

Licensing Panel AGENDA

DATE: Monday 29 November 2010

TIME: 7.30 pm *

VENUE: Committee Rooms 1 & 2,
Harrow Civic Centre

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 3

MEMBERSHIP (Quorum 3)

Chairman: (To be appointed)

Councillors:

Mrinal Choudhury
Krishna Suresh

Husain Akhtar

Reserve Members:

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

Contact: Mark Doherty, Acting Democratic Services Officer
Tel: 020 8416 8050 E-mail: mark.doherty@harrow.gov.uk

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 17, 15 and 16 (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.]

5. LICENSING PROCEDURES (Pages 1 - 2)

Procedure to be followed at an oral hearing.

6. APPLICATION TO VARY THE PREMISES LICENCE HELD IN RESPECT OF 'EVER BUBBLES LTD' (TRADING AS DAY ONE) 197 STREATFIELD ROAD, KENTON, HARROW, MIDDLESEX HA3 9DA (Pages 3 - 44)

Report of the Corporate Director, Community & Environment.

7. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

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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REPORT FOR: LICENSING PANEL

Date of Meeting: 29 November 2010

Subject: Application to vary the premises licence held in respect of 'Everbubbles' (trading as Day One), 197 Streatfield Road, Kenton, Harrow, HA3 9DA

Responsible Officer: Brendon Hills, Corporate Director, Community & Environment

Exempt: No

Enclosures: Premises Licence
Variation Application
Premises Plan
Location Map
Representation

Section 1 – Summary

An application to vary the premises licence issued under the Licensing Act 2003 in respect of "Everbubbles" (trading as Day One), 197 Streatfield Road, Kenton, Harrow, HA3 9DA, has attracted a representation from a Responsible Authority, the Metropolitan Police on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	Representation received

Representations from interested parties

From	Relevant Representations details
Interested Parties	No representations received

Section 2 – Report

Current situation

- 2.1 There is currently a premises licence in force at “Everbubbles”, 197 Streatfield Road, Kenton, Harrow, HA3 9DA. The premises is a shop authorised to sell alcohol. Briefly, the premises licence authorises the sale of alcohol for consumption off the premises during the following timings:

Monday to Saturday	08.00am – 11.00pm
Sunday	10.00am – 10.30pm

- 2.2 The current premises licence holders, Mr Prakash Patel and Ms Nita Patel have applied to vary the premises licence so as to permit sale of alcohol during the following times:

Monday to Sunday	12.00am – 12.00am (i.e. 24hours a day)
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- 2.3 The premise is situated at 197 Streatfield Road, Harrow, in a parade of commercial premises, with nearby residential premises. A map of the area is attached to this report.

Representations

- 2.4 The Metropolitan Police through Sergeant Davis have submitted a representation. A copy of this representation is attached to this report.

Consultation

- 2.5 The application was advertised in accordance with the Regulations under the Licensing Act 2003.

Licensing Implications

- 2.6 In relation to the Council’s Licensing policy at paragraphs 8.3 and 8.8, the applicant has addressed how they intend to promote the licensing objectives.

Legal Implications

- 2.7 The Licensing Panel is required to hold a hearing to consider the variation application and any relevant representations unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.8 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act

2003, the Council's statement of licensing policy and the steps that are necessary to promote the four licensing objectives.

2.9 Having considered those relevant matters, the Licensing Panel is required to take such of following steps (if any) as it considers necessary for the promotion of the four licensing objectives –

- a. To modify the conditions of the licence
- b. To reject the whole or part of the application

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

2.10 It should be noted with all options that –

- Clear reasons should be given for the decision.
- Any additional or modified conditions should be practical and enforceable
- The applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003

2.11 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

2.12 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).

Community Safety

2.13 In relation to section 17 of the Crime and Disorder Act 1998, this states:

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.

2.14 The Borough Commander, through Sergeant Davis, has made a representation against this application.

Financial Implications

2.15 There are no financial implications.

Risk Management Implications

- 2.16 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 19 November 2010		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 19 November 2010		

Section 4 - Contact Details and Background Papers

Contact: Mr P Sivashankar, Head of Licensing Services, ext 6237

Background Papers:

Premises Licence
Variation Application
Premises Plan
Location Map
Representation

LICENSING ACT 2003

Schedule 13

Part A (Regulation 33,34)



PREMISES LICENCE

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

Premises Licence Number	0505-8YW4-BY8X-GQ7L
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Part 1 – Premises details **EVER BUBBLES T/AS DAY ONE**

Postal address of premises, or if none, ordnance survey map reference or description			
197 STREATFIELD ROAD			
Post town	KENTON	Post code	HA3 9DA
Telephone number			
020 8204 4552			

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
SALE BY RETAIL OF ALCOHOL. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Gareth Llywelyn-Roberts
Signed: Chief Environmental Health Officer

The times the licence authorises the carrying out of licensable activities

DAY	START	FINISH
MONDAY	0800	2300
TUESDAY	0800	2300
WEDNESDAY	0800	2300
THURSDAY	0800	2300
FRIDAY	0800	2300
SATURDAY	0800	2300
SUNDAY	1000	2230

- a. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
b. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
(b) the sale of alcohol to a trader or club for the purposes of the trade or club;
(c) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces

The opening hours of the premises

N/A

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

FOR CONSUMPTION OFF THE PREMISES

Part 2

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

**PRAKASH PATEL & NITA PATEL
197 STREATFIELD ROAD
KENTON
HA3 9DA**

020 8204 4552

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

N/A

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

PRAKASH PATEL

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

**05PP-00AQ-TYWE-JNKK
LONDON BOROUGH OF HARROW (00AQ)**

DATE OF GRANT: 4th JULY 2005

REASON FOR ISSUE: CONVERSION
ISSUE NUMBER: 1

Annex 1 – Mandatory conditions

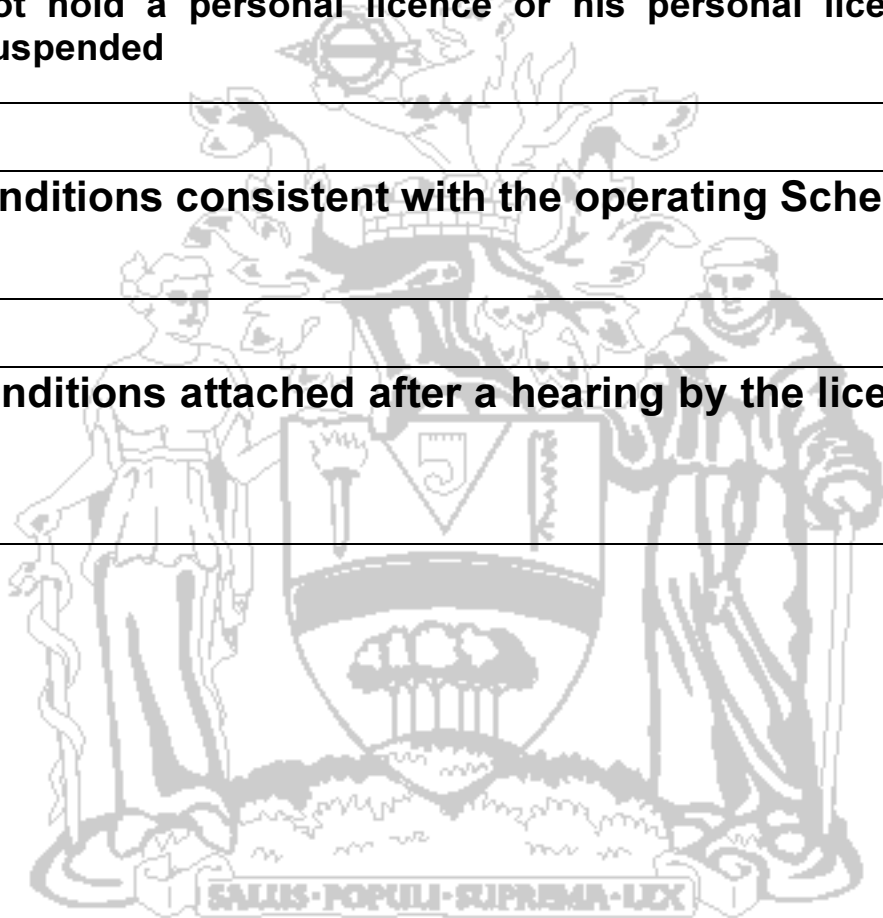
1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Annex 2 – Conditions consistent with the operating Schedule

None

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

None



Annex 4 – Plans

Attached

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#328304115

GATTAS DENFIELD

SOLICITORS

Julian J.N. Gattas B.A. (Hons) – Principal

Gillian Gattas - Licensed Conveyancer

Licensing Team

Unit 1

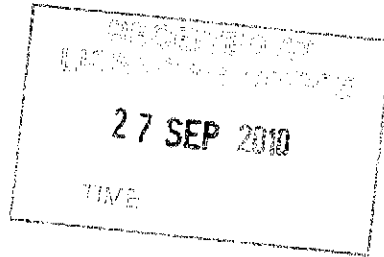
Central Depot

Forward Drive

Wealdstone

Harrow

MIDDX HA3 8DR



The White House
301A Kingsbury Road
Kingsbury
London NW9 9PE
DX: 42800 Kingsbury

Tel: 020 8204 7181

Fax: 020 8206 1016

Our Ref: 1/MB 9725 Patel

Your Ref:

Date: 27th September 2010

Dear Sirs,

Re: Ever Bubbles Ltd T/a Day One

197 Streatfield Road, Kenton, Middx HA3 9DA

Prakash Patel and Nita Patel

We act on behalf of Mr and Mrs Patel in the above matter. Our clients wish to vary the Premises Licence and accordingly we enclose herewith completed application together with original Premises Licence, Plan and this firm's cheque for £190.00 and look forward to hearing from you with the new Premises Licence in due course.

Yours faithfully

GATTAS DENFIELD
SOLICITORS

This firm is regulated by the Solicitors Regulation Authority

Community
Legal Service



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3 2 8 3 0 4 1 1 5

[Insert name and address of relevant licensing authority and its reference number (optional)]

RECEIVED AT
LICENSING OFFICE
27 SEP 2010
TIME

Application to vary a premises licence 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.

We PRAKASH PATEL & NITA PATEL being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

0505-8YWA-BY8X-GQTL

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
197 STREATFIELD ROAD KENTON, HARROW MIDDLESEX	
Post town	Post code
KENTON	HA3 9DA

Telephone number at premises (if any) 0208 204 4552

Non-domestic rateable value of premises £ 12,000.00

Part 2 – Applicant details

Daytime contact telephone number 07958 634 365

E-mail address (optional)

Current postal address if different from premises address
112 WHITCHURCH GARDENS
EDGWARE
MIDDLESEX

Post Town HARROW Postcode HA8 6PB

3 2 8 3 0 4 1 1 5

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick Yes

If not do you want the variation to take effect from

Day	Month	Year

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the trading hours
to allow the Shop to sell
alcohol 24 hours a day
7 days a week

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed					<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Thur					
Fri					
Sat					<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)

Sun			
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E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
					Both
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
					Both
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					

Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors																								
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Outdoors
Day	Start	Finish																										
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Sun																												
				Both																								
			Please give further details here (please read guidance note 3)																									
			State any seasonal variations for the performance of dance (please read guidance note 4)																									
			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)																									

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing								
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> </tbody> </table>			Day	Start	Finish	Mon			Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
Day	Start	Finish									
Mon											
			Outdoor								
				Both							

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Sat			
Sun			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors Outdoors Both
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</u>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</u>	Indoor	
				Outdoor	
Mon				Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Sat			
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	Y
Day	Start	Finish	Both		
Mon	00:00	24:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	00:00	24:00			
Wed	00:00	24:00			
Thur	00:00	24:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	00:00	24:00			
Sat	00:00	24:00			
Sun	00:00	24:00			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)		
Day	Start	Finish			
Mon	00:00	24:00			
Tue	00:00	24:00			

Wed	00:00	24:00	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Currently the licence authorises the carrying out of licensable activities as follows:-

Monday - Saturday 08:00 - 23:00

Sunday 10:00 - 22:30

Christmas Day 12:00 - 15:00
19:00 - 22:30

Good Friday 08:00 - 22:30

I have enclosed the premises licence **yes**

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

b) The prevention of crime and disorder

- Refusing to serve anyone who is drunk or you feel is drunk
- Refusing to serve anyone you feel might be buying alcohol for any kids hanging around outside

c) Public safety

- Refusing to serve anyone who looks under age without photographic evidence, asking for ID.
- Refusing to serve anyone you feel is drunk.

d) The prevention of public nuisance

- Refusing to serve anyone you feel is drunk
- Providing rubbish bins outside the store

e) The protection of children from harm

- Refusing to serve anyone who looks under age without photographic evidence; asking for ID
- Refusing to serve anyone you feel might be buying alcohol for any kids hanging around outside

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, 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 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

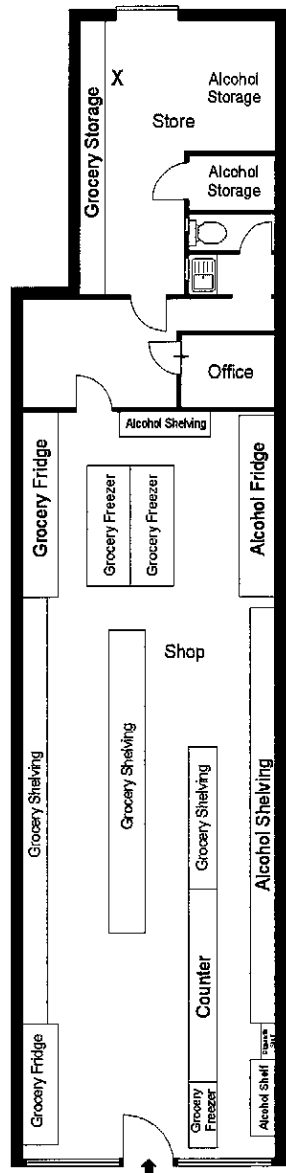
Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
MR. Julian Gattas GATTAS DENFIELD THE WHITE HOUSE 301A KINGSBURY ROAD, LONDON	
Post town	Post code
BRENT	NW9 9PE
Telephone number (if any)	
020 8204 7181	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

#328304115



Key:
X - Fire Extinguisher

Entrance
To
Premises

GROUND FLOOR

197 STREATFIELD ROAD
LONDON
HA3 9DA

LICENCE PLAN
PLANS PRODUCED 14.09.2010

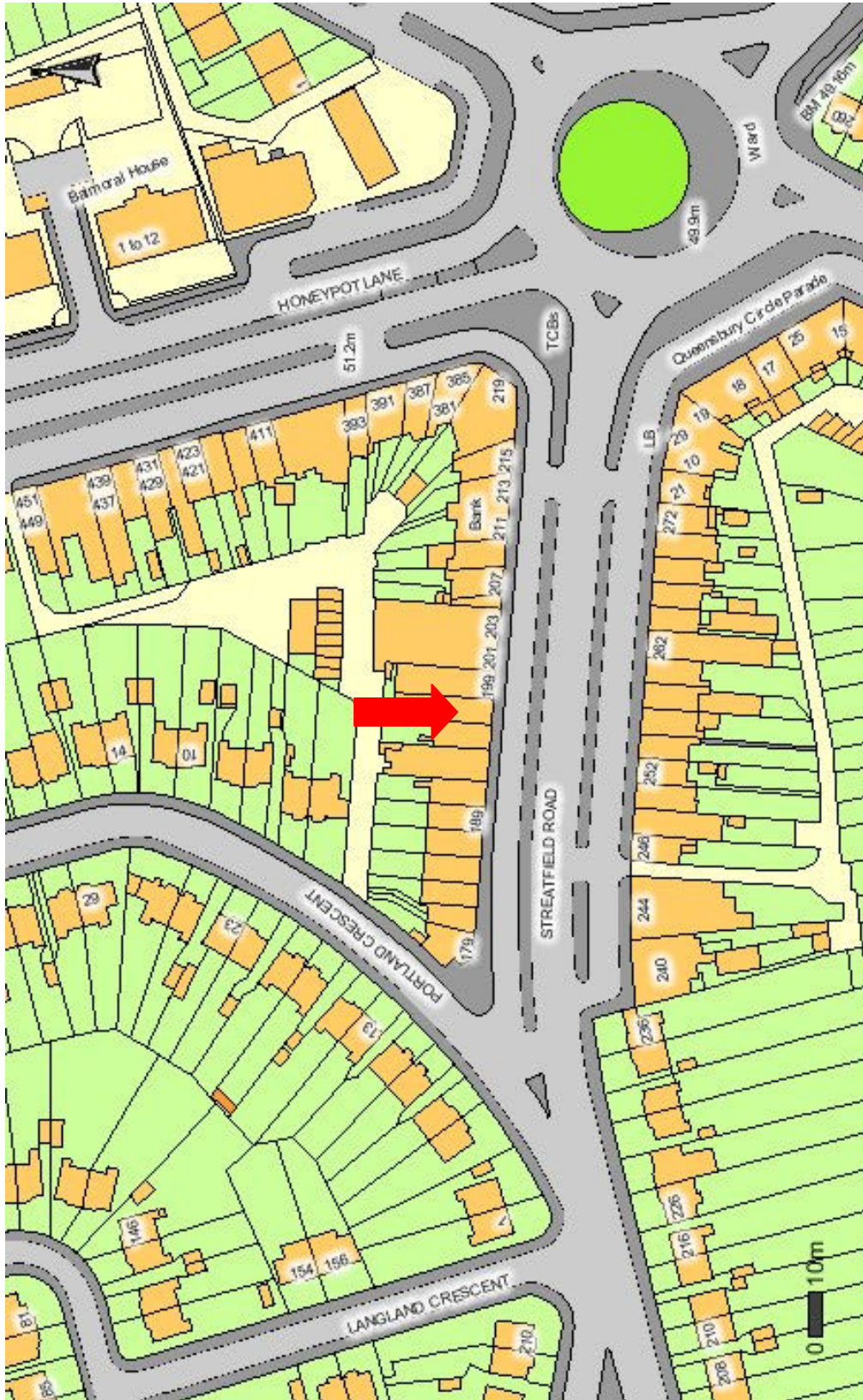
SCALE
1: 150 @ A4

BKR

london@bkrfloorplans.co.uk
www.bkrfloorplans.co.uk
T: 0845 257 2023
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197 Streatfield Road, Kenton, HA3 9DA



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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	
"Everbubbles" T/A "Day One" , 197 Streatfield Road, Kenton	
Post town Harrow	Post code HA3 9DA

Name of premises licence holder or club holding club premises certificate (if known) Prakash Patel & Nita Patel
Number of premises licence or club premises certificate (if known) 0505-8YW4-BY8X-GQ7L

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 the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business 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 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 checked="" 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 position is to strongly **oppose** the grant of this application to vary the licence.

The current licence holders - Prakash Patel & Nita Patel - converted their Justices Licence in 2005 and sought no variation to their hours which were the old 'standard' hours and remain so to this day - i.e. :

Monday to Saturday 0800hrs to 2300hrs
Sunday 1000hrs to 2230hrs

Because it was a simple conversion there was no representations and consequently there are no conditions - save for the mandatory ones - placed on the licence.

On 15th March 2006 there were three crimes linked to one incident at the premises. A suspect attended the store and committed an attempted theft. Staff witnessed the theft and confronted the suspect who not only damaged a fridge but also assaulted (Actual Bodily Harm - ABH) one of the shop assistants. The suspect was detained at the scene by police and consequently charged.

On 19th March 2006 a group of youths who entered the store got into a fight with a group leaving the store resulting in an allegation of ABH from one of the youths. CCTV was requested from the premises by police but it was not forthcoming as staff present were unable to check it.

On 15th May 2006 a stolen bank card was allegedly used in the store. The investigating officer recorded that there was no CCTV for the venue affording any leads.

On 17th September 2008 a youth attended the store and attempted to buy a lighter from staff who refused the sale. The youth, who in the opinion of police was clearly drunk, became abusive and police attended and arrested the youth for a public order offence. The shopkeeper did not wish to make any allegations of crime but just asked police to remove the youth from the store.

In 28th October 2009 the licence holder made a further crime allegation to police - theft of lead from the roof of the store.

At 2315hrs on Friday 23rd July 2010 , licensing officers from Harrow Council Licensing Authority went to this premises and found the Licence Holder and Designated Premises Supervisor (DPS) - Mr Prakash Patel - present at the store. In his presence a member of his staff sold alcohol outside of permitted hours.

On 17th August 2010 Mr Patel admitted the above offence of carrying on a licensable activity otherwise and in accordance with an authorisation which is contrary to S.136(1) of the Licensing Act 2003 and he accepted a caution and was therefore not prosecuted. I have requested the Licensing Authority produce this Caution form to the Committee as an exhibit.

The licence holders have now applied for their licence to be varied to 24hr opening and sale of alcohol.

They have offered one(1) additional steps to promote the licensing objectives.

Those phrases listed on page 13 of the application are simply a listing of the licensing objectives and a couple of legal requirements (not selling alcohol to drunks and not selling alcohol to persons purchasing for children). The only condition that the Licensing Authority were able to extract as being 'offered' by the applicant is :

"1. The premises shall operate a "challenge 21" policy for sale of alcohol."

I strongly object to this application.

The premises has not been crime free and any licensed premises must promote the licensing objectives with real measures rather than lipservice.

Real measures include :

Closed Circuit Television (CCTV) - because it improves the perception of safety and allows monitoring of the whole of the licensed and public areas within the building and it's curtilage (to include the car park, courtyard and/or garden areas of the premises, where present). It must achieve the following:

- Provide a linked record of the date, time and place of any image.
- Provide an internal overt CCTV system, capable of providing recorded colour format images of all public areas, during times when the staff/public occupies these areas.
- Provide recorded, full frame, head and shoulder colour images of all persons internally approaching the main entrance doors or any external doors.
- Provide an external overt CCTV system, capable of providing recorded colour images of the external approach to the main entrance doors or any external doors (subject to any planning and/or building constraints).
- Provide an external overt CCTV system, capable of providing recorded colour images of the car park, courtyard and/or garden areas (where applicable and subject to any planning and/or building constraints).
- Each internal colour format camera shall be contained in a vandal resistant housing with the facility for ceiling or wall mounting and will provide high resolution images with a minimum operational specification of: 1/3" CCD, Auto Iris 4 –9 mm varifocal lens, 540 TVL, 1.0 lux.
Note: A specific lens, other than varifocal, may be required to achieve the system objective.
- Any external cameras fitted shall be Day/Night format.

- External and internal lighting shall be adequate to enable each camera to operate at optimum performance at all times of the day and night, whether the premises is open or closed, to provide clear un-obscured images.
- The DVR shall simultaneously and continuously record and store high resolution images from each camera, at a minimum of four (4) frames per second, for a period of not less than fourteen (14) days and at all times whilst staff/public are on premises.
- Each camera shall be connected to the DVR by a separate video transmission cable.
- A DVR with integral CD-RW and USB port shall be contained in a lockable steel cabinet, located in a secure area within the premises.
- A minimum of a 15" CRT Monitor with 800 TVL or 15" LCD Monitor with 1280/1024 pixels shall be provided. This monitor will be located adjacent to the DVR in a secure area.
- Access to the monitor and displayed images shall be restricted to the system controller(s).
- Access to the DVR and displayed images shall be restricted to the system controller(s) by use of an access code.
- The system controller(s) must be trained to use the system, have the knowledge to download the images and be available to download the images at all times upon reasonable police request.
- Retrieval of recorded images from the hard disc drive shall be archived by CD media format. Archiving shall be on a clean CD, which does not contain any other pre-recorded images.
- A minimum of 10 CD discs will be stored on site in a secure area and will be available for use at all times.
- The power supply serving the cameras and or camera transformers and DVR shall be a maintained non-switched 240v A/C supply. A competent person shall install the supply and the contractor shall issue a Part P Certificate.
- The CCTV contractor shall issue a certificate of conformity on completion of the installation.
- An as installed system specification, schematic drawing and site logbook shall be provided to the system controller(s) and shall be available to be viewed at all times.
- An approved CCTV contractor shall maintain the system at bi-annual intervals. Each camera shall be cleaned and a test recording completed and compared with the previous recording, to ascertain any deterioration in quality and performance.
- The CCTV contractor shall provide system-operating manuals to the system controller(s), which shall include the method of reviewing and archiving recorded images and will be available for use at all times.
- A Data Protection and evidence kit shall be provided.
- Recorded or archived images shall not be removed or electronically transmitted from the premises unless authorised or requested by the Police Authorities.
- The nominated system controller(s) will manage the system.
- The CCTV system must be in full operational order and must be recording at all times whilst the premises are open. If the CCTV is not recording when the premises is closed, it must be linked to the intruder alarm system, so that it starts recording when the alarm is activated.
- If the system is analogue, a library of 31 VCR tapes will be required for storage and rotation.

A monitored central station alarm, installed by an alarm company affiliated to an independent alarms inspectorate body such as the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB) and must achieve the following:

- The monitored security system must be equipped with a signal terminating at a recognised Alarm Receiving Centre (ARC), compliant with British Standard 4737 and its replacement standards EN50131 (PD6662:2004) and be eligible for a police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.

- This must incorporate fixed personal panic attack buttons for the use of staff behind the counter and remote panic buttons for staff when they are away from the counter area.
- A shunt lock (linked to the alarm system) shall be fitted to the door of the secure DVR storage area, to ensure that the DVR is protected at all times when staff are not present in this area.

A safe controlled by a time delay method and must achieve the following:

- Restrict access for at least three minutes, to deter criminals from accessing the surplus or reserve value during any robbery.
- Have a drop facility with anti-fish mechanism.
- Ensure that the safe is either bolted to a solid wall and/or solid floor or buried in a solid wall and/or solid floor.
- Tills must be regularly skimmed off, to reduce the impact should a robbery occur.
- **Signage** must be displayed in the customer area, highlighting that access to cash and valuable items is controlled by time delay. Alternatively, where staff do not have access to the safe, a sign must state this fact. It is recommended that a time delay, visual countdown display is used, so that a robber/burglar can see that a time delay is in operation.

Indelible note staining and smoke system and must achieve the following:

- Comply with specification PAS 40 2002 Class II, issued by the British Standards Institute.
- Stolen notes will be dyed, rendering them worthless to the extent that there is no gain to the criminal.
- A covert note-spoiling device must be placed in each counter till.
- The device must look as authentic as possible to ensure that it is taken by or handed to the criminal instinctively.
- The system must be automatically activated to ensure the safety of staff.
- The dye pack must be programmed to activate once the criminal has left the premises. A time delay of at least 6 seconds is recommended.
- It is recommended that the dye used is traceable to either a specific incident, the retailer or a manufacturer.
- All notes that are used in construction of a dye pack must be recorded separately and the details kept, in order to assist with any subsequent investigation.
- The system used must produce sufficient smoke to attract attention to the criminal.

Front, side and rear doors should have two British Standard 5-lever mortice **locks** fitted, one towards the top and one towards the bottom of the doors.

Rear Delivery Doors

Rear delivery doors should be manufactured from steel, without visible external ironmongery, supported by two British Standard 5-lever mortice locks to be used outside opening hours, three large steel hinges and hinge bolts. A 180-degree door viewer fitted to rear doors enables you to see callers without having to open the door first.

Designated fire escape doors should be manufactured from steel and designed without visible external ironmongery. The push bar must operate shoot bolts to the top and bottom of the frame and be supported by two British Standard 5-lever mortice locks to be used outside opening hours, three large steel hinges and hinge bolts. This must be done in consultation with the Fire Officer.

External Storage Areas

Where external storage areas are required for outside furniture, beer kegs, waste storage, wheelie bins, etc. they should be detached from the main building, so that they cannot be used as climbing aids.

Roller Shutter Grilles

Roller shutter grilles at the front of the premises should have a minimum of three locking points at floor level and be secured with high security fixings and closed shackle padlocks to prevent them being easily forced. Ideally, roller shutter grilles should comply with LPS 1175 SR 1/2 – the standard for enhanced roller shutter grille security.

Till Guards

A till guard prevents easy access to cash in the till (over the counter 'snatch' thefts/robberies)

Minimum staff numbers

Alcohol related violence peaks at night and violent attacks at licensed premises are most prevalent. Minimum numbers of staff set as condition help to deter attacks at premises.

I object to any increase to the current hours.

The Licensee and DPS has - as recently as July this year - NOT demonstrated that he can control and manage the premises without breaking the law.

Any granting of additional hours and therefore moving licensable activities to times when the public and staff are more at risk would be at odds with the current track record of the applicant who should, rather than be rewarded for breaking the law, now demonstrate over a reasonable period of time that he can actually adhere to licensing laws.

In this regard, premises who demonstrate a good track record in Harrow have, by

- 1) gradually increasing their hours in stages and
 - 2) installing proper crime prevention measures and accepting conditions of such,
- by dint of their greater experience moved to later hours with the confidence of the committee and statutory authorities.

I have no confidence in this applicant and request that the application is rejected in entirety.

Should the Committee choose to reject this position and grant any additional hours then I request that only minimal hours changes are made and that consequently conditions are placed on the licence.

i.e.

1. CCTV will be installed, maintained and operated 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.

2. A monitored central station alarm (including panic alarms) will be installed, operated and maintained in accordance with the reasonable specification of the Metropolitan Police Crime Prevention Officer.

3. Roller shutter grilles will be fitted to the front of the premises, to be secured with high security fixings and closed shackle padlocks.
4. Till guards will be fitted to prevent easy access to cash in the till.
5. A 'Challenge 21' policy will be operated at the premises, whereby any person attempting to purchase alcohol (or other age restricted products) 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 accredited form of photo identification) that they are over the age of 18 years. Notices will be displayed advising customers that the scheme is in operation. A record of age related refusals of sale will be kept and will be made available to officers of the police or local authority upon request.
6. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. A RAID control Time Delay Safe is installed.
8. A minimum of three staff to be on the premises from 2300 until closing.
9. During licensable timings should the DPS not be present at the premises then a personal licence holder will be present.
10. Deliveries will be made during reasonable hours.

Please provide as much information as possible to support the application (please read guidance note 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 Carl Davis

.....
 Date 19/10/2010

.....
 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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