

LICENSING PANEL MINUTES

29 JUNE 2011

Chairman: * Councillor Thaya Idaikkadar

Councillors: * Ajay Maru * John Nickolay

* Denotes Member present

79. Appointment of Chairman

RESOLVED: That Councillor Thaya Idaikkadar be appointed Chairman for this Licensing Panel Hearing.

80. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

81. Minutes

(See Note at conclusion of these minutes).

82. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 17, 15 and 16 (Part 4B of the Constitution) respectively.

83. Licensing Procedures

The Chairman asked the Panel Members, officers, Responsible Authority and other attendees at the meeting to introduce themselves. An officer then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

RESOLVED ITEMS

84. Application for a Review of the Premises Licence held in respect of the Crazy Horse, 43 Church Road, Stanmore, HA7 4AA

In attendance:

Legal Adviser:	Paresh Mehta
Legal Observer:	Isha Prince
Democratic Services Officer:	Lysandra Dwyer
Licensing Officer:	Bernadette Forde Shankar Sivashankar
Relevant Representations:	Sergeant John Crump, Metropolitan Police (Applicant) Elm Park Residents' Association (Mrs M Gordon, Mrs Raynaud) Mr Daniel Owide (Objector)
Present:	Edward Davis (Environmental Health Officer, Harrow Council) Mr D Press (Director, Rock & Chill Ltd) Mr Michael Bromley-Martin QC (Queens Counsel for the Objector) Mr Raj Anjarin (Manager, Crazy Horse) Mr Simon Adegbite (Employee, Crazy Horse) Mr Thomas O'Maoileoin (Solicitor for the Objector) Ms Amy Stroud (Counsel for the Applicant) Ms M J Milnes (local resident) Ms Pinky Tanna (Clerk to the Metropolitan Police) Peter Coates (Licensing Officer, Harrow Council)

Submissions were made by Counsel for Crazy Horse that the review only related to the crime and disorder objective and that the papers submitted by the Police, after the consultation period and after the report being published, relating to noise nuisance issues should be disregarded. The Panel determined to allow the whole nuisance issue to be considered and that the papers submitted about this by the Police should be included for the following reasons:

- the Police application clearly marked the prevention of public nuisance box as being applicable to their review application;

- interested parties (namely residents) had written letters which spoke about public nuisance issues including noise;
- the issue of prevention of public nuisance appeared to the Panel to be relevant and a 'live issue' because the email sent on behalf of Crazy Horse to the Police on 1 December 2010 at page 55 of the reports pack mentioned nuisance issues.

The Panel did not take into account evidence about the operational manual used by the licence holder when reaching its decision.

RESOLVED: That taking into account the:

1. Licensing Act 2003;
2. Guidance issued under Section 182 of the Licensing Act;
3. Harrow Council's Licensing Policy;
4. oral representations made by the parties at the hearing;
5. representations in writing, including the papers provided to the Panel on the morning of the hearing (on behalf of the Crazy Horse and the Metropolitan Police);
6. powers available to the licensing authority for the promotion of the licensing objectives

the Panel decided to suspend the premises licence, modify the conditions of the premises licence, and reduce the timings for licensable activities and hours open to the public.

Suspension of licence

The premises licence would be suspended for a period of 2 weeks.

Modification of conditions on the licence (see italicised parts)

Condition 4 be modified to read:

The premises will maintain a comprehensive CCTV system, *to the standards recommended by the Police*, that ensures that all entry and exit points and the street environment immediately outside the premises are recorded. The recording will enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998).

Condition 5 be deleted as the Police recommendations would specify the type of recording system that should be installed.

Condition 29 be modified to read:

Any incidents of violence by or on customers *or staff* (whether inside the premises or immediately outside) shall be notified to the police immediately. ('unlawful' is deleted).

Timings on licence

All licensable activities shall cease 1 hour earlier on all days of the week, and the hours open to the public shall also be reduced by 1 hour off the current end times. The new timings will therefore be:

(i) Sale by retail of alcohol, Live Music, Recorded Music, Performance of Dance, Entertainment of a similar description to that falling within e, f, or g, Provision of entertainment facilities for dancing, Provision of entertainment facilities for making music:

Monday to Thursday	1000 – 2330
Friday & Saturday	1000 - 0030 (the following morning)
Sunday	1200 – 2330

(ii) Late Night Refreshment:

Sunday to Thursday	2300 – 2330
Friday & Saturday	2300 – 0030 (the following morning)

(iii) Hours open to the public:

Monday to Thursday	1000 – 0000
Friday & Saturday	1000 – 0100 (the following morning)
Sunday	1200 – 0000

REASONS:

- (i) The Panel concluded that there had been some serious issues at the premises and it was concerned about how it is run and managed. The Panel considered that a suspension of the premises licence for a period of 2 weeks would be a necessary and proportionate step to demonstrate the seriousness of the incidents and to ensure that the premises licence holder took his responsibilities seriously;
- (ii) the Panel considered submissions from the Police and Counsel for the premises licence holder about incidents at the premises relating to fights/assaults, as well as thefts including pick pocketing. The Panel considered that the CRIS records of the Police were more likely to be precise than the recollection of the licence holder, particularly in relation to some incidents that took place a couple of years ago. The Panel considered that many of the incidents had taken place and that they were quite frequent and serious. Whilst there may have been an apparent improvement in terms of the number of incidents at the premises so far this year, the Panel considered that the overall

frequency and seriousness of incidents at this premises is quite high. The Panel believed that the crime prevention objective had been undermined and as a result has modified the conditions relating to CCTV and incidents of violence (as noted above);

- (iii) the Panel heard submissions about the issues in getting CCTV footage to the Police and the format of it after the incident on 25 December 2010. The Panel considers that the staff and management had not done as much as they should have on some occasions, particularly the incident on 25 December 2010. Whilst noting that there was an ongoing criminal case relating to a member of staff at the premises, the Panel were concerned to read the details in the Police review application about what the CCTV showed of that incident. The Panel believed that the crime prevention objective was being undermined and as a result had modified the condition relating to CCTV;
- (iv) the Panel considered representations about the nuisance and noise issues residents face from customers leaving the premises, and also heard submissions about whether these customers came from other premises in the area. The Panel accepted that not all nuisance caused to the residents would have been from customers from Crazy Horse, but on a balance of probabilities, it accepted that customers from the premises had caused nuisance to residents in the vicinity. The Panel considered that the public nuisance and public safety objectives had been undermined and as a result had changed the timings for licensable activities and hours open to the public.

The Panel considered that its decision was necessary to promote the licensing objectives pertaining to the prevention of crime and disorder, the prevention of public nuisance, and public safety.

(Note: The meeting, having commenced at 10.45 am, closed at 9.45 pm).

(Signed) COUNCILLOR THAYA IDAIKKADAR
Chairman

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chairman for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chairman and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].