, a local resident has also submitted representations in support of the review application. Copies of these representations are attached to this report.

2.3 Consultation

The review application was advertised at the council office and on the premises in accordance with the regulation under the Licensing Act 2003.

2.4 Licensing Policy Implications

The government has issued Guidance pursuant to section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.28. . A copy of that Guidance is attached to this report. The Guidance includes the following in relation to determining whether a review application is a repetition, as referred to in paragraph 2.5.5 below –

“Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.”

It also includes the following to be used as guidance when dealing with reviews from Interested Parties

‘ Where the request originates with an interested party – e.g. local resident, residents association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.’

2.5 Legal Implications

2.5.1 The Licensing Panel is required to hold a hearing to consider the review application and any relevant representation. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.5.2 Having considered the representations from all parties, the Panel has to determine the application for the review of the premises licence. The Panel is required to take such of the steps listed below at 2.5.3 (if any), as it considers necessary for the promotion of the licensing objectives. If the Panel does not consider that any of the steps listed at 2.5.3 are necessary for the promotion of the licensing objectives then it should do nothing.

In coming to a view about whether such a step in 2.5.3 is necessary for the promotion of the licensing objectives, the Panel would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the premises licence holder, the Guidance issued by the Secretary of State and the Council's Licensing Policy.

2.5.3 Where it considers it necessary for the promotion of the licensing objectives, the options available to the Panel are:

1. to modify the conditions of the Licence;
2. to exclude a licensable activity from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding three months;
5. to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

2.5.4 Any modified conditions should be practical and enforceable.

2.5.5 The licensing authority may at any time reject any ground for review specified in an application for review if it is satisfied that either: (a) the ground is not relevant to one or more of the four licensing objectives; or (b) the application is made other than by a responsible authority and the ground is frivolous, vexatious, or a repetition. A ground for review is a repetition if a reasonable interval has not passed since an earlier review application or the grant of the premises licence and the ground is identical or substantially similar to: (i) a ground in the review which has already been determined; (ii) a representation considered by the licensing authority at the time of first granting the premises licence; (iii) or a representation that would have been made when the application for the premises licence was first made but for the fact that it was excluded by the prior issue of a provisional statement in respect of the premises.

2.5.6 If any grounds of review are rejected on the basis set out in 2.5.5, the application for review is taken to be rejected to that extent.

2.5.7 In addition to determining the application in accordance with the legislation, Members must have regard to –

- The common law rules of natural justice.
- The provisions of the Human Rights Act 1998.
- The considerations in section 17 of the Crime and Disorder Act 1998.

2.5.8 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights and Freedoms. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

2.5.9 In relation to section 17 of the Crime and Disorder Act 1998, it should be noted that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

2.6 Community safety

2.6.1 Refer to Licensing objectives, and Section 17 Crime and Disorder Act 1998 considerations, which are:

- Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies, to exercise its various functions with due regard to the likely effect of the exercise of those functions, and the need to do all that it reasonably can to prevent crime and disorder in its area.

The Borough Commander has made a representation in support of the review application through Sergeant Carl Davis, Police Licensing Officer, Metropolitan Police, on the grounds of prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

2.7 Financial Implications

No financial implications

SECTION 3 - STATUTORY OFFICER CLEARANCE

on behalf of the Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Sheela Thakrar
		Date: 06 March 2009
on behalf of the Monitoring Officer	<input checked="" type="checkbox"/>	Name: Paresh Mehta
		Date: 06 March 2009

S. 3.1: Supporting Information/ Background Documents

Premises licence
Review Application
Representations in support of review application
Plan of the premises
Location (GIS) Map

SECTION 4 - CONTACT DETAILS

Contact: P Sivashankar, Licensing Services Manager x 6237

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO
3.	Manifesto Pledge Reference Number	N/A

LICENSING ACT 2003

Schedule 12

Part A (Regulation 33,34)

PREMISES LICENCE

HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

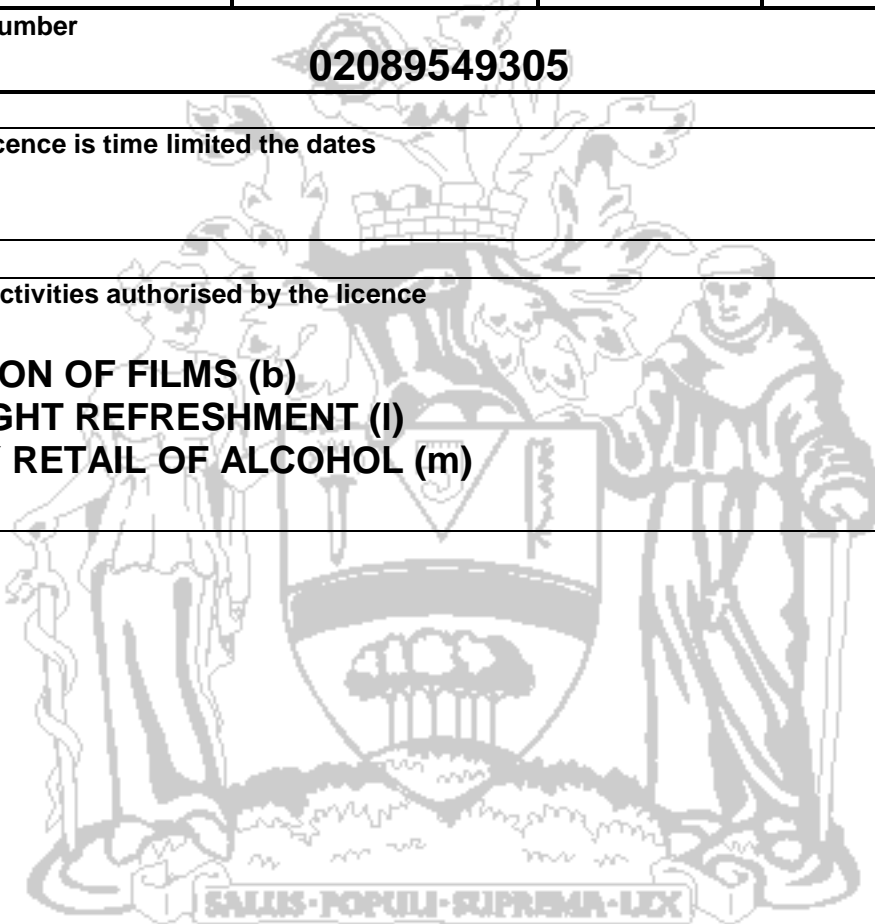
Premises Licence Number	0802-C4YR-NEKT-LTFG
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Part 1 – Premises details **ABERCORN ARMS**

Postal address of premises, or if none, ordnance survey map reference or description			
78 STANMORE HILL			
Post town	STANMORE	Post code	HA7 3BU
Telephone number			
02089549305			

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
EXHIBITION OF FILMS (b) LATE NIGHT REFRESHMENT (l) SALE BY RETAIL OF ALCOHOL (m)



 Gareth Llywelyn-Roberts Signed: Chief Environmental Health Officer

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

HOURS OPEN TO PUBLIC (o)							
	MON	TUE	WED	THU	FRI	SAT	SUN
	0000-0030	0000-0030	0000-0030	0000-0030	0000-0030	0000-0030	0000-0030
	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000

EXHIBITION OF FILMS (b)							
	MON	TUE	WED	THU	FRI	SAT	SUN
	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000

LATE NIGHT REFRESHMENT (l)							
	MON	TUE	WED	THU	FRI	SAT	SUN
	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000

SALE BY RETAIL OF ALCOHOL (m)							
	MON	TUE	WED	THU	FRI	SAT	SUN
	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-0000	1000-2330

1. LICENSABLE ACTIVITIES CAN BE EXTENDED BETWEEN THE TERMINAL HOUR ON NEW YEAR'S EVE AND THE COMMENCEMENT HOUR ON THE FOLLOWING MORNING.
2. LICENSABLE ACTIVITIES CAN BE EXTENDED FOR **ONE** HOUR (NOT INCLUDING DRINKING UP TIME) ON EVERY 1ST JANUARY, 17TH MARCH (ST PATRICK'S DAY) GOOD FRIDAY, EASTER SATURDAY, EASTER SUNDAY, MAY BANK HOLIDAY (1ST) FRIDAY PRIOR, MAY BANK HOLIDAY (1ST) SATURDAY PRIOR, MAY BANK HOLIDAY (1ST) SUNDAY PRIOR, MAY BANK HOLIDAY (2ND) FRIDAY PRIOR, MAY BANK HOLIDAY (2ND) SATURDAY PRIOR, MAY BANK HOLIDAY (2ND) SUNDAY PRIOR, AUGUST BANK HOLIDAY FRIDAY PRIOR, AUGUST BANK HOLIDAY SATURDAY PRIOR, AUGUST BANK HOLIDAY SUNDAY PRIOR, CHRISTMAS EVE, BOXING DAY.

FOR CONSUMPTION ON OR OFF THE PREMISES

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

RAJNIKANT PANDYA
6 LAWN VALE
PINNER
HA5 3EA
07818 442998

KIRIT POPAT
CHARLESTON
KNIGHTS ROAD
STANMORE HA7 4JN
07770 890555

Registered number of holder, for example company number, charity number (where Applicable)

N/A

Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

RAJNIKANT PANDYA
6 LAWN VALE
PINNER
HA5 3EA

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

06RP-00AQ-EBJY-778G
LONDON BOROUGH OF HARROW

State whether access to the premises by children is restricted or prohibited

N/A

ANNEX 1 – MANDATORY CONDITIONS:

1.SUPPLY OF ALCOHOL

(1) NO SUPPLY OF ALCOHOL MAY BE MADE UNDER THE PREMISES LICENCE –

- (a) AT A TIME WHEN THERE IS NO DESIGNATED PREMISES SUPERVISOR IN RESPECT OF THE PREMISES LICENCE, OR**
- (b) AT A TIME WHEN THE DESIGNATED PREMISES SUPERVISOR DOES NOT HOLD A PERSONAL LICENCE OR HIS PERSONAL LICENCE IS SUSPENDED**

2.DOOR SUPERVISION

- (1) WHERE A PREMISES LICENCE INCLUDES A CONDITION THAT AT SPECIFIED TIMES ONE OR MORE INDIVIDUALS MUST BE AT THE PREMISES TO CARRY OUT A SECURITY ACTIVITY, THE LICENCE MUST INCLUDE A CONDITION THAT EACH SUCH INDIVIDUAL MUST BE LICENSED BY THE SECURITY INDUSTRY AUTHORITY**
- (2) BUT NOTHING IN SUBSECTION (1) REQUIRES SUCH A CONDITION TO BE IMPOSED-**
 - (A) IN RESPECT OF PREMISES WITHIN PARAGRAPH 8(3)(A) OF SCHEDULE 2 TO THE PRIVATE SECURITY INDUSTRY ACT 2001 (C.12) (PREMISES WITH PREMISES LICENCES AUTHORISING PLAYS OR FILMS), OR**
 - (B) IN RESPECT OF PREMISES IN RELATION TO-**
 - (i) ANY OCCASION MENTIONED IN PARAGRAPH 8(3)(B) OR (C) OF THAT SCHEDULE (PREMISES BEING USED EXCLUSIVELY BY CLUB WITH CLUB PREMISES CERTIFICATE, UNDER A TEMPORARY EVENT NOTICE AUTHORISING PLAYS OR FILMS OR UNDER A GAMING LICENCE), OR**
 - (ii) ANY OCCASION WITHIN PARAGRAPH 8(3)(D) OF THAT SCHEDULE (OCCASIONS PRESCRIBED BY REGULATIONS UNDER THAT ACT).**
- (3) FOR THE PURPOSES OF THIS SECTION-**
 - (A) "SECURITY ACTIVITY" MEANS AN ACTIVITY TO WHICH PARAGRAPH 2(1)(A) OF THAT SCHEDULE APPLIES, AND**
 - (B) PARAGRAPH 8(5) OF THAT SCHEDULE (INTERPRETATION OF REFERENCES TO AN OCCASION) APPLIES AS IT APPLIES IN RELATION TO PARAGRAPH 8 OF THAT SCHEDULE**

(3) EXHIBITION OF FILMS

- 1) WHERE A PREMISES LICENCE AUTHORISES THE EXHIBITION OF FILMS, THE LICENCE MUST INCLUDE A CONDITION REQUIRING THE ADMISSION OF CHILDREN TO THE EXHIBITION OF ANY FILM TO BE RESTRICTED IN ACCORDANCE WITH THIS SECTION.**
- 2) WHERE THE FILM CLASSIFICATION BODY IS SPECIFIED IN THE LICENCE, UNLESS SUBSECTION (3)(B) APPLIES, ADMISSION OF CHILDREN MUST BE RESTRICTED IN ACCORDANCE WITH ANY RECOMMENDATION MADE BY THAT BODY.**
- 3) WHERE-**
 - (A) THE FILM CLASSIFICATION BODY IS NOT SPECIFIED IN THE LICENCE, OR**
 - (B) THE RELEVANT LICENSING AUTHORITY HAS NOTIFIED THE HOLDER OF THE LICENCE THAT THIS SUBSECTION APPLIES TO THE FILM IN QUESTION,****ADMISSION OF CHILDREN MUST BE RESTRICTED IN ACCORDANCE WITH ANY RECOMMENDATION MADE BY THAT LICENSING AUTHORITY.**
- 4) IN THIS SECTION-**
 - "CHILDREN" MEANS PERSONS AGED UNDER 18; AND**
 - "FILM CLASSIFICATION BODY" MEANS THE PERSON OR PERSONS DESIGNATED AS THE AUTHORITY UNDER SECTION 4 OF THE VIDEO RECORDINGS ACT 1984 (C.39) (AUTHORITY TO DETERMINE SUITABILITY OF VIDEO WORKS FOR CLASSIFICATION).**

Annex 2 – Conditions consistent with the operating Schedule PREMISES MAY OFFER PRIVATE ENTERTAINMENT ONLY, WITHOUT RESTRICTION

b) The prevention of crime and disorder

The company monitors the need for door supervisors and in so doing takes into account any advice given by the Police.

The pub manager is required to actively participate in and support local the Pubwatch scheme (where active).

Text and/or radio pagers, where already used will be used for any additional hours.

Toughened glass is currently in use and will continue to be used during any additional hours.

Where existing, CCTV system will continue to operate during the additional hours.

In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.

c) Public safety

We already understand our obligations under existing Health and Safety legislation, take our responsibilities seriously and have extensive policies and practices in place to meet these obligations (see "Guide to our Policies").

It is our opinion that the nature of the operation and proposed variation will not lead to any increase in risk of the public safety. The existing policies will simply be extended to cover the relatively small increase in opening hours. Our internal health and safety due diligence and incident reporting system will operate during the additional hour(s).

d) The prevention of public nuisance

The style and nature of the operation will not differ significantly from the existing trading operation during the extended hour(s). Indeed, the grant of the additional hour(s) will of itself promote the licensing objectives as stated at paragraph 3.29 of the **Guidance**, in allowing customers to emerge from premises at a more gradual rate.

Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines.

e) The protection of children from harm

We recognise the importance of protecting children from harm and this is supported by:-

- Our commitment to health and safety in the operation and maintenance of the premises
- Our approach to managing the risk of under-age drinking

We will at all times observe the law and ensure that alcohol is not served to people who are under 18 years of age. The manager and staff are briefed in the importance of their responsibilities in ensuring customers are over 18.

No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area). Staff are not allowed to be in sole supervision of children which remains the responsibility the accompanying adult at all times.

Annex 3 – Conditions attached after a hearing by the licensing authority.

CONDITION 1. ALL EXTERNAL DRINK AREAS CLEARED OF PEOPLE BY 0020 EVERYDAY.

CONDITION 2. AWP MACHINES TO BE EMPTIED DAILY OR 'BOOTED'.

CONDITION 3. NOTICES TO BE DISPLAYED CLEARLY ENCOURAGING PATRONS TO LEAVE THE PREMISES QUIETLY.

Annex 4 – Plan (Attached)

DATE OF ISSUE 18 AUGUST 2005

REASON FOR RE-ISSUE: APPLICANT TRANSFER & DPS VARIATION

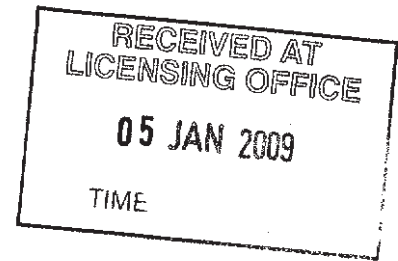
DATE OF RE-ISSUE: 20 FEBRUARY 2008

ISSUE NUMBER: 2

3 2 8 3 0 4 1 0 6

The Cottage
80 Stanmore Hill
Stanmore
Middlesex HA7 3BU

31/12/08



Ref: - Request for Licence review and objection to event notifications – Abercorn Arms Public House.

To – Licensing Unit, Harrow Council.

Dear Sir, I write to record my request for a licence review of the above premises and to object to the recent series of event notifications that the Abercorn Arms Public House made in early November 2008, enabling them to extend their permitted opening hours from Midnight to 03:00 over 7 consecutive weekends until New Years Eve 2008.

I have lived at my current address for over twenty years, in close proximity to the licensed premises and have always had a good relationship with the various licensees' over the years. The various publicans have ensured that the premises has been well run in an orderly manner, in fact one of my children worked at the premises for some years!

In the last twenty years I can recall one or two incidents that have required any intervention from either me or other local residents. From memory these were dealt with on a personal level with positive action being taken by the relevant Licensee.

Since the current licensee's have taken over at the Abercorn Arms my life (and I am aware those of other local residents) have been made what can only be described as a misery. The number of incidents of public nuisance and alcohol related anti-social behaviour in the small hours of the morning have now become a regular feature at this establishment, from Friday mornings when the drays have been delivering at 06:45am to shouting and swearing outside the pub, to cars playing stereos and beeping their horns 02:00 to disorderly behaviour and now even fighting in the early hours of Christmas Morning.

The management (if present during opening hours at all) or their staff clearly have no control over the running of the establishment. I have lost count of the times that I have been woken by disorderly behaviour from the pub in the small hours and when I have called the Licensee's contact

phone number provided to me by them for this purpose it has not been answered or if it has the noise has been so loud that the call taker has been unable to hear me!

Until New Years Eve this year the management have not provided any door security or Marshall's to try and resolve any of these issues and it was only a large disturbance that has led them , I have recently been informed (yet to see), to state that they will provide door supervisors for this one evening. This licensee's clearly having no regard for any of the local residents or the impact that this has on the local community.

I am also aware that they have recently rescinded a long standing informal agreement to allow access via the car parking area to another neighbour's property for children with special needs to attend a class there, how does this build relations or benefit the local community?

In respect of the event notifications I am aware that under the Licensing Act 2003 the only body entitled to object to these is the local police and that they made no objection to these notifications in November on the basis that they had no evidence (as required under the Crime and Disorder Act) of crime or disorder to support that objection.

The basis of the second part of this letter refutes that supposition and I enclose copies of my contemporaneous notes of much anti-social behaviour and disorder which I have encountered , in support of both the license review and objection to these and any future event notifications. I can produce copies of these notes as an exhibit, marked GMS/1.

This anti-social behaviour goes beyond customers leaving the public house and starting their cars engines, but includes much shouting, swearing, arguments, car music blaring from stationary windows, revving of engines and general alcohol related behaviour.

I am extremely disappointed with the permission of these notifications especially in light of the fact that the licensee's of the establishment in November withdrew their applications for permanent extension in the face of much local community objection, this objection being supported by the local Police Licensing unit. It was immediately after this withdrawal that the licensee submitted the event notifications, effectively circumventing the licensing process and allowing him to open as he wished regardless!! Surely this use of event notifications is not within the spirit of what the Licensing Act intended.

I understand the processes linked to this objection are subject to various notifications and time guidelines which will invariably mean that even if I had submitted this objection as soon as the notifications were made it is highly likely that the event notifications would have finished long before this dispute could have been resolved , another irony of the Licensing Act ! It is also worth noting that although the licensee's have no obligation to place notices advertising the 'events' they made no effort to inform any of the local community to try to avert or manage any potential problems, another example of poor management and disregard for local people.

I have been in regular contact with the Environmental Health Officer, Police Licensing Team and Safer Neighbourhoods Team to try and ensure that all the relevant and responsible bodies are aware of the problems that this premise is causing to the local community.

I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. M. Serra', with a long horizontal flourish extending to the right.

Mrs. G. M. SERRA

Sunday =
Woken up at 3 AM by rattle leaving the
premises of the A. Arms & car door being slammed
shut. At 2 AM woken by a noise that
sounded like an animal in distress which
was apparently coming from the kitchen of the A. Arms

Friday 10 Oct

woken up at 6.30 AM by delivery
of beer from Green King Brewery. I
have phoned the head office to complain as
the managers of the Abercorn have done
nothing about it as they said they would.

Friday 31 Oct woken at 12.30 pm by

people shouting & laughing in the car park

Sat 1 Nov kept awake until 1 AM
by loud music coming from the pubs & people
shouting in the car park.

Sat 15 At 10.30 - 11 pm there were about
25 people in the car park all laughing & shouting.
This is a car park not a recreation space and all of

Friday 15 August

woken up at 6.45 AM by delivery of 12 eggs at A Arms
6.11.5 AM

Friday 22 August

woken up at 6.46 AM by delivery of 12 eggs etc at A Arms
9.11.5 AM

Friday 29 August

woken up at 6.45 AM by delivery of 12 eggs etc at A Arms
9.11.5 AM

Saturday 30 August went to the Abercorn Arms &

spoke to the manager about being woken up by the
dreadful noise at 6.45 AM. He apologised & said he
would change the time.

Friday 5 Sept

woken up yet again at 6.45 AM by another
delivery of kegs at the Abercorn Arms.

Sat 6 Sept woken up at 1 AM by shouting
outside the pub I believe it was the manager
as I recognised the voice. I can hear every word
in my bedroom when people are shouting in the
car park.

Friday 3rd Oct woken up at 6.45 AM
by delivery of beer kegs at the Abercorn

9.11.5 AM

Friday 21 Nov

woken up at 6.30 AM by delivery of
1 kegs from Green King

Sat 22 Nov

woken up at 1.30 AM by loud talking
& shouting in the pub car park all the lights
were on & the doors still open.

Friday 5th Dec. woken up at 1.30 AM by people
leaving the Abercorn arms talking & laughing &
shouting, I went downstairs at 1.45 AM & telephoned
the pub & asked that they go & ask the people to leave
the premises quietly eventually it went quiet at
2 AM.

Sat. 6th Dec The same scenario as the night
before except I could not be bothered to phone
them as I was too tired.

Wed 24 Dec

woken at 1.30 by shouting in the car park of the AA Arms
I went downstairs at 2.30 & telephoned the pub & got no
reply & then telephoned Harrow noise team but they had

gone home & all the man could do was log my call
I then telephoned Harrow Police Station who told
me that they could not deal with noise disturbance
as they were too busy fighting crime! By this time it
was about 3.15 AM. The noise was dreadful in the
car park, with about 25 people milling about & then
the fighting started. I dialled 999 & they told me they
had had already had calls concerning the Abercorn
arms & were trying to find a squad car to deal with
it! It eventually went quiet at 10.15!

Sat 27 Woken at 12.30 by females laughing
& shouting in the car park & then car loading to
each other.

The rooms in my house, except the bathroom
over-took it, the noise could be heard above the
television! Surely the car-park should be used
as such.

#328304107

The Cottage
80 Stanmore Hill
Stanmore
Middlesex HA7 3BU

15 January 2009

Dear Ms Forde,

Thank you for your letter dated the 6th January 2009. I find it strange that you consider my first letter titled "Request for licence review & objection to event notifications" unsuitable in its format to be considered a request for licence review and that you require me to edit my diary and submit a further letter !

So, hopefully now this letter will meet your requirements as I have now edited my diary to exclude the dates as per the TENS. I do however , in principle disagree with the suggestion that the TENS do not apply because the normal license was not in force at the time - under this principle the licensee of the Abercorn Arms technically had no responsibility for the premises for 7 consecutive weekends ! Is this what the new licensing act intended ?

I further object to this point as in fact the TENS which were in Force were actually for the same licensee as to which the normal premises license was issued for – not someone different – so therefore surely this is evidence of their continued mis-management not some temporary different management of the establishment ?

I understand that the Act specifies this but again , I feel it is not within the spirit of what the Act intended.

For your ease of reference I have listed the dates of my evidence without the TENS incidents below :-

15/8/8 (delivery at 06:45)
22/8/8 (")
29/8/8 (")
5/9/8 (")
6/9/8 (noise from pub)
3/10/8 (delivery at 06:45)
4/10/8 (noise from pub)



10/10/8 (delivery at 06:45)
31/10/8 (noise from pub)
1/11/8 (noise from pub)
15/11/8 (noise from pub)
5/12/8 (noise from pub)
8/1/9 (noise from pub)

The basis of my objection and diary is clearly the public nuisance that this premises is causing (as well as the crime and disorder when the TENS were in force).

I also find it extraordinary that you would require me to submit the a record of other complaints (which I have already stated that I have made to EHO and Local Police) when surely this would be something that you would consider essential in your evidence gathering process after having received such a request as this. In fact Mr. Davis works for the same organisation and probably even in the same building as you ! I will contact Mr Davis and Sergeant Davis at the Metropolitan Police and ask them to provide you with copies of my contacts and such like.

I would like to point out that I have also addressed the issues that are raised in the attached form "Guidance for interested parties : Applying for a review". I have approached the licensee personally and via the telephone on numerous occasions – the most recently only yesterday when I made another personal visit to the pub. I have talked to the "relevant authorities" repeatedly and in fact it has taken at least three phone calls from the EHO and the Licensing Sergeant to the licensee to have had any effect on re-arranging something as simple as the delivery times to the pub.

This is clearly a matter that can be resolved with a number of actions but the licensee is unwilling to reach any compromise or suitable resolution.

I am a 67 year old who has been widowed for just a year now and have found this entire process to be apparently made as difficult and challenging as possible.

I look forward to hearing from you soon.



Mrs. G. M. SERRA

Friday 15 August

woken up at 6.45 AM by delivery of 12 eggs at A Arms
6.11.5 AM

Friday 22 August

woken up at 6.46 AM by delivery of 12 eggs etc at A Arms
G. M. Sma

Friday 29 August

woken up at 6.45 AM by delivery of 12 eggs etc at A Arms
G. M. Sma

Saturday 30 August went to the Abercorn Arms &
spoke to the manager about being woken up by the
dreadful noise at 6.45 AM. He apologised & said he
would change the time.

Friday 5 Sept

woken up yet again at 6.45 AM by another
delivery of keys at the Abercorn Arms.

Sat 6 Sept woken up at 1 AM by shouting
outside the pub & believe it was the manager
as I recognised his voice. I can hear every word
in my bedroom when people are shouting in the
car park.

Friday 3rd Oct woken up at 6.45 AM
by delivery of beer keys at the Abercorn

GSM | |

SUNDAY →
Woken up at 3 AM by rattle leaving the
premises of the A. Arms + car door being slammed
shut. At 2 AM woken by a noise that
sounded like an animal in distress which
was apparently coming from the kitchen of the A. Arms

Friday 10 Oct

woken up at 6.30 AM by delivery
of beer from Green King Brewery. I
have phoned the head office to complain as
the managers of the Abercorn have done
nothing about it as they said they would.

Friday 31 Oct woken at 12.30 pm by

people shouting + laughing in the car park

Sat 1 Nov kept awake until 1 AM
by loud music coming from the pub + people
shouting in the car park.

Sat 15 At 10.30 - 11 pm there were about
25 people in the car park all laughing + shouting.
This is a car park not a recreation space and all of

Friday 5th Dec. Woken up at 1.30 AM by people
leaving the Abercorn arms talking & laughing &
singing, I went downstairs at 1.45 AM & telephoned
the pub & asked that they go & ask the people to leave
the premises quietly eventually it went quiet at
2 AM.

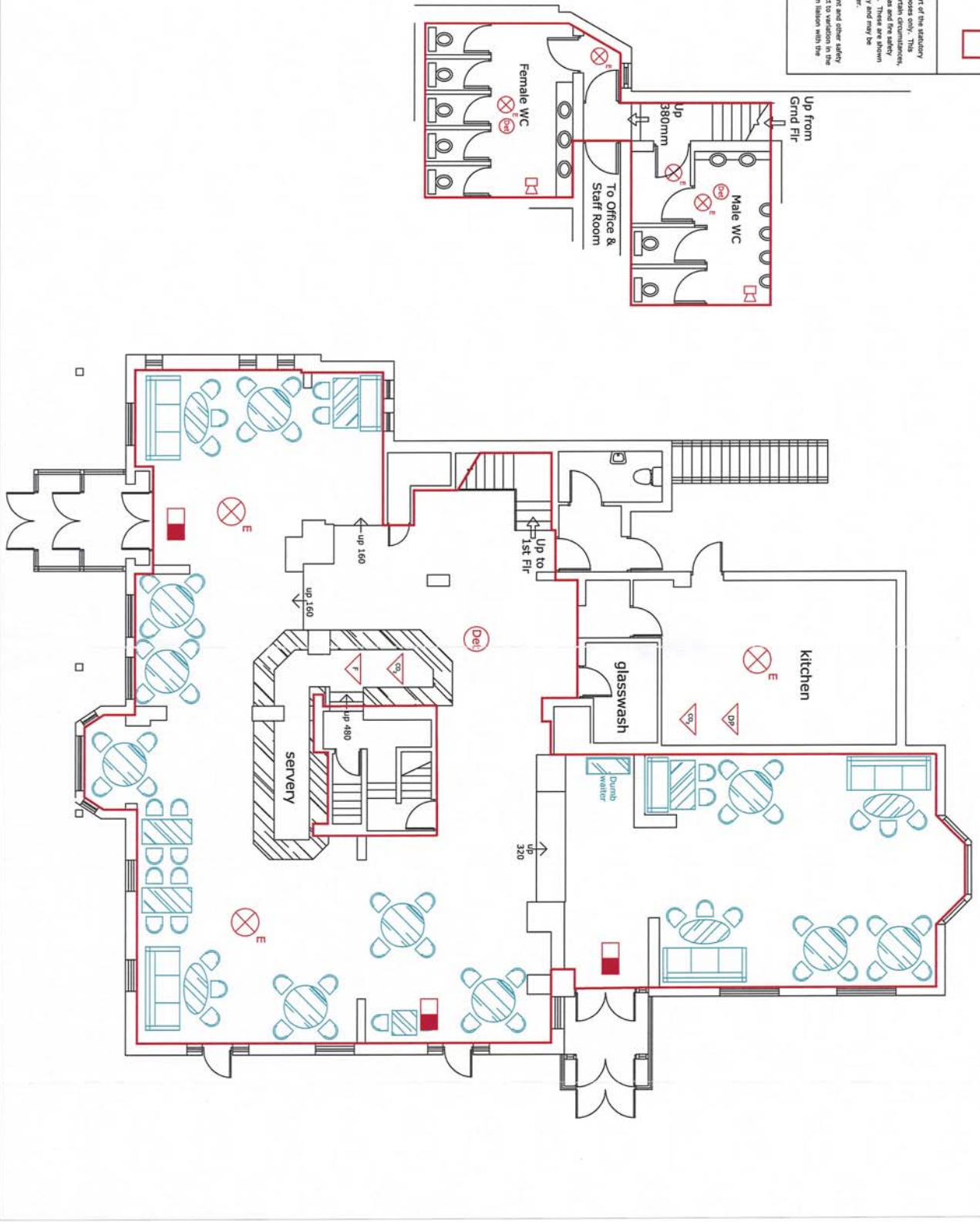
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LICENSING KEY

Sale & supply of alcohol, Late Night refreshment & recorded music



NOTES:
 Items shown on this plan which are not part of the statutory requirements are shown for indicative purposes only. This does not constitute a recommendation of any particular equipment. The position of notice cabinets, CCTV cameras and fire safety equipment not specified in the Regulations. These are shown upon the plans for illustrative purposes only and may be moved at the discretion of the license holder.
 The current location of fire safety equipment and other safety equipment is shown. These may be subject to variation in the future as necessary and where applicable in liaison with the Fire Officer.



LEGEND

	Fire Alarm Panel
	Automatic fire detector
	Manual Call Point
	Sounder
	Fire Alarm Panel
	Emergency light fitting (Fluorescent Downlight or Emergency Exit Light - CEN legend (general))
	Water extinguisher
	Dry powder fire extinguisher
	Carbon Dioxide fire extinguisher
	Foam fire extinguisher
	TV
	CCTV

Mitchells & Butlers
 27 Fleet Street
 London EC4A 3DF
 Tel: 0207 609 3000
 www.mitchells.com

U.K. No. 176621

Abercorn Arms
 78 Stanmore Hill
 Stanmore
 Ground Floor Layout
 99-V Licensing

Product Range	Model	Size	Size
MIN	MJ	1:100(A3)	11/12/04
RPSL	3892/176621/190		

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Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Police Sergeant Carl Davis, make this representation under

the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Abercorn Arms, 78 Stanmore Hill , Stanmore	
Post town Harrow	Post code HA7 3BU

Name of premises licence holder or club holding club premises certificate (if known)
Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

Please tick yes

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Metropolitan Police South Harrow Police Station 74 Northolt Road South Harrow HA2 ODN
Telephone number (if any) 0208 733 3415
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

The Police representations are concerned with:

Hours required for “Hours premises are open to the public” and “Late night refreshment” and “Supply of Alcohol”

(Relevant sections are Part B sections M & O and L)

This premises is situated in a quiet residential street and area. It was originally granted a Supper Hours Certificate on 6th January 1970 for its dining room and following structural alterations in 1990 a further S.68 was granted at Harrow Magistrates Court on 20th July 1994.

Since the terminal hours Monday to Saturday is midnight and because of the old ‘drinking up time’ the few minutes sought on a Monday to Saturday are not opposed at all.

On Sunday however the effect of the variation is to extend the terminal hour by one hour and police I draw this to the attention of the panel with regard to effect on the local community regarding noise disturbance and public nuisance potential.

I have no objections to the premises opening at 1000 hrs each morning.

Hours required for “non standard timings”

(Relevant sections are Part B2, sections M and O “non standard timings”)

Any Special Order of Exemption granted for this premises in the past four years has been for only a further one (1) hour with the exception of . This premises has had no non bank holiday extensions in 2002, or 2005 and held only one charity fundraiser event in 2003 and 2004 .

These premises applied for Xmas eve and Boxing Day extensions in 2002 and 2003. In 2004

they only applied for the Xmas Eve extension. They have never applied for any other bank holidays (May, Easter, August Bank Holidays etc)

This information is indicative to the panel of the lack of extended hours the premises has had over the last 4 years should they wish to measure extension of hours against problems/complaints.

No applications were received for the Football World Cup in 2002 or for the Rugby World Cup the following year. If the section of the application regarding extending hours during televised sporting events is particularly important, and likely to be a focal point for the operation of these premises, it would substantially vary the way the premises are run. Police concerns are that they will become a sports style bar and would require additional conditions to ensure the prevention of crime.

Unless there have been recent changes to the premises there are no large screens or Televisions to display broadcasts or pre-recorded media. They are primarily a food led operation with limited vertical drinking space. **Police object to the request for extensions for this premises to its hours relating to the “event of transmission of any recognised international event”.**

St Patrick's day and St George's day have been regularly celebrated in the locality by other premises and there would be no Police objections to the additional hour requested.

However I further object to the additional hours requested for the following days:

- **Burns Night**
- **St David's Day**
- **Halloween**
- **Valentines Night**
- **Additional hours evenings preceding working days**

Historically no previous applications have been made for extensions to the permitted hours for these dates. They are not significant dates of note for this area or for these particular premises and whilst they may be speculative I consider that the others sought and not opposed (Good Friday etc) combined with the applicants ability to request temporary event notices will place sufficient number of extended hours on this premises to test the patience of the local residents.

Whilst the requirement for the event being special has been removed under the new legislation some basis of actual need for these dates should be forthcoming, and details provided of the measures the applicant will take to ensure the four licensing objectives are met. This would allow for Police resources to be suitably deployed to cover these hours rather than speculative planning for an event that may not take place.

From experience there is always a rise in alcohol related crime and disorder which directly correlates with extended hours for the consumption of alcohol. Under the current legislation, various conditions have been placed on the licences of late night premises. They act as safeguards and ensure that these premises operate with the minimum of disruption to the public. Should a change in the style of the premises be considered then conditions should be offered which would ensure that the licensing objectives are fully met and the use of door supervisors is crucial to ensure this.

The minimum requirements that police would expect should varied hours be granted are no drinks promotions and correctly installed and functioning CCTV both within and immediately outside the premises. I believe the current system utilised at this premises has insufficient number of cameras and is only black and white. I request an upgrade of this CCTV system. All security measures such as this must comply to Crime Reduction Unit guidance. I request that the

applicant contact the police Crime Reduction officers and that such an officer be allowed full access to all areas of the premises in order to review all security measures and that the applicant agree to any reasonable recommendations forthcoming in his report. This is to prevent crime and disorder.

Police would ask that the applicant accept a condition that the premises participate in a pub watch scheme should one exist for their area.

Please provide as much information as possible to support the application (please read guidance note 2)

**Please tick
yes**

Have you made a representation relating to this premises before

NO

If yes please state the date of that representation, Day Month Year

--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date.....12th July 2005

.....

CapacityPolice Licensing Officer

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e mail address (optional)	

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Police Sergeant Carl Davis, make this representation under

the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Abercorn Arms, 78 Stanmore Hill , Stanmore	
Post town Harrow	Post code HA7 3BU

Name of premises licence holder or club holding club premises certificate (if known) Rajikant Pandya & Kirit Popat
Number of premises licence or club premises certificate (if known) 0802-C4YR-NEKT-LTFG

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

Please tick yes

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Metropolitan Police South Harrow Police Station 74 Northolt Road South Harrow HA2 ODN
Telephone number (if any) 0208 733 3415
E-mail (optional)

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

The Police representations are concerned with the effect on the local community regarding noise disturbance and public nuisance potential in the early hours of the morning.

Since this is a quiet residential area including families with children then it follows that the public nuisance at those hours will potentially be harmful to children's sleeping patterns.

The conditions imposed at the Licensing Panel hearing in 2005 were :

CONDITION 1. ALL EXTERNAL DRINK AREAS CLEARED OF PEOPLE BY 0020 EVERYDAY.

CONDITION 2. AWP MACHINES TO BE EMPTIED DAILY OR 'BOOTED'.

CONDITION 3. NOTICES TO BE DISPLAYED CLEARLY ENCOURAGING PATRONS TO LEAVE THE PREMISES QUIETLY.

The AWP machine condition I considered essential and still do because the premises was targeted prior to installing appropriate security devices or emptying the machines every night and consequently suffered a number of burglaries. This has not happened since the condition was imposed.

This application is to extend alcohol sales, music and dancing until 0200hrs on a Thursday, Friday and Saturday and until Midnight on other days. The premises would not close until 30mins after these times to allow drinking up time. Whilst the hours requested are able to be policed (with regard the Crime & Disorder Objective) provided the proper conditions are enforced , it is a different issue with regard Public Nuisance where those most affected are local residents.

The operating schedule for this premises is quite comprehensive and the Authority have extracted the following twenty six (26) conditions to be placed on the licence- if granted :

-
1. The applicant will monitor the need for door supervisors and in so doing take into account any advice given by the Police.
 2. The pub manager / DPS / Premises Licence holder is required to actively participate in and support the local Pubwatch Scheme (where active).
 3. CCTV systems will continue to operated and maintained according to the reasonable specification of the Metropolitan Police Crime Prevention Officer: images will be securely stored, kept for a minimum of 31 days and be made available to officers of the police or local authority upon request.
 4. A monitored central station alarm is installed and will be operated and maintained in accordance with the reasonable specification of the Metropolitan Police Crime Prevention Officer.
 5. There will be no promotions that encourage illegal, irresponsible or immoderate consumption.
 6. Bag searches are conducted at random.
 7. Toilets are checked an average of 2 hourly daily and a log kept of the times/dates they are visited.
 8. Safety signs and notices are in place.
 9. Free drinking water is available to customers.
 10. Public transport information (including night time travel options) is made available to customers.
 11. The phone number of an allocated taxi firm is displayed on the premises.
 12. The Designated Premises Supervisor and Personal Licence Holders will continue to take all reasonable steps to ensure the maintenance of all provided fire and other safety arrangements (including evacuation procedures) and equipment in accordance with the requirements of current legislation and have ensured that their staff have been made fully aware of and trained with regard to the emergency fire plan arrangements, which have been enhanced to include for the provision of regulated entertainment.
 13. Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.
 14. Management will monitor the behaviour of customers leaving the premises and encourage customers to leave the premises quietly.
 15. Notices will be displayed around the premises and announcements will be made by the manager asking patrons to leave the premise and the

local area quickly and quietly.

16. Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns.

17. A telephone number for the premises will be made available for local residents who have any concerns.

18. The duty manager will arrange to monitor noise levels from both inside and outside the premises at the nearest residences and remedial action will be taken as appropriate.

19. Deliveries are conducted during daytime to control noise nuisance.

20. Doors and windows will be kept closed as deemed necessary by the manager.

21. A 'Challenge 21' policy will be operated at the premises, whereby any person attempting to purchase alcohol (or other age restricted product) and who appears to be under the age of 21 years, will be asked to provide proof (i.e. passport, driver's licence or some other such form of accredited photo identification) that they are over the age of 18 years. Notices will be displayed advising customers that such a policy is in operation. A record of age related refusals of sale will be kept and made available to officers of the police or local authority upon request.

22. No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises.

23. Admittance refused to under 16's unless accompanied by an adult.

24. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area).

25. Staff are not allowed to be in sole supervision of children which remains the responsibility of the accompanying adult at all times.

26. A.W.P. machines must not be used by anyone under 18 and will be positioned where they can be clearly seen and their use supervised by staff.

~~~~~  
This new application has not made reference to the 'AWP' or 'clearing exterior area' issues which were addressed by the panel and placed on the existing licence

On assessing the application I considered that the following additional three (3) conditions should be added onto the licence :

1) Any AWP machine on the premises is either to be emptied each night ( and adequate signage that this occurs is to be displayed) or fitted with an police approved security device ( e.g. a 'boot' or 'roller shutter' )

2) External areas are to be cleared of patrons & drinking vessels by 2330hrs each night

3) No entry or re-entry of patrons is permitted after 2330hrs each night

I have communicated this to the solicitors acting for the applicant.

I have been advised that the applicant is willing to have all three conditions but would want the hours to be amended to Midnight regarding clearing patrons and drinking vessels. This is acceptable.

However I have also been advised that the applicant would want the hour of entry and re-entry of patrons being 0100hrs. I do not believe that this will promote the licensing objectives of 'Preventing Public Nuisance' and 'Protecting Children from Harm'. I believe this time must be set no later than Midnight.

The hour at which entry and re-entry is fixed has a direct consequence of the ability of (unlimited) numbers of patrons to frequent the premises, because it would cater for persons (who have left neighbouring licensed premises) that would be under the influence of intoxicating liquor it consequently is potentially prone to public order incidents and public nuisance.



**Please provide as much information as possible to support the application** (please read guidance note 2)

**Please tick  
yes**

Have you made a representation relating to this premises before

Yes

If yes please state the date of that representation, Day Month Year

|    |    |      |
|----|----|------|
| 12 | 07 | 2005 |
|----|----|------|

**If you have made representations before relating to this premises please state what they were and when you made them**

Representation against application to simultaneously convert and vary licence.  
Copy lodged with Licensing Authority.

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (please read guidance note 4)  
**If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date.....3<sup>rd</sup> September 2008

.....

Capacity .....Police Licensing Officer

.....

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an email address your e mail address (optional)**

**Notes for Guidance**

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

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Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

## Making a Representation following a Review Application concerning a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if  
necessary.

You may wish to keep a copy of the completed form for your records.

I, Police Sergeant Carl Davis, make this representation under S.51 & S.52 of  
the Licensing Act 2003 for the premises described in Part 1 below (delete as  
applicable)

#### Part 1 – Premises or club premises details

|                                                                                                          |                   |
|----------------------------------------------------------------------------------------------------------|-------------------|
| Postal address of premises or club premises, or if none, ordnance survey map<br>reference or description |                   |
| Abercorn Arms<br>78 Stanmore Hill<br>Stanmore                                                            |                   |
| Post town Harrow                                                                                         | Post code HA7 3BU |

|                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------|
| Name of premises licence holder or club holding club premises certificate (if known)<br>Mr Rajnikant Pandya & Mr Kirit Popat |
| Number of premises licence or club premises certificate (if known)                                                           |

#### Part 2 - Applicant details

I am

Please tick ✓ yes

- |                                                                                        |                          |
|----------------------------------------------------------------------------------------|--------------------------|
| 1) an interested party (please complete (A) or (B) below)                              | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises                                     | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of<br>the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of<br>the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business<br>in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick  yes

**Current address**

**Post Town**

**Post Code**

**Daytime contact telephone number**

**Email address**

(optional)

**(B) DETAILS OF OTHER APPLICANT**

|                           |
|---------------------------|
| Name and address          |
| Telephone number (if any) |
| E-mail (optional)         |

2

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------|
| Name and address<br><br>Metropolitan Police<br>South Harrow Police Station<br>74 Northolt Road<br>South Harrow<br>HA2 ODN |
| Telephone number (if any) 0208 733 3415                                                                                   |
| E-mail (optional)                                                                                                         |

**This representation relates to the following licensing objective(s)**

Please tick one or more boxes

- |                                         |                                     |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note1)

This Premises Licence was converted in 2005 under the new Licensing Act of 2003.

Until this time the Premises had operated normal Justice's "On-Licence" hours other than S.68 Supper Hour Certificate 1 hr extension granted to the Dining Room only in 1970 and the whole premises in 1994.

On 24/06/2005 at the time of the conversion a simultaneous variation was made to extend the hours and on 12/07/2005 I made Representation against this application and attach copy of such as my Exhibit CD/1.

Points of note I made at that time were:

"This premises is situated in a quiet residential street and area."

"On Sunday however the effect of the variation is to extend the terminal hour by one hour and police I draw this to the attention of the panel with regard to effect on the local community regarding noise disturbance and public nuisance potential."

On 18/08/2005 the Licensing Panel of Harrow Council granted the application as requested but added 3 conditions , two of which were ;

"All external drinking areas cleared of people by 0020 everyday" &

" Notices to be displayed clearly encouraging patrons to leave the premises quietly"

On 06/09/2007 application to vary the licence was made only in relation to the premises layout/plan.

On 20/02/2008 Following new ownership of the premises application for Transfer of the Licence and Variation of the Designated Premises Supervisor was made and the Licence issued to Mr Rajnikant PANDYA and Mr Kirit POPAT .

On 30/07/2008 application was made for Variation of the Licence to extend the licensable activity hours until 0200hrs and terminal ( closing) hours until 0230 hrs on a Thursday , Friday & Saturday night .

Twenty six (26) conditions were proposed by the applicants.

On 3/09/2008 I made Representation against this application and attach copy of such as my exhibit CD/2.

Point of note I made at that time was:

“Whilst the hours requested are able to be policed (with regard the Crime & Disorder Objective ) provided the proper conditions are enforced , it is a different issue with regard Public Nuisance where those most affected are local residents.”

I requested further conditions (clearing of external areas and no entry times ) which were agreed to.

I, similarly, requested that the D.P.S. (Mr PANDYA) obtain further qualification (National Certificate for Designated Premises Supervisors) as I was not happy with the Premises management experience in relation to “Late Night” venues.

I was greatly concerned with regard potential impact (Public Nuisance) of later hours on local residents but - because these hours had not, as yet, been operated - then I had no evidence (complaints) to support my application at that time.

This application was eventually withdrawn.

On 7/11/2008 Mr PANDYA applied simultaneously to the Licensing Authority for eight (8) Temporary Events Notices (TEN's).

These were for all possible licensable activities – sale of alcohol , regulated entertainment (music & dance) and late night refreshment- between the hours of 0000 and 0300hrs on :

22/11/2008  
23/11/2008  
29/11/2008  
30/11/2008  
06/12/2008  
07/12/2008  
12/12/2008  
13/12/2008  
14/12/2008  
19/12/2008  
20/12/2008  
21/12/2008  
25/12/2008  
27/12/2008  
28/12/2008  
01/01/2009

At the time I had no grounds (must be “Crime & Disorder”) to object.



On 08/12/2008 I received a telephone call from a relative of a local resident (Mrs G.M.Serra who has initiated this Licence 'Review') expressing strong concerns that local residents lives were being made a misery due to the disorder and public nuisance generated by customers using the premises up to 0300hrs and remaining outside even later.

The complaints were of shouting & screaming, arguments and other disturbance & disorder outside, as well as noise from the premises that was being investigated by Harrow Council Environmental Protection department.

Not all complaints related to the nights that TEN's were in force.

I contacted the Premises Licence Holders and explained the problem. I had a lengthy telephone conversation in which I recommended noise reducing and security measures as well as voicing my concerns as to the continuing impact on local residents from holding such events.

Whilst I could not prevent the TEN's from being used and the events (effectively extensions of licensing hours) taking place, I was asked my opinion and gave it. I particularly drew reference to the potential for a Licence Review from "Interested Parties" such as local residents.

I secured verbal agreement that all remaining events– with the exception of 01/01/2009 (New Years Eve) – would:  
terminate at 0100hrs ,  
that staff would encourage patrons to leave quietly and patrol the car park areas to monitor this,  
that no entry or re-entry would take place after midnight and  
that external areas would remain cleared of patrons and drinking vessels after 0020hrs.

I was specifically asked my opinion with regard Xmas Eve (the ordinary licence actually permits one-hour extra licensable activities (until 0100hrs) but again talked about impact on local residents on such a night (children etc) in a situation different to New years Eve when later hours are expected/accepted. This was also verbally accepted.

Between Xmas & New Year I came into work to find out that from the Local Police Safer Neighbourhood team and from local resident representative that Police were called on 25/12/2008 at 0243hrs (CAD1363) to an assault/fight at the premises, on 25/12/2008 at 0246hrs (CAD1390) to an assault at the premises and on 25/12/2008 at 0305hrs (CAD1512) to an assault at the premises. All calls were subsequently linked together.

Police arrived on scene at 0304hrs 25/12/2008. The parties concerned made no allegations of crime.

I contacted the Premises Licence Holders who said that the disturbance was caused by people who tried to get into the premises and not by people who had previously been customers.

I expressed my disbelief that the premises had remained open until 0300hrs contrary to the verbal agreement made and apology was made and explanation given that this was a misunderstanding of what was agreed.

I reserve the right to bring further evidence to the hearing should any arise between now and the hearing.

**Please provide as much information as possible to support the application** (please read guidance note 2)

**Please tick  
yes**

Have you made a representation relating to this premises before

NO

If yes please state the date of that representation, Day Month Year

|    |    |      |
|----|----|------|
| 12 | 07 | 2005 |
| 03 | 09 | 2008 |

**If you have made representations before relating to this premises please state what they were and when you made them**

Representation made 12/07/2005 against Licence Variation application - copy lodged with Authority. Exhibit CD/1.

Representation made 03/09/2008 against Licence Variation application - copy lodged with Authority. Exhibit CD/2.

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (please read guidance note 4)  
**If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 18<sup>th</sup> February 2009

.....

Capacity .....Police Licensing Officer

.....

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 5)

.....

|                  |                  |
|------------------|------------------|
| <b>Post town</b> | <b>Post code</b> |
|------------------|------------------|

|                                  |
|----------------------------------|
| <b>Telephone number (if any)</b> |
|----------------------------------|

|                                                                                                            |
|------------------------------------------------------------------------------------------------------------|
| <b>If you would prefer us to correspond with you using an email address your e mail address (optional)</b> |
|------------------------------------------------------------------------------------------------------------|

**From:** Edward Davis  
**To:** Bernadette Forde  
**Date:** 04/02/2009 12:23  
**Subject:** Re: Abercorn Arms Review

In relation to the above, I can add the following information as to EP involvement.

The initial complaint was passed to EP on 10th Nov. 2008 regarding noise from customers and early morning deliveries.

21st. 22nd Nov. OOH' s visited the area and assessed the noise from customers to loud and unreasonable, subsequently a warning letter was sent to the owner highlighting the complaint.

4th Dec. 08, call from the owner. We discussed the situation with noise from customers and he was advised that he needs to get the area supervised at all times or move the smoking area to the rear of the premises. In relation the noise from deliveries, he was advised that deliveries were not to be made before 8am.

5th Dec 08' complaint received re 6.30 delivered again. Spoke to the owner again and requested information of the delivery company (this information was incorrect!)

8th Dec' 08 further complaints of noise from the premises in relation to customer noise and continued early morning deliveries. Spoke to the owner again and requested correct information of delivery company. Spoke to delivery company and updated them on correct delivery times. and advised owner again that he needs to employ correct door staff to police smoking area to reduce the impact of noise.

3rd Jan 09' OOH's visit and no noise witnessed.

5th Jan 09' several calls from Mrs Serra regarding music and customer noise over the Christmas/New Year period until 4am on some occasions. A further letter was sent to the owners regarding the complaints. Spoke to Mrs Serra and advised that most of the late night noise is occurring when our service is not in operation and that she may have to take action herself EPA SEC 82 or a review.

**Additional hours of opening invariably lead to more activity in the car park serving the premises late at night/in the early hours of the morning. This may lead to public nuisance. I would therefore welcome a condition controlling the level of disturbance from this source e.g.**

**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 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.**

**Reason: To control the level of disturbance from the car park serving the premises in order to prevent public nuisance.**

If you require any further information, please do not hesitate to contact me.

Ed

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82 Stanmore Hill, Stanmore, Middlesex HA7 3BU

tel:

email:

ol.com

---

#328304107

18<sup>th</sup> February 2009

The Licensing Offices  
Harrow Council  
POBox 18  
Station Road  
Harrow HA1 2UT

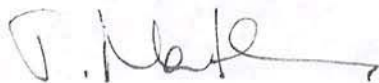
**BY HAND**

Dear Sirs,

**Re: The Abercorn Arms, 78 Stanmore Hill, HA7 3BU**  
**Review of the premises Licence under the prevention of Public Nuisance Licensing Objective**

Rather than reiterate the concerns mentioned in the statement of Hill Close (Stanmore) Management Co. Ltd dated 18<sup>th</sup> February 2009, I would like to make it clear that I fully concur with all their comments. However, living adjacent to the rear car park of the Pub, I have some additional concerns which I attach for consideration and ask that I be allowed to read this out after the Statement by the Hill Close (Stanmore) Management Co Ltd has been read.

Yours faithfully,



Mrs T Nathan



Statement by Mrs T. Nathan of 82 Stanmore Hill - N/NE of the Pub and adjacent to the left side of the rear car park.

In addition to the concerns listed in the Statement by the residents living in the immediate vicinity of the Abercorn Arms, all of which I agree with, I would like to add 3 points specific to my situation which I believe shows inept management.

**1. Rear Car Park**

- I was given to understand from Mr Edward Davies, The Environmental Officer for Harrow, that it is expected that the Pub have three security personnel to monitor the behaviour of all patrons on their premises and that one should be monitoring the rear car park. I have full view of the rear car park from my house and on not one occasion have I seen such a person there.
- I have written to The Abercorn several times about various matters (copies of some are attached) and have never had the courtesy of a reply and so unfortunately it was necessary for me to call the Police at 3.40am on Christmas morning when there were many patrons partying in the rear car park and we heard an altercation in addition to much shouting, laughing and extremely loud music.
- On various other occasions patrons leaving from the rear car park rev up their cars and have music blasting from their cars before they leave. They are never stopped.

**2. Food Smell**

My son, whose bedroom is in the front of the house, is unable to keep his window open in the evenings as the smell of cooking is so strong as to be unacceptable.

**3. Dumping of Empty Kegs**

For several months now kegs have been thrown behind the fence at the back of the rear car park. I understand from the Planning Officer for Harrow who visited me two weeks ago that he felt this was unacceptable. In addition to an unpleasant view from my house I am concerned that this will exacerbate the problem with rats from the pub that we have suffered with for many years. A photograph taken on 18<sup>th</sup> February 2009 is attached.

I would be obliged if these extra points were also taken into consideration and hope that you will see fit to agree to the request to reinstate the previous opening hours.

Signed: Mrs T Nathan



Date: 18<sup>th</sup> February 2009



17<sup>th</sup> January 2008

Ms L. Franciosi,  
The Abercorn,  
78 Stanmore Hill,  
Stanmore, Middlesex HA7 3BU

Dear Ms Franciosi,

I understand that the pub has been sold and am a little surprised that I have not been informed. I have a legally sound peppercorn license with you and so could be affected by this sale.

I would be obliged if you would kindly let me know whether this information is correct and, if so, would appreciate details of the new owner and when they shall be taking over so that I can confirm that my License is secure.

Yours sincerely,

Tamara Nathan

**82 Stanmore Hill, Stanmore, Middlesex HA7 3BU**

tel: .

e-mail:

**7<sup>th</sup> August 2008**

**The Manager/Owner  
The Abercorn,  
78 Stanmore Hill,  
Stanmore, Middlesex HA7 3BU**

**Dear Sir,**

**Recently there have been bottle collections at your pub during unsocial hours, i.e. well after 11pm and well before 8 am.**

**I am sure you will understand that, as a private home, many of us are sleeping at this time and the people who have bedrooms at the front of our house are woken up by the noise of breaking glass.**

**I would be obliged if you would make sure that in future collections are made at acceptable hours.**

**Thanking you.**

**Yours faithfully,**

**Mrs T. Nathan**

6<sup>th</sup> October 2008

The Owner,  
The Abercorn,  
78 Stanmore Hill,  
Stanmore, Middlesex HA7 3BU

**RECORDED DELIVERY**

Dear Sir,

I am sorry to have to write to you again regarding the noise from your Pub.

Last Saturday at 2 a.m. there was a loud shrill noise coming from what seemed to be your kitchen. Certainly it was from your Pub. It was some sort of machine sound and was so loud that we were disturbed by it even though we have double glazed windows which were closed.

I would be obliged if you would make sure that this problem does not re-occur.

Thanking you in anticipation.

Yours faithfully,

Tamara Nathan

Copy: Local Authority

Telephone:

Fax:

E-Mail:

Fee Earner: Frances Stone  
Assistant: Talia Shani



F S Conveyancing  
Kinetic Centre  
Theobald Street  
Elstree  
Herts  
WD6 4PJ  
DX 45601  
Borehamwood

Mrs T Nathan  
82 Stanmore Hill  
Stanmore  
Middx  
HA7 3BU

Our Ref: FHS.B1232.  
**BY GUARANTEED NEXT DAY DELIVER**

16 December 2008

Dear Madam

**Re: The Abercorn Arms, 78 Stanmore Hill, Stanmore, Middlesex, HA7 3BU**

We act for Kirit Popat and Rajnikant Pandya who are the owners of the Abercorn Arms at 78 Stanmore Hill

As you are aware you have been enjoying the right to occupy four car parking spaces at the Abercorn Arms under a Licence dated 28 August 2001.

However our clients now wish to terminate the licence and we should be grateful if you would please take this letter as notice to terminate the arrangement from 17 March 2009. Please also ensure that the gate is removed together with the stairs under clause 4.5 of the Licence and the fence is made good before that date

Please acknowledge receipt on the attached copy letter

Yours faithfully,

**F S CONVEYANCING**

Regulated by the Solicitors Regulation Authority  
Partners: Frances Hilary Stone and Harold Henry Elias

29<sup>th</sup> December 2008

FS Conveyancing  
Kinetic Centre  
Theobald Street  
Elstree  
Herts WD5 4PJ

Your Ref: FHS.B1232.                      -

Dear Sirs,

**Re: The Abercorn Arms, 78 Stanmore Hill, Stanmore, Middlesex HA7 3BU**

I am receipt of your letter o f 16<sup>th</sup> December.

The work will be completed next Tuesday 5<sup>th</sup> January 2009. I would be obliged if you would make sure that your clients allow access to my builders.

Yours faithfully,

Mrs T R Nathan





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