

Licensing Panel AGENDA

DATE: Tuesday 14 February 2012

TIME: 7.00 pm *

VENUE: Committee Room 5,
Harrow Civic Centre

* THERE WILL BE A BRIEFING FOR MEMBERS AT 6.30 PM IN COMMITTEE ROOM 6.

MEMBERSHIP (Quorum 3)

Chairman: (To be appointed)

Councillors:

Ajay Maru
Varsha Parmar

Husain Akhtar

Reserve Members:

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

Contact: Mark Doherty, 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 Panel;
- (b) all other Members present.

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 FOR A NEW PREMISES LICENCE IN RESPECT OF 'HILL FOODS', 43 HIGH STREET, HARROW ON THE HILL, HA1 3HT (Pages 3 - 26)

Report of the Corporate Director, Community and Environment.

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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REPORT FOR: LICENSING PANEL

Date:	14 February 2012
Subject:	Application for a new premises licence in respect of 'Hill Foods', 43 High Street, Harrow on the Hill, HA1 3HT
Responsible Officer:	Brendon Hills – Corporate Director, Community & Environment
Exempt:	No
Enclosures:	Application for premises licence Plan of the premises Location (GIS) Map Representations

Section 1 – Summary

The application for a new premises licence issued under the Licensing Act 2003 in respect of 'Hill Foods', 43 High Street, Harrow on the Hill, HA1 3HT has attracted three representations from interested parties; two representations oppose the application and one representation supports the application. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt with by the Licensing Panel.

Representations received

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

Representations from interested parties

From	Relevant Representations details
Interested Parties	Representations Received

Section 2 – Report

Current situation

- 2.1 The applicant, Mr Mylvayanam Asokan, has applied for a new premises licence in respect of 'Hill Foods', 43 High Street, Harrow on the Hill, HA1 3HT. The application seeks to permit the sale of alcohol for consumption off the premises only during the following timings:

Sale of Alcohol:

Mondays to Saturdays	07.00am – 11.00pm
Sundays	09.00am – 10.00pm

Hours Open to Public:

Mondays to Saturdays	07.00am – 11.00pm
Sundays	09.00am – 10.00pm

- 2.2 The premises is situated at 43 High Street, Harrow on the Hill, HA1 3HT in a parade of commercial premises with residential properties and Harrow School in the immediate vicinity. A map of the area is attached to this report.
- 2.3 The application proposes that Mr Mylvayanam Asokan will be the designated premises supervisor, authorising sale of alcohol at the premises. It should be noted that Mr Mylvayanam Asokan does not currently hold a personal licence and, at this moment in time, no application has been made to Harrow Council as the relevant authority for a personal licence for Mr Mylvayanam Asokan.

Representations

- 2.4 The application for a new premises licence has attracted three representations from interested parties; two representations oppose the application and one representation supports the application. Copies of the representations received are attached to this report.

Consultation

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

Licensing Policy Implications

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

Legal Implications

- 2.7 The Licensing Panel is required to hold a hearing to consider the 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 the following steps (if any) as it considers necessary for the promotion of the four licensing objectives –

The steps are—

(a) to grant the licence subject to—

(i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 Licensing Act 2003 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application

For the purposes of 2.9(a)(i) above, 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. 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.'

The Borough Commander has not made a representation against this application.

Financial Implications

2.14 There are no financial implications.

Risk Management Implications

2.15 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. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 th January 2012		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25 th January 2012		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager x 6237

Background Papers: Application, Plan of the premises, Representations, Location (GIS) Map

**Application for a premises licence to be granted
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/We Mylvaganam Asokan

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Hill Foods			
43 High Street			
Harrow on the Hill			
Post town	Harrow	Post code	HA1 3HT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£17250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input checked="" type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname Asokan			First names Mylvaganam		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
[Redacted Address]					
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1-9-0-1-2 0 1-2-		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)
A Grocery shop that is to be known as Hill Foods. The applicant wishes to supply alcohol off the premises for the following days and timings:
Monday - Saturdays 07:00 – 23:00 hours and Sundays and Bank Holidays 09:00 - 22:00 hours.

The applicant is willing to provide measures to support 4 licensing objectives (see Part P of the operating schedule). These measures are offered subject to the grant of a premises licence.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- 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:

- 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)

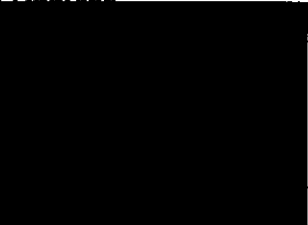
Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both		
Mon	07:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00	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	07:00	23:00			
Sat	07:00	23:00			
Sun	09:00	22:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Mylvaganam Asokan
Address 
Personal Licence number (if known) To be applied for
Issuing licensing authority (if known) Harrow Council

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)

Not applicable

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	07:00	23:00	Non standard timings. Where you intend 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)
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	09:00	22:00	

P Describe the steps you intend to take to promote the four licensing objectives:

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

*CCTV for prevention and detection of crime
*Statutory fire fighting equipment
*Suitable receptacles to dispose of commercial & customer rubbish/litter
*Staff training in age restricted sales policy
(All conditions offered in this operating schedule will be installed/maintained subject to a premises licence being granted.)

b) The prevention of crime and disorder

CCTV system will be installed and in operation at the premises.
CCTV signage will be displayed.
The till will be secured to the counter.

c) Public safety

Fire fighting equipment (fire extinguishers will be installed and maintained at the premises.
Fire Exit/s will be signed and kept clear of all obstructions.

d) The prevention of public nuisance

Signage will be prominently displayed requesting customers to respect local residents (i) not to litter in the vicinity, (ii) to leave the premises in a quiet and orderly fashion.
The applicant is to keep the immediate area outside the premises clear from litter.

e) The protection of children from harm

All staff are to be trained in an Age Verification policy to prevent under age sales of alcohol.
A refusal register will be maintained.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	21 st December 2011
Capacity	Licensing Agent - Authorised

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

Accu price services ltd
Imperial Place
Unit 4
Maxwell Road

Post town	Borehamwood	Post code	WD6 1JN
			onal)

Consent of individual to being specified as premises supervisor

Mylvaganam Asokan

I

.....
[full name of prospective premises supervisor]

of



.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

application for a premises licence

.....
[type of application]

by

Mylvaganam Asokan

.....
[name of applicant]

relating to a premises licence

None

.....
[number of existing licence, if any]

for

Hill Foods
43 High Street
Harrow on the Hill
HA1 3HT

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Mylvaganam Asokaran

[name of applicant]

concerning the supply of alcohol at

Hill Foods

43 High Street

Harrow on the Hill

HA1 3HT

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

To be applied for


[insert personal licence number, if any]

Personal licence issuing authority

Harrow Council, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT, 0208 863 5611.

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

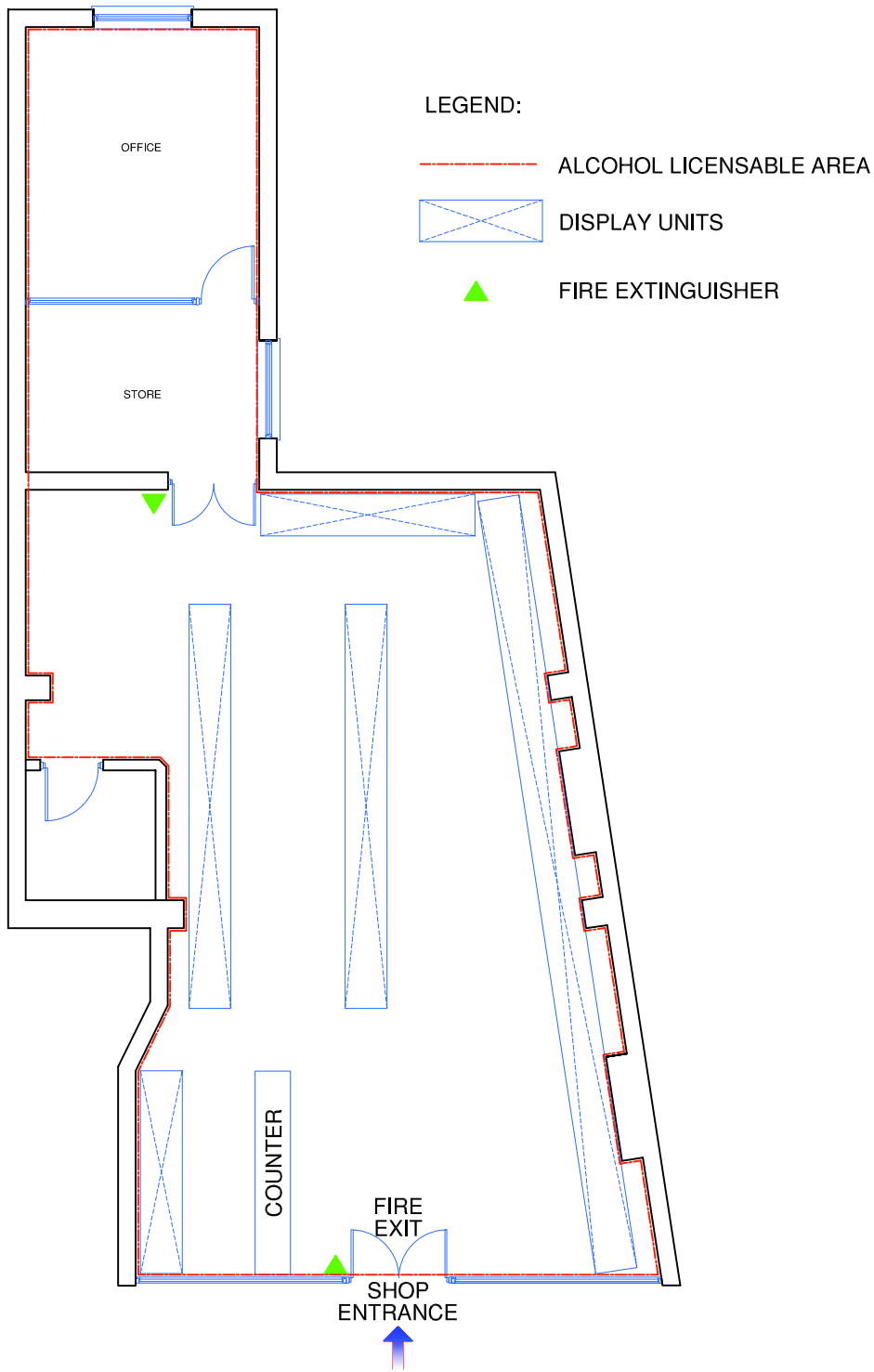


Name (please print)

Mylvaganam Asokan

Date

16 December 2011



	STUDIO CAD PROJECTS Architectural & Interior Designers	
	TEL: 079 581 581 90 E-mail: scprojects@onet.eu	
PROJECT: Shop Oakwoods, 43 High Street, Harrow-on-the-Hill, Harrow, HA1 3HZ EXISTING SHOP LAYOUT		
SCALE: 1:100 (A4) DATE: NOV 2011	PROJECT No: 2111105-1	
<small>THIS DRAWING MUST NOT BE REPRODUCED, MULTIPLIED OR SUBMITTED TO THE INSPECTION OF THIRD PARTIES WITHOUT OUR PRIOR PERMISSION. ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON SITE</small>		

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Hill Foods, 43 High Street, Harrow on the Hill, HA1 3HZ



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Dr. S. D. Flatres



20th January 2012

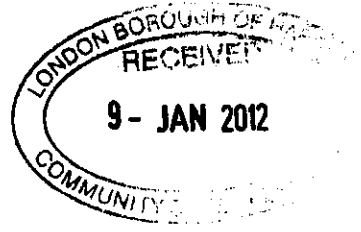
Dear Sir / Madam,

I am writing to give my support to a licence application for 43 High Street, Harrow-on-the-Hill. As a local resident, I am often frustrated by the lack of an ability to buy alcohol on the Hill and frequently make the journey to South Harrow for such purposes. However, this is often an inconvenience and I wholeheartedly welcome the possibility of this changing.

With regards to the potential of local youths having increased access to alcohol, I do not believe this to be an issue. The simple reason is that the shops here already sell an 18 rated product, namely nicotine with no issues. The applicant is familiar with the local population and I have no doubt that they would be diligent in checking identification.

Yours faithfully,

Dr. S. D. Flatres



6 January 2012

Chief Environmental Health Officer
London Borough of Harrow
Civic Centre
PO Box 18
Harrow HA1 2UT

Dear Sir

Premises License Application – 43 High Street, Harrow on the Hill

I am in receipt of a letter from Mr Ash Waghela, Licensing Support Officer, dated 30 December 2011 (ref; ce/css/lic/HFR1) concerning the above.

With regard to the application for a liquor license for the above premises I wish to make the following points:

- I do not have any objection at all to the principle of the application in terms of liquor being sold from those premises as it will be a further amenity for Harrow on the Hill.
- I do, however, wish to raise an objection to the hours during which liquor will be able to be sold. I note that every day, liquor could be sold until 11pm which I feel is too late for the following reasons;
 - The shop's current operating hours are different from that time and it usually closes much earlier than 11pm
 - Is the shop owner proposing to have longer operating hours now?
 - If liquor is sold until 11pm each day I feel there will be a risk of an increased level of public nuisance at that late hour.

In summary, whilst I support the application, I do have concerns about the 11pm time in the proposal and therefore request that this time should be earlier to link in with the opening hours of the shop

I will be very happy to expand on the above points if it is considered necessary.

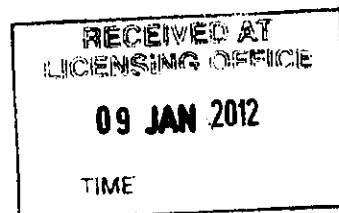
Yours faithfully



Douglas Benham

Cc Ash Waghela

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H A R R O W
S C H O O L

19 January 2012

Harrow Council
Community Safety Services
Civic Centre
PO Box 18
Station Road
Harrow
Middlesex HA1 2UT

For the attention of Mr Ash Waghela

Dear Sirs,

**LICENSING ACT 2003 – NEW PREMISES LICENCE APPLICATION FOR HILL FOODS,
43 HIGH STREET, HARROW ON THE HILL, MIDDLESEX HA1 3HT - OBJECTION**

Thank you for your letter dated 30 December 2011 notifying us of an application for the sale of alcohol for the above premises.

Harrow School object to the granting of this licence on the following grounds:

The Protection of Children from Harm

This shop, formally known as Oakwoods, is visited on a daily basis by numerous children from local schools including Harrow School. Whilst we acknowledge that the applicant has stated that "All staff will be trained in an Age Verification policy to prevent underage sales of alcohol" in reality this can be extremely difficult to monitor and enforce.

In addition to the close proximity of other Schools and Sixth Form Colleges, these premises are located at the heart of Harrow School with 820 pupils who also live at the School seven days per week throughout term time. It is for this reason that such a high proportion of children visit these premises and a licence to sell alcohol would put them at risk.

Cont'd...

The Estates Bursar, T.J. Gray FRICS



The Prevention of Public Nuisance, Crime and Disorder

Having regard to the extended hours proposed and the small green immediately opposite, it is felt that the sale of alcohol could easily result in the creation of a public nuisance and the possibility of crime and disorder, particularly during the extended daylight hours of spring and summer months.

This is a predominantly residential area and alcohol abuse could put local residents including pupils at Harrow School at risk in each of those respects.

Previous applications for a licence to sell alcohol from these premises have been refused and it is hoped that this application will also be refused.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

TREVOR GRAY