

LICENSING PANEL MINUTES

20 NOVEMBER 2013

Chairman: * Councillor Mano Dharmarajah

Councillors: * Manji Kara * Kairul Kareema Marikar

* Denotes Member present

185. Appointment of Chairman

RESOLVED: That Councillor Mano Dharmarajah be appointed Chairman of the Licensing Panel Hearing.

186. Declarations of Interest

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

187. Minutes

(See Note at conclusion of these minutes).

188. 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.

189. Licensing Procedures

The Chairman asked the Panel Members, officers, Responsible Authorities 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

190. Application for a Review of the Premises Licence held in respect of "Jameson's Bar", 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL

In attendance:

Legal Adviser:	Bob Huffham
Democratic Services Officer:	Una Sullivan
Licensing Officer:	Peter Coates Ash Waghela
Applicant for Review	Sujita Dunning – Environmental Health Officer
Licensee	James Kelly
Licensee's Representative	Graham Hopkins – Licensing Agent
Relevant Representations: (Witness for the Applicant)	Maher Khan – Licensing Authority
Relevant Representations: (Witness for the Licensee)	James Kelly – Licensee Ewa Okun – Bar Manager Sailaja Mulugu - Witness John Nyhan – Witness
Present:	PC Viridi – Metropolitan Police

The Panel Members accepted the following tabled documents at the hearing:

- additional statements submitted by Licensing Officers, which had been previously been provided to the Licensee and his agent.

The parties were advised of their right of appeal to Willesden Magistrates' Court before the expiration of 21 days from receipt of the Panel's decision.

RESOLVED: That, taking into account:

- written and oral representations by all the parties;
- the Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives;
- the Guidance issued under section 182 of the Licensing Act 2003;
- Harrow Council's Licensing Policy;
- and the Human Rights Act 1998;

the premises licence be modified by imposing the following conditions:

1. that the de-regulation permitted under the Live Music Act be revoked so that all conditions relating to regulated entertainment contained in the operating schedule to the licence may continue;
2. that acoustic seals to be fitted to the three skylights in the premises;
3. Condition 2 shall be amended to include a requirement for door closing devices;
4. Condition 13 shall be amended to say that there be no entry post 11.00 pm. From 9.00 pm alcohol may not be taken into the outside emergency exit area at the back of the premises, and only six customers at any one time may be in that area post 9.00 pm;
5. Condition 17 shall be amended to include recorded music in addition to live music;
6. the premises shall close 30 minutes after the terminal hour for the sale of alcohol; the closing times shall be 00.30 hours from Monday to Thursday; 01.30 hours Friday and Saturday; and 01.00 on Sundays;
7. the playing of live and recorded music shall cease at midnight.

Reasons: The Panel considered that the decision promoted the licensing objective for the prevention of public nuisance. The Panel expressed concern about the apparent breaches of the licence and noted the likely outcome if such breaches continued. The Panel further noted that while the premises were an important community asset, a noise nuisance could not be ignored or excused, and it was expected that conditions would continue to be monitored regularly.

(Note: The meeting, having commenced at 10.30 am, closed at 12.35 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
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].