

LICENSING PANEL MINUTES

14 JUNE 2016

Chair: * Councillor Kam Chana

Councillors: * Phillip O'Dell * Primesh Patel

* Denotes Member present

62. Appointment of Chair

That Councillor Kam Chana be appointed Chair of the Licensing Panel Hearing.

63. Declarations of Interest

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

64. Minutes

(See Note at conclusion of these minutes).

65. 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.

66. Licensing Procedures

The Chair 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

67. Application for a Variation to the Premises Licence for Pinner Lounge, 14A Broadwalk, Pinner Road, North Harrow, Middlesex HA2 6ED

The Licensing Panel carefully considered all of the relevant information including the applicants submissions both individually and through Mr Siva Shankar, that the applicant was inexperienced prior to instructing Compliance Direct Ltd, that there were previous issues with Mr Ashwin Patel that resulted in the applicant becoming the DPS from 17 May 2016, that attempts were made to contact the neighbours, that a Noise specialist had been instructed, that there were plans to fit another door at the premises to further block noise and that there would be no regulated activity after 23.00.

The Licensing Panel also considered the representations of Ms Lois Smith for the Environmental Health Authority in relation to the Statutory Nuisance at the premises, the Statutory Notice served and the licensable activity at the premises outside of licensed hours.

The Panel also read the report from Mr Waghela from the Licensing Authority and the letter from one other person.

RESOLVED: That having taken into account the following:

- 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
- Human Rights Act 1998

the application to vary the Licence be refused.

REASONS: The Panel were satisfied, in the circumstances presented, that the public nuisance objective would be undermined by varying the current licence. The Statutory guidance makes it clear that it is for the licensing authority to consider what constitutes a public nuisance. The Panel were satisfied that the tenant above the premises and her family had experienced a reduction in their living environment, caused by the noise emanating from the premises.

The Panel noted that the hours requested within the variation application were reasonable for a business of that nature, however given the noise nuisance, the panel were not satisfied that future breaches would not occur. Further, the evidence presented demonstrated that the Applicant did not take immediate steps to reduce the noise nuisance when concerns were first raised.

The Panel accepted the applicant's proposal to engage a noise specialist and install an additional door at the premises. However the panel's conclusion was that the applicant had not demonstrated a proactive approach to

addressing the noise nuisance and had failed to revert to the licensing authority in relation to an acoustic report that was discussed in February 2016. The Panel therefore could not be confident that the proposals could come to full fruition.

The Panel noted deregulation changes and that the variation was not sought in relation to regulated entertainment. However the Panel concluded that there was evidence that the public had remained at the premises after licenced hours, although the same was arguable in relation to the 9 June 2016. The Panel were therefore satisfied that licensable activity at the premises had occurred outside of licensed hours and that live music had also been heard at the premises after 23.00. Both acts were in breach of the licence.

The Panel was also concerned regarding the potential to undermine the public safety objective, given that the restaurant shutter had been observed half down and that on this occasion people were in the restaurant. The consequences of the same include a fire safety risk.

The Panel recommended that the applicant take a proactive approach and invite the licensing authority to the restaurant and demonstrate that there was no noise nuisance. This would build the trust of the Licensing Authority. The applicant should also discuss the matters with the freeholder and obtain the contact details of all 4 tenants. This will allow future communication with the tenants. Further the applicant must wait for confirmation from tenants, prior to attending their homes, especially at night. The applicant would benefit from training on what the role of a premises licence holder entails.

The Panel noted that the applicant presented evidence of good intentions, however the applicant needed to take on board the recommendations above and demonstrate that the premises could be operated within the scope of a licence, prior to making an application to vary the premises licence.

The Panel believed that the measures taken above were appropriate and proportionate in the circumstances to promote all the licensing objectives.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.30 pm).

(Signed) COUNCILLOR KAMALJIT CHANA
Chair

[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 Chair 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 Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].