

LICENSING PANEL MINUTES

30 APRIL 2012

Chairman:

Councillors: * Husain Akhtar * Varsha Parmar
* Thaya Idaikkadar

* Denotes Member present

115. Appointment of Chairman

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

116. Declarations of Interest

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

117. Minutes

(See Note at conclusion of these minutes).

118. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

119. Licensing Procedures

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

RESOLVED ITEMS

120. **Consideration of Objection Notice to a Temporary Event Notice submitted in respect of 'Dooley's Bar, 41-43 Station Road, Harrow, HA1 2UA'**

The Panel received a report of the Chief Environmental Health Officer which sought determination of an application for a Temporary Event Notice (TEN).

In attendance was the applicant, Ms June Burrell and her business partner Mr Newton Green and Sergeant Crump of the Metropolitan Police who was objecting to the application.

The Chief Environmental Health Officer reported that the application was an objection notice to a TEN for licensable activities, namely the sale of alcohol and provision of regulated entertainment at Dooley's Bar on the 2 June 2012 from 23:00 – 09:00 the following morning.

The objector to the application, Sergeant Crump, advised the Panel that the Metropolitan Police objections were on the grounds of crime and disorder. He requested that the Panel reject the application based on the issues outlined below:

- at the time of submission there were no event details concerning how the event would be managed;
- police concerns related to a potential increase in crime and disorder activities resulting from the proposed extended period of alcohol consumption;
- the police were not clear that the licence holder for the premises had agreed to the holding of the event.

Sergeant Crump responded to questions raised by the applicant's representative and the Panel as follows:

- the police were concerned that the requested additional event would result in an overstretching of resources on what was anticipated to be a busy jubilee weekend;
- although the police recognised that a risk assessment was in place and that 5 security personnel were proposed there remained concern that the extended period proposed for the event would result in a significant period of alcohol consumption, with no food, provided at the event, which could result in crime and disorder breaches;
- a conversation held with the owner of the venue indicated that he had expressed concerns at the event being held at his premises, although he had not submitted these in writing.

The applicant provided reasons for her application, which included:

- she felt a strong risk assessment had been undertaken and the police had been issued with the details of all security personnel and disc jockeys anticipated to be used at the event. Her aim in holding similar events elsewhere was always to work in conjunction with the police to ensure a safe and secure event;
- she had conversed with the owner and he had given verbal assurance that he was satisfied with the event being held on his premises;
- she had organised and held a variety of similar events in Brent and Ealing and indeed had strong reference from the police in Ealing;
- she was happy to provide additional security personnel if this was regarded as appropriate by the Panel.

In response to questions raised by the objector and the Panel, the applicant stated that:

- previous events operated for a variety of different timings dependent on what was appropriate for each. These had included 24-hour events also;
- she had approximately 6-7 years of experience of holding such events in Brent and Ealing;
- many of the patrons were repeat attendees. Advertising was undertaken by leafleting at similar events and a maximum of 170 tickets were proposed to be sold;
- the target demographic for the event was over 35s;
- she did not have a written agreement from the owner but had spoken and met with him and had his verbal consent to the holding of an event on the premises;
- event management of this type did not require an application to the licence holder but was generally agreed by giving a deposit and receiving a receipt for the purpose of the event;
- the event would be indoors with the exception of smokers and she was working on several ideas concerning addressing this need including the potential use of the rear alleyway to the premises, as this had a previously utilised "smoking area".

At the end of questions both parties summed up.

RESOLVED: That it be agreed a Counter Notice be issued for the following reasons:

- (i) there will be a long period of time where a large number of patrons will be drinking alcohol without having any food, which increases the potential for crime and disorder;
- (ii) the Panel are not satisfied that the applicants have properly considered what will be required for the smooth running of their event. Whilst they have given some information about what security measures they will take the lack of clarity between what the police and the applicant say in relation to the owners position gives the Panel concern;
- (iii) the Panel feels that the applicant could have done more to assure them that the owner has agreed to the event continuing if the Temporary Events Notice (TEN) is agreed. If such a fundamental issue cannot be clearly resolved prior to today then the Panel is concerned that the finer details of the event may also not be clear which could potentially lead to crime and disorder.

REASON: The Panel considered that issuing a counter notice would promote the prevention of crime and disorder objective.

121. Application for a new premises licence in respect of 'Harrow St Mary's Cricket Club' (Old Millhillian Sports Club grounds), Headstone Lane, Harrow, HA2 6NF

In attendance:

Legal Adviser: Isha Prince

Legal Observer: Paresh Mehta

Democratic Services Officer: Pauline Ferris

Licensing Officer: Puthrasingam Sivashankar

Present: Mr J Patel (Applicant)
Mr Javesh Patel
Mr Gareth Petty
Mr Tony Wright

Objectors

Mr Anthony
Mr F Foy
Mr John Brooks
Mr John Tillyard
Mr Ian Mouchel
Mr Sunit Kotecha
Mr A McClaren

RESOLVED: That taking into account the:

- Licensing Act 2003;
- Guidance under Section 182 of the Licensing Act;
- the Licensing Objectives;
- Harrow Council's Licensing Policy;
- the Human Rights Act 1998;
- the principles of natural justice;
- and representations made in writing and at the hearing;

the Panel had decided to grant the licence subject to the following additional conditions:

- (1) Amplified Sound Equipment shall be governed by a sound limiter device set at a level approved by the Licensing Authority;
- (2) Doors and Windows shall be kept shut during times when amplified sound and other music is used;
- (3) The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of neighbouring properties.

REASONS: The Panel considered that the decision promoted the licensing objectives for the prevention of public nuisance.

(Note: The meeting, having commenced at 4.30 pm, closed at 8.21 pm).

(Signed)
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].