

Licensing Panel AGENDA

DATE: Tuesday 14 June 2016

TIME: 7.00 pm *

VENUE: Committee Room 5,
Harrow Civic Centre

* THERE WILL BE A BRIEFING FOR MEMBERS AT 6.30PM IN COMMITTEE ROOM 5

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Phillip O'Dell
Primesh Patel

Kam Chana

Reserve Members:

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

Contact: Vishal Seegoolam, Senior Democratic Services Officer
Tel: 020 8424 1883 E-mail: vishal.seegoolam@harrow.gov.uk

AGENDA - PART I

1. APPOINTMENT OF CHAIR

To appoint a Chair for the purposes of this meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary 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.

Questions will be asked in the order notice of them was received and there be a time limit of 15 minutes.

[The deadline for receipt of public questions is 3.00 pm, Thursday 9th June 2016. Questions should be sent to publicquestions@harrow.gov.uk

No person may submit more than one question].

[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 5 - 6)

Procedure to be followed at an oral hearing.

6. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE FOR PINNER LOUNGE, 14A BROADWALK, PINNER ROAD, NORTH HARROW, MIDDLESEX HA2 6ED (Pages 7 - 44)

Report of the Corporate Director, Community Directorate.

7. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

*** DATA PROTECTION ACT NOTICE**

The Council will audio record item 4 (Public Questions) and will place the audio recording on the Council's website, which will be accessible to all.

[**Note:** The questions and answers will not be reproduced in the minutes.]

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Licensing Panel – Licensing Act 2003

Procedure A - Oral Hearing in Public

This document provides a summary of the Panel's usual procedure for the conduct of an oral hearing in public.

*Please note that the **Applicant** is the party who has requested the Hearing*

- i. **Introductions** by the Chair of the Panel:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objector(s)
 - the Procedure for the hearing
- ii. **Presentation** of the report (**agenda item 6**) by Officers of the Relevant Authority.
- iii. **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.
- iv. **Questioning** of the **applicant** by:
 - the objector(s)
 - the Panel
- v. **Presentation** by the **objector(s)**, 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.
- vi. **Questioning** of the **objector(s)** by:
 - the applicant
 - the Panel
- vii. **Concluding statement(s)** by the objector(s).
- viii. **Concluding statement** by the applicant.
- ix. The Panel together with its 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.
- x. 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.

Agenda Item 5

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*

REPORT FOR: LICENSING PANEL

Date:	14 June 2016
Subject:	Application for a variation to the premises licence for Pinner Lounge, 14A Broadwalk, Pinner Road, North Harrow, Middlesex HA2 6ED
Responsible Officer:	Tom McCourt - Corporate Director – Community Directorate
Exempt:	No
Enclosures:	Current Premises Licence (appendix 1) Plan of the premises (appendix 2) Location (GIS) Map (appendix 3) Representations (appendix 4)

Section 1 – Summary

An application has been received to vary the premises licence for Pinner Lounge, 14A Broadway, North Harrow to extend the hours for sale of alcohol and late night refreshment to 0100 hours on Friday and Saturday mornings and midnight on other nights. Representations have been received from two responsible authorities and one other person.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	Yes - Representation on grounds of prevention of nuisance
Trading Standards	No representations received
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
Metropolitan Police	No representations received
Licensing authority	Yes - Representations on grounds of prevention of nuisance

Representations from other persons

From	Relevant Representations details
Other persons	Yes - Representations received on grounds of prevention of nuisance

Section 2 – Report

2.1 The premises licence holder, Mr Narendra Patel, has applied to vary the premises licence in respect of Pinner Lounge, 14A Broadwalk, Pinner Road, North Harrow, Middlesex HA2 6ED.

2.2 Licensable activities

The table below sets out the current licensable activities and the variations being sought:

Day	Current licence			Variation applied for		
	Hours open to public	Alcohol sales (on and off-premises)	Live and recorded music	Hours open to public	Alcohol sales (on and off-premises)	Late night refreshment
Mon	1000 - 2330	1000 - 2330	None	1000-0030	1000 – 0000	2300 - 0000
Tues	1000 - 2330	1000 - 2330	None	1000-0030	1000 – 0000	2300 - 0000
Weds	1000 - 2330	1000 - 2330	None	1000-0030	1000 – 0000	2300 - 0000
Thur	1000 - 2330	1000 - 2330	None	1000-0030	1000 – 0000	2300 - 0000
Fri	1000 - 2330	1000 - 2330	1800 – 2300	1000-0100	1000 – 0100	2300 - 0100
Sat	1000 - 2330	1000 - 2330	1800 – 2300	1000-0100	1000 – 0100	2300 - 0100
Sun	1000 - 2330	1000 - 2330	None	1000-0000	1000 – 0000	2300 – 0000

Notes:

(1) Hours showing past midnight are going into the following day.

(2) Live and recorded music is exempt from the need for a licence in premises of this size between 0800 and 2300 hours.

2.3 Description of premises

The premises are described on the application form as a restaurant with bar facilities.

2.4 From officers' observations the premises operates as an Indian restaurant and bar. Live Bollywood-style music is provided at the premises. It is a single-room restaurant, with a bar and a small stage. The premises can probably accommodate 75 - 100 people.

2.5 The premises are located on the A404 Pinner Road. The premises are located on the ground floor of a shopping parade with retail uses either side; residential accommodation is above those premises and directly across the road. There is a licensed restaurant nearby at 28 Broadwalk and a pub at 25 Broadwalk. A late-night takeaway next door operates until similar hours as the applicant's current hours. The rear of the premises leads out onto a private service area and then onto North Harrow public car park.

- 2.6 Licensing history
The premises have been licensed since at least 1999 under previous legislation. The applicant has been the premises licence holder since 2 December 2015 when the licence was transferred to him.
- 2.7 Designated premises supervisor
Mr Narendra Patel since 17 May 2016
- 2.8 Details of application
Received: 25 April 2016
Newspaper advertisement: 5 May 2016 (Harrow Times)
Closing date for representations: 24 May 2016
- 2.9 Representations
Representations set out at appendix 4 have been received from the Environmental Health authority, the licensing authority, and one other person, a local resident.
- 2.10 The representation from the other person sets out in detail the effect of the current licensable activities on her and her family. In particular it describes the impact that late night noise has had on her family life from both amplified music and non-amplified speech.
- 2.11 The representation from Environmental Health sets out monitoring of the premises and steps that have been requested of the premises licence holder during much of this year to mitigate any nuisance, culminating in the service of a statutory abatement notice on 25 February 2016. It sets out diaries submitted by other person that shows the effect on her and her family.
- 2.12 The representation from the licensing authority sets out communications with the premises licence holder and breaches of the premises licence and the Licensing Act.
- 2.13 Officers' observations
The applicant has suggested in his operating schedule that the additional hours' trading will allow for a gradual and peaceful departure of patrons from the venue.
- 2.14 Members will note that the proposed variation does not include a winding-down or drinking-up time on Fridays, Saturdays and Sundays, with alcohol and late night refreshment on those days being available right up until the premises closing time (although entertainment, live and recorded music, if provided would end by 2300 hours on those days). This is in contrast to Monday to Thursday when a thirty minute drinking-up/winding-down period is proposed.
- 2.15 The Licensing Act allows small-scale regulated entertainment such as music and dancing to take place without a licence but only up until 2300 hours because it is recognised that any later time can have a detrimental effect on neighbouring premises, and to go beyond that hour would require a licence.
- 2.16 The current premises licence holder has been operating the premises for around six months under the same restrictions and conditions as the previous licence holder. During that time some adverse events have been observed by officers, particularly beyond 2300 hours, and Environmental Health have served a statutory nuisance abatement notice on the premises.

2.17 One of the existing conditions on the licence requires the premises licence holder to ensure no noise or vibration shall emanate from the premises so as to cause a nuisance.

2.18 The licensing authority should ensure that the prevention of public nuisance objective is not undermined. This has a lower threshold than that required to prove statutory nuisance, and the Panel should bear in mind the following paragraphs of the statutory guidance to the Act:

2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.19 There has been an on-going dialogue with the premises licence holder since he took over the premises licence and before the present application was submitted with a view to supporting him and ensuring compliance with the licence.

2.20 These above comments are to assist the Panel in its decision making process based on the evidence before it and the legislative requirements.

2.21 Conditions

Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, and how the activities will be managed particularly in respect of the licensing objectives.

2.21 The most critical part of the operating schedule are the steps taken by the applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence.

2.22 Applicants should give consideration to the local area and reflect this in their application. It should demonstrate an awareness of the local community, local crime and disorder issues, and the local environment.

2.23 The premises licence at appendix 1 sets out the current conditions. If the application is granted it will be subject to the following conditions, with those conditions translated from the operating schedule shown in italics:

- (1) CCTV is installed, operated and maintained in accordance with the recommendations of the Metropolitan Police.
- (2) SIA registered door supervisors will be in operation when organised functions take place.
- (3) *The premises licence holder shall ensure that fresh drinking water will be available free of charge when the premises are open to the public.*
- (4) Doors and windows will remain closed during opening hours except for access and egress.
- (5) Notices will be displayed at all exits requesting that the public need to respect the local residents and leave the premises quietly.
- (6) Noise or vibration shall not be permitted to emanate from the building so as to cause a nuisance.
- (7) The premises shall operate a 'Challenge 21' policy *and staff will be suitable trained and records kept at the premises of such training. A poster stating this operation will be clearly displayed at a prominent place at the premise. Anyone under the age of 18 will always be under a responsible adult's supervision.*
- (8) *The premises licence holder will ensure that telephone numbers of local taxi companies will be available for patrons to call.*
- (9) (a) *The premises licence holder shall provide a contact telephone number to residential properties situated between numbers 12 and 24 Broadwalk, Pinner Road, North Harrow so they may contact the premises licence holder or designated premises supervisor about any concerns arising from the operation of the premises to be dealt with immediately*

(b) *The premises licence holder shall keep a record at the premises with details of all such calls received under condition 9(a) and details of the actions taken.*

2.24 The Panel has the discretion to add to or modify these conditions where it is appropriate to do so to promote the licensing objectives.

- 2.25 Licensing policy
There are no implications in relation to the statement of licensing policy arising from this application.
- 2.26 Legal implications
The Licensing Panel is required to hold a hearing to consider any relevant representations made in relation to the premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.27 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 appropriate to promote the four licensing objectives.
- 2.28 Having considered those relevant matters, the Licensing Panel is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –
- The steps are—
- (a) to modify the conditions of the licence;
- (b) to reject the whole or part of the application;
- For the purposes of 2.28(a) above, the conditions of the licence are modified if any of them are altered or omitted or any new conditions added.
- 2.29 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
- 2.30 In addition to determining the application in accordance with the legislation, Members must have regard to the –
- common law rules of natural justice
 - provisions of the Human Rights Act 1998
 - considerations in section 17 of the Crime and Disorder Act 1998
- 2.31 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).
- 2.32 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.'

Financial Implications

2.33 There are no financial implications.

Appeals

2.34 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 within 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 26 May 2016		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 26 May 2016		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer extension 7667

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

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LICENSING ACT 2003

Premises Licence

Schedule 12
Part A (Regulation 33,34)
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000002645/2016/

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Pinner Lounge, 14A Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale of retail alcohol

Live music (e) Recorded music (f) Performance of dances (g) Performance similar to e f g

Provision of facilities music Provision of facilities dance Prov of facilities similar i j

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)

Licensable area
Hours open to public

Sunday	10:00 - 23:30	-
Monday	10:00 - 23:30	-
Tuesday	10:00 - 23:30	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 23:30	-
Friday	10:00 - 23:30	-
Saturday	10:00 - 23:30	-

The times the licence authorises the carrying out of licensable activities

Location: Licensable area

Sale of retail alcohol

Sunday	10:00 - 23:00	-
Monday	10:00 - 23:00	-
Tuesday	10:00 - 23:00	-
Wednesday	10:00 - 23:00	-
Thursday	10:00 - 23:00	-
Friday	10:00 - 23:00	-
Saturday	10:00 - 23:00	-

Location: Licensable Area

Live music (e) Recorded music (f) Performance of dances (g) Performance similar to e f g Provision of facilities music Provision of facilities dance Prov of facilities similar i j

Sunday	-	-
Monday	-	-
Tuesday	-	-
Wednesday	-	-
Thursday	-	-
Friday	18:00 - 23:00	-
Saturday	18:00 - 23:00	-

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies
Sale by retail on/off premises

Part 2

Name, (registered) address, telephone number and email (where relevant of holder of premises licence):

Narendra Patel

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Narendra Patel

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

London Borough of Brent - 223564876

State whether access to the premises by children is restricted or prohibited: **N/A**

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to

customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Condition order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions where licence authorises exhibition of films:

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

Annex 2 - Conditions consistent with the Operating Schedule

1. CCTV is installed, operated and maintained in accordance with the recommendations of the Metropolitan Police.

2. SIA registered door supervisors will be in operation when organised functions take place.

3. Drinking water is available for patrons.

4. Doors and windows will remain closed during opening hours except for access and egress.

5. Notices will be displayed at all exits requesting that the public need to respect the local residents and leave the premises quietly.

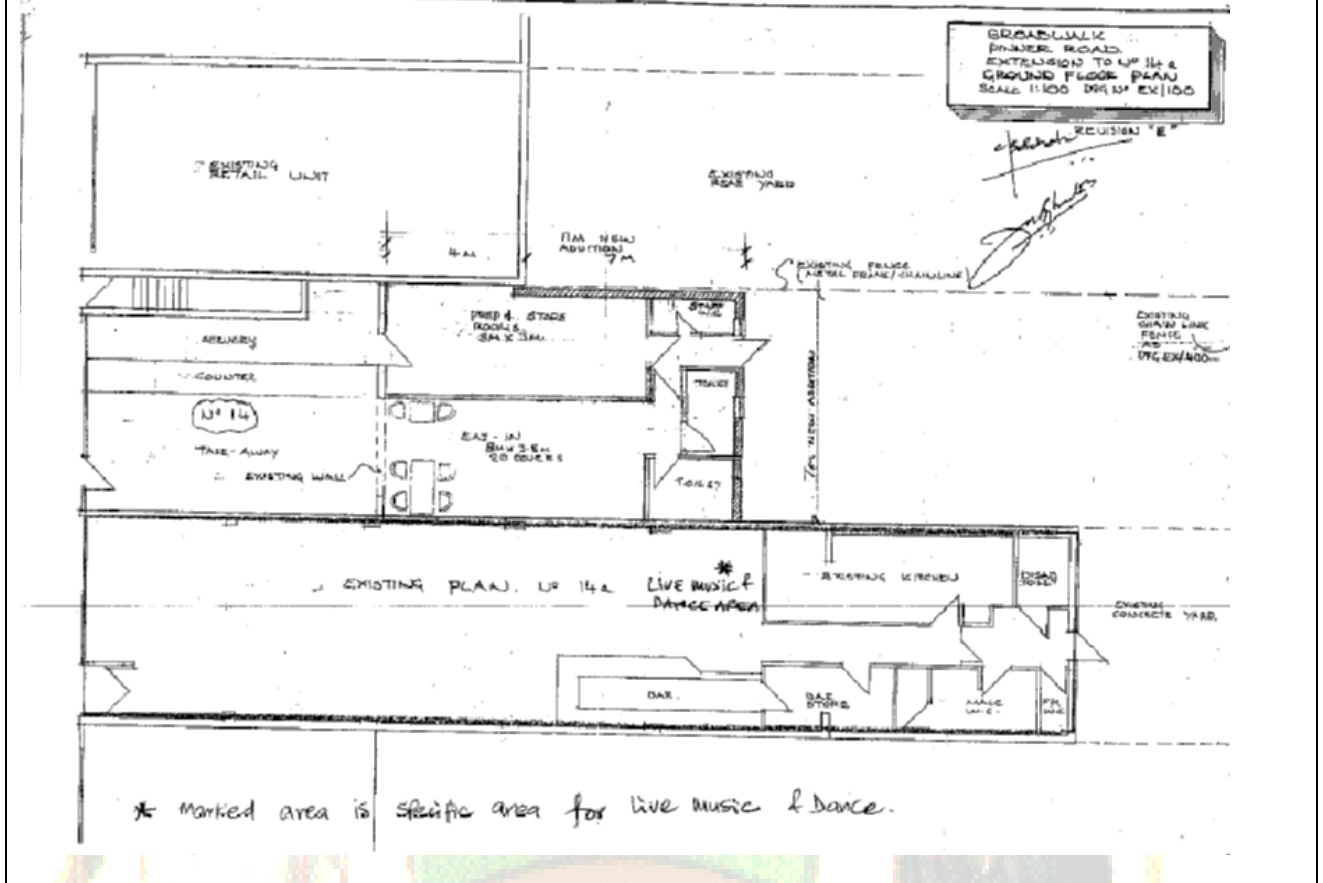
6. Noise or vibration shall not be permitted to emanate from the building so as to cause a nuisance.

7. The premises shall operate a 'Challenge 21' policy.

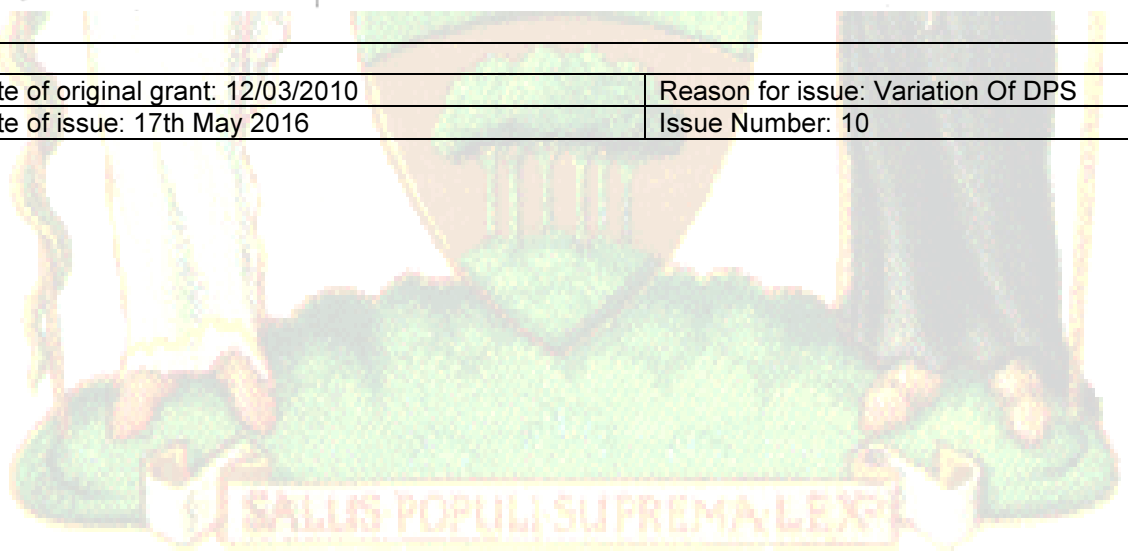
Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

Annex 4 – Plan

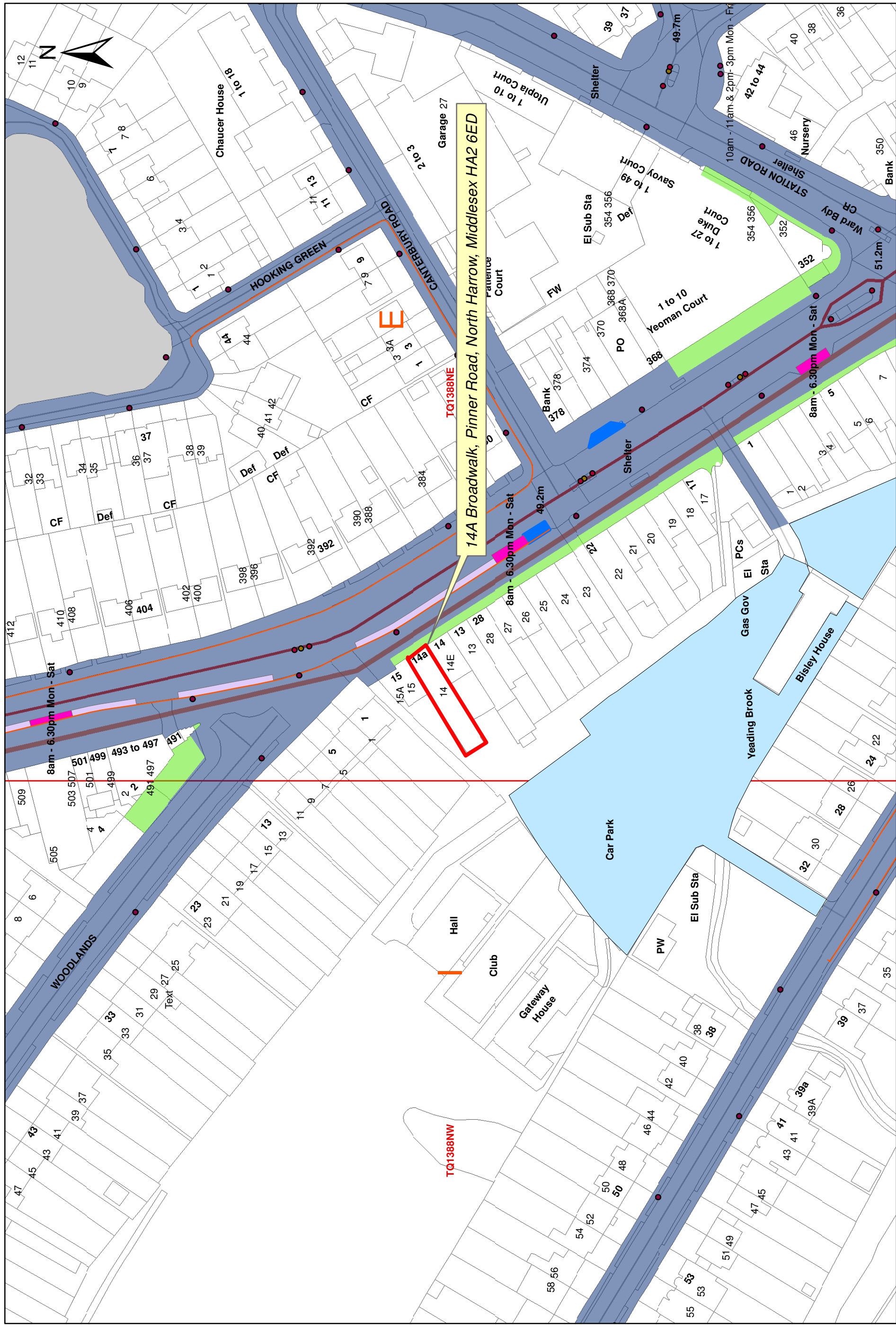


Date of original grant: 12/03/2010	Reason for issue: Variation Of DPS
Date of issue: 17th May 2016	Issue Number: 10



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14A Broadwalk, Pinner Road, North Harrow, Middlesex HA2 6ED



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APPENDIX 3
ENVIRONMENTAL HEALTH REPRESENTATION

From: Lois Smith
Sent: 23 May 2016 13:17
To: Jeffrey Leib
Subject: Objection to variation, Pinner Lounge, 14A Broadwalk, Pinner Road, Harrow HA2 6ED

Dear Sir

I wish to object to the recent application of a variation from Pinner Lounge.

The reasons for this are:

1.the time that the premises are allowed to have entertainment until, are regularly not adhered to. Amplified music and vocals can be heard past the time limit of 2300.

2.In addition, when the amplified music and vocals are played they are too loud and eventually despite best effort from the local authority to advice, a Statutory Notice under the Environmental Protection Act 1990 had to be served by myself to abate the noise nuisance. The complaints still continue and I am currently monitoring to gather evidence for a prosecution, again despite the proprietor being alerted to the fact by the Licencing Officers that music can still be heard external to the premises, since the volume is too high.

3.the time that the premises should be closed to members of the public is also regularly not adhered to. Members of the public are frequently there past 2330.

Therefore, I believe that if the variation is given to extend the time – on the balance of probabilities this time limit will not be adhered to and the premises will be open later and later with, in addition, the likelihood of the entertainment staying on later as well.

Summarised evidence of this from my visits to Pinner Lounge as follows:

22/1/2016 : from front pavement outside Pinner Lounge 2352 male seen still singing with a microphone and approximately 14 people still seated and standing inside Pinner Lounge. I could also hear it from where I stood. 0005 at rear of premises can hear the man singing. Licensing Officer and myself go and speak to staff inside. Narendra Patel not on site.

5/2/2016: from front pavement outside Pinner Lounge 2307 lady seen singing with a microphone, around 15 people inside. 2347 approximately 10 persons still standing and seated inside. Spoke to Narendra Patel on site.

7/2/2016: I parked outside Pinner Lounge and between 0032 – 0044 - 5 persons with balloons and 2 men walk out of the front of the premises

12/2/2016: from front pavement outside Pinner Lounge 2322 male singing and thump of base beat heard – approximately 30 people inside seated laughing and chatting. Members of public still inside at 0015

19/2/2016: 2248 visit to area Statutory Noise Nuisance is witnessed. 2347 monitored Pinner Lounge still approximately 17 persons inside. 0001 went inside and Licensing Officer and I spoke to Narendra Patel. He was cautioned by the Licensing Officer. He admitted that even though a TEN had been refused and then another was withdrawn – he had still gone ahead with the extended licensable activities.

4/3/2016: from front pavement outside Pinner Lounge 2330 viewed 4 persons standing by bar 3 persons behind it. Went inside and Licensing Officer and myself spoke to staff. Mr Narendra Patel not on site. 2359 as left site – last of members of public left premises.

9/4/2016: from front pavement outside Pinner Lounge 2333 viewed lights on inside Pinner Lounge – table of approximately 10 persons seated to left side of premises. Mr Narendra Patel came out and spoke with myself and EH colleague and advised that these persons were family members. At 2349 these persons left the premises as we waited.

16/4/2016: from front pavement outside Pinner Lounge 2347 viewed 7 persons around the bar area. 2350 3 men came out and the shutter to the door came down.

I also copy here the various emails to Mr Narendra Patel.

Thank you

Mrs L Smith
Environmental Health Officer
Environmental Protection / Team Domestic
0208 736 6238

From: Lois Smith
Sent: 29 January 2016 13:47
To: [REDACTED]@hotmail.co.uk'
Cc: Ash Waghela; Jeffrey Leib
Subject: For the attention of Narendra Patel - regarding Pinner Lounge 14 A Broad Walk, Pinner Road, North Harrow HA2 6ED

Dear Sir

Reference:
Temporary Event Notice received 27 January 2016
Regarding 5th, 6th, 7th February 2016 18:00 - 0200
I object to this.

Reasons: I visited the premises from 2352 – onwards on 22 into 23 January 2016 – and the front shutter was down. Patrons were still, however, inside drinking and eating and there was a man singing, using a microphone. I could hear the singing whilst standing on the pavement outside the premise. Recorded music should be stopped at 2300. Neither yourself or the licensee were on site. I left my card and my number but I not been contacted

to discuss the late night noise and the complaint that the Council has received – which prompted my visit. The nature of the event is not described sufficiently either. At this stage I lack confidence in this premise showing consideration to the surrounding properties and working with the Council to reduce noise levels coming from its buildings.

Reference:

Temporary Event Notice dated 27 January 2016:
Regarding 12th, 13th, 14th February 2016 18:00 – 0200
I object to this.

Reasons: as above: I visited the premises from 2352 – onwards on 22 into 23 January 2016 – and the front shutter was down. Patrons were still, however, inside drinking and eating and there was a man singing, using a microphone. I could hear the singing whilst standing on the pavement outside the premise. Recorded music should be stopped at 2300. Neither yourself or the licensee were on site. I left my card and my number but I not been contacted to discuss the late night noise and the complaint that the Council has received – which prompted my visit. The nature of the event is not described sufficiently either. At this stage I lack confidence in this premise showing consideration to the surrounding properties and working with the Council to reduce noise levels coming from its buildings.

Thank you

Mrs L Smith
Environmental Health Officer
Environmental Protection / Team Domestic
0208 736 6238 / 07813 878574

-----Original Message-----

From: Lois Smith
Sent: 19 February 2016 12:49
To: [REDACTED]@hotmail.co.uk'
Cc: Jeffrey Leib; Ash Waghela
Subject: RE: Pinner Lounge, 14 A Broadwalk, Pinner Road, Harrow HA2 6ED

-----Original Message-----

From: Lois Smith
Sent: 19 February 2016 12:47
To: [REDACTED]@hotmail.co.uk'
Cc: Jeffrey Leib; Ash Waghela
Subject: Pinner Lounge, 14 A Broadwalk, Pinner Road, Harrow HA2 6ED

Dear Sir

Further to my visits and conversions with you.

I am disappointed to report that even though you have been warned verbally at your premise late at night, have been emailed - that other visits to your premise show that you continue to flout the conditions of your license. In addition, there is still an outstanding noise complaint.

The results of monitoring are as follows;

22/1/16: Ash Waghela (Licensing Officer) and I witness a male singer still performing at 2352 - person in charge Jitendr Vernekal, is spoken to.

3/2/16: I spoke to you about this incident on the phone.

5/2/16: John Rattray (Environmental Health Technician) and I witness a female singer still performing at 2307. At 0003 with members of public still inside you come outside and we discuss the terms of your license again.

7/2/16: I witness 5 ladies with balloons come out of the premises at 0029. Persons still inside the premises and coming in and out.

12/2/16: John Rattray and I witness a male singer still performing at your premise at 2322. 0007 - there are still members of public seated inside.

You are aware music should be off at 2300 and members of the public should be off the premises by 2330.

Also, the shutter to the front door has been down with patrons still inside. This matter will be discussed with the fire brigade.

The shutter to the front windows has also been down when I have visited obviously to make it appear to any authority checking perhaps by driving past, for example, that the premises is closed.

You have also been in contact with Jeffrey Leib, Principal Licensing Officer.

You have also applied for TENS and then withdrawn them - so you are fully aware of the terms of your license.

In fact, bearing in mind what I have witnessed above - it would appear that you went ahead with the events (requested in the TENS) regardless - having withdrawn the second one and knowing that the first one had been rejected.

All the results of monitoring have been forwarded to the Licensing Team and I am in discussion with them.

I am considering a formal Review of your License (which will go in front of the Licensing Panel) and possible Revoke of your License. In addition, there is the issue of the noise complaint; my effort to resolve the License conditions to then hopefully sort the noise complaint has obviously not worked.

I will now endeavour to witness nuisance and then serve a Statutory notice.

For the avoidance of doubt, you are advised that the Council will be carrying out monitoring as part of its investigation. It will take the form of visits carried out any time, or use of electronic equipment as necessary to determine Statutory Nuisance.

Please ensure that you adhere to the terms of the License.

The Licensing Team will be in contact with you.

I shall be in contact with you with regards any formal action, I will now take as necessary.

If you have any queries - please contact me on 0208 736 6238 or 07813 878574 as soon as possible.

Please confirm receipt of this email.

Mrs L Smith
Environmental Health Officer
Environmental Protection / Team Domestic
0208 736 6238

-----Original Message-----

From: Lois Smith
Sent: 25 February 2016 18:20
To: [REDACTED]@hotmail.co.uk'
Cc: Jeffrey Leib; Ash Waghela
Subject: RE: Pinner Lounge, 14 A Broadwalk, Pinner Road, Harrow HA2 6ED

Dear Mr Patel

As discussed at my visit to your property, accompanied by Mr Ash Waghela (Licensing Officer) at midnight 20 February 2016 - I attach copies of Notices and letters served.

Please read and adhere to them now.

Again, I am disappointed with you because on the following evening, to when we had spoken to you about going beyond your licensing hours, causing noise nuisance etc - I receive a further complaint regarding "LOUD MUSIC" coming from Pinner Lounge at 2345, 20 February 2016.

THE MUSIC SHOULD NOT CAUSE A STATUTORY NOISE NUISANCE

LICENSABLE ACTIVITIES SHOULD BE OFF AT 2300

MEMBERS OF THE PUBLIC SHOULD BE OFF THE PREMISES BY 2330.

If you have any queries please do not hesitate to contact me.

Mrs L Smith
Environmental Health Officer
Environmental Protection / Team Domestic
0208 736 6238 / 07813 878574

-----Original Message-----

From: Lois Smith
Sent: 19 May 2016 16:44
To: [REDACTED]@hotmail.co.uk'
Cc: Jeffrey Leib; Ash Waghela
Subject: RE: Pinner Lounge, 14 A Broadwalk, Pinner Road, Harrow HA2 6ED

Dear Sir

Further to my email below and subsequent conversations with you.

I am also aware that Mr Leib and Mr Waghela from Harrow's Licensing Team spoke to you recently on a visit to your premises on 6 May 2016. They told you that they could hear the music clearly whilst they stood outside at the rear of Pinner Lounge.

You are therefore aware of the problems that are still continuing to be caused by the operation of Pinner Lounge.

I have also received further complaints.

These are in summary:

- that the amplified music and vocals are played too loud within the licensable hours
- that the amplified music and vocals are played after the time set by the license.

You again advised Mr Leib and Mr Waghela that you would email through evidence of the works undertaken by you to improve the sound insulation between Pinner Lounge and the properties above. This has still not been received.

Therefore, as per my email below please be aware that:

for the avoidance of doubt, you are advised that the Council will be carrying out monitoring as part of its investigation. It will take the form of visits carried out any time, or use of electronic equipment as necessary to determine Statutory Nuisance.

You are reminded that a Statutory Notice under the Environmental Protection Act 1990 Section 80, has been served upon you by hand on 25 February 2016 - this means that any further witness of statutory noise nuisance will be a contravention of the Notice and this will be considered for prosecution.

Please, therefore with regards Statutory Noise Nuisance:

at any time, turn the volume down when you play the amplified music and vocals in your premise to a reasonable level so that it does not disturb residences outside Pinner Lounge.

If you have any queries, please do not hesitate to contact me.

Regards

Mrs L Smith
Environmental Health Officer
Environmental Protection / Team Domestic
0208 736 6238

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate 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, Ash Waghela on behalf of the licensing authority for Harrow make this representation under the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Pinner Lounge 14A Broadwalk Pinner Road	
Post town Harrow	Post code (if known) HA2 6ED

Name of premises licence holder or club holding club premises certificate (if known) Mr Narendra Patel
Number of premises licence or club premises certificate (if known) LN/000002645/2015/9

Part 2 - Applicant details

I am	Please tick <input checked="" type="checkbox"/> yes
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

- 2) a responsible authority (please complete (C) below) x
- 3) a member of the club to which this application relates
 (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr Ash Waghela Licensing Officer Licensing Department Harrow Council PO Box 18 Civic Centre Harrow HA1 2UT
Telephone number (if any) 020 8736 6257
E-mail (optional) licensing@harrow.gov.uk

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children form harm | <input type="checkbox"/> |

Please state the ground(s) for representation

This representation is in respect of an application for a variation to the premises licence for Pinner Lounge, 14A Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED. It is an Indian restaurant and bar. Live Bollywood music is provided at the premises. The premises can probably accommodate approximately between 75-100 people.

The premises benefits from a premises licence granted under the Licensing Act 2003 with the following licensable activities and times:

Sale of retail alcohol

Sunday	10:00 - 23:00	-
Monday	10:00 - 23:00	-
Tuesday	10:00 - 23:00	-
Wednesday	10:00 - 23:00	-
Thursday	10:00 - 23:00	-
Friday	10:00 - 23:00	-
Saturday	10:00 - 23:00	-

**Live music(e), Recorded music(f), Performance of dances(g), Performance similar to e f g
Provision of facilities music (i), Provision of facilities dance (j), Provision of facilities similar i j**

Sunday	-	-
Monday	-	-
Tuesday	-	-
Wednesday	-	-
Thursday	-	-
Friday	18:00 - 23:00	-
Saturday	18:00 - 23:00	-

The hours open to public are:

Sunday	10:00 - 23:30	-
Monday	10:00 - 23:30	-
Tuesday	10:00 - 23:30	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 23:30	-
Friday	10:00 - 23:30	-
Saturday	10:00 - 23:30	-

In addition to the mandatory conditions under Annex 1, the conditions that appear under Annex 2 of the licence are:

1. CCTV is installed, operated and maintained in accordance with the recommendations of the Metropolitan Police.
2. SIA registered door supervisors will be in operation when organised functions take place.
3. Drinking water is available for patrons.
4. Doors and windows will remain closed during opening hours except for access and egress.
5. Notices will be displayed at all exits requesting that the public need to respect the local residents and leave the premises quietly.
6. Noise or vibration shall not be permitted to emanate from the building so as to cause a nuisance.
7. The premises shall operate a 'Challenge 21' policy.

There are no conditions applied to the licence under Annex 3 – Conditions that would be attached to the licence following a hearing by the Licensing Authority.

The Licensing Authority was notified of a noise complaint by the Environmental Protection department on 21 January 2015. As a result of our investigations, breaches of the Licensing Act 2003 were identified on the following dates:

Friday 22 January 2016 (continuing into the following morning)

Undermining of public safety objective. Exceeded hours for licensable activities namely late night refreshment, sale of alcohol and regulated entertainment.

Friday 5 February 2016 (continuing into the following morning)

Carrying of licensable activities without the correct authorisation namely the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment

Sunday 7 February 2016

Allowing members of the public to be on the premises after permitted hours (hours open to public)

Friday 11 February 2016 (continuing into the following morning)

Allowing members of the public to be on the premises after permitted hours (hours open to public)

Saturday 12 February (continuing into the following morning)

Carrying of licensable activities without the correct authorisation namely the sale of alcohol, the

provision of regulated entertainment and the provision of late night refreshment

Friday 19 February 2016 (continuing into the following morning)

Undermining of licensing objective – the prevention of public nuisance, the carrying on of licensable activities – regulated entertainment and late night refreshment after permitted hours. Verbal caution read out to Mr Patel.

The times that the noise was occurring at the premises was of concern to the Licensing Authority as this was outside of the hours of open to public and authorised licensable activities authorised by the premises licence. This is a criminal offence under the Licensing Act 2003 section 136 and also undermines the statutory licensing objectives.

Two joint visits were conducted by the Licensing and Environmental Protection departments and on each visit it was found that, the prevention of crime and disorder, the prevention of public nuisance and public safety objectives were constantly being undermined at the premises. It was found that the premises were carrying on with licensable activities outside the authorisation provided under the premises licence and or temporary event notice.

On the 28 January 2016, the premises licence holder had given two Temporary Event Notices (TEN)s to the authority. One was a Late TEN for 5 – 7 February and the other a Standard TEN for 12-14 February.

Following objections from the Environmental Protection Department, the Late TEN was vetoed and the Standard TEN was withdrawn. Despite this, the premises licence holder continued with the events and carried on with licensable activities without the correct authorisation. These were witnessed by Environmental Protection Officers.

Please provide as much information as possible to support the representation

Date: 2nd December 2015

Licence Transfer received and accepted. Transfer from Jatinkumar Patel to Narendra Patel
Application to vary the designated premises supervisor (DPS) received and accepted. DPS varied from Jatinkumar Patel to Himanshu Ramchandra Vyas.

The Licensable activities should end at 23:00 and the premises should be closed at 23:30

Date: Friday 22 January 2016

Time: 23.50

Visit with Lois Smith (an Environmental Health Officer).

Sat in the car just opposite Pinner Lounge for about 10 minutes to monitor. Front shutters were down (this undermines the public safety objective as it restricts peoples egress from the premises especially in the case of an emergency for example: fire). There was a small green light just showing through the shutters. Could not hear any music whilst sat in the car with the windows open.

Went to the front of the premises and looked through the shutters. Saw about 14 people including staff inside the premises still sitting having meals and bar was still operating. There was a gentleman singing with a microphone in his hand. The music could be heard through the closed doors and shutters.

We made our way to the back entrance of the premises and entered. The till was still operating. There

were several people at the bar with full glasses of lager or beer on the counter suggesting that alcohol is being sold after the authorised hours. The music stopped. Spoke to Jitendra Vernekar - the manager on duty for the night. He advised that the licensee was not well and went home early. The DPS was in India and had to extend his stay due to a family emergency. I left him with my card to for the licensee to contact us so that we can arrange a meeting with him. Lois left him her card as well.

We left the premises at 00.25. As we left, all of the customers were leaving the restaurant well after the permitted time.

As the shutters were down on the premises with customers inside the premises, the issue of public safety arises. This is dealt with in the statutory guidance section 2 which states in part:

2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

2.7 A number of matters should be considered in relation to public safety. These may include Fire Safety.

The Licensing Authority did ask the Fire Authority to attend the premises and they did so and provided a report. The report indicates that the premises are broadly compliant however a fire risk assessment was not available at the time of the inspection. Attention should also be drawn to page 5 – General Notes of the inspection report: where it states:

Mr Patel was questioned about his closing down procedures and he explained that although they would draw down the main shutter covering the front window the smaller shutter covering the front door was always kept open until the occupants had left the premises.

The above statement contradicts the findings of the 22 January 2016 at 23:50 when a visit was carried out by the Environmental Protection and Licensing Authority officers when all of the front shutters were down with the public still on the premises. This included the front shutter covering the door.

It should also be noted that the time of the inspection was 22:00. This is within the authorised hours of the premises licence. The undermining of the objective for public safety normally occurs outside of the licensed hours.

A copy of the fire inspection report is attached to this application.

Date: Tuesday 26 January 2015

Time: 13:40

Email from Jeffrey Leib to Narendra Patel

Dear Mr Patel

I am writing as my records show you are the holder of the licence for Pinner Lounge.

Officers from the Council have become aware of potential breaches of your licence requirements over recent weeks. I would be grateful if you could contact the licensing team either by phone or email in order to arrange a meeting to discuss these and to prevent them occurring again.

No response received to this email

Date: Wednesday 27 January 2016

Time: 15:50

Telephone call with Mr Narendra Patel, Premises Licence Holder. Meeting at premises arranged for 01/02.2016 at 14:00.

Mr Leib attended the premises at the given date and time but Mr Narendra Patel did not attend. No communication was received from him to cancel the meeting or reason given to Mr Leib as to why he could not attend.. The premises were shut at this time.

Licensable Activities should end at 23:00 and premises closed by 23:30.

Friday 5 February – Monday 7 February 2016

A late temporary event notice was received on the 28 January 2016. The dates for the event were 5-7 February 2016 between the hours of 18:00 – 02:00. This notice was vetoed as an objection was received from Lois Smith of the Environmental Protection Department. An objection notice was served on the premises user.

Below is an email from Lois Smith that confirms Mr Patel allowed this event to continue:

*From: Lois Smith
Sent: Saturday, February 06, 2016 01:55 AM
To: Jeffrey Leib; Ash Waghela
Cc: John Rattray
Subject: Pinner Lounge 14 B Broadwalk, Pinner Road FRIDAY 5/2/2016*

Dear All

Went to location as above:

5/2/2016 at 2307: inside Pinner Lounge, woman singing at the rear of the main customer portion to left of bar as facing from road, with a microphone / shutter up / around 15 people inside (customers).

5/2/2016 at 2310: enter complainants living room - no music heard.

5/2/2016 at 2338: left flat. Discussed complainants location. Walked back to Pinner Lounge - main shutter down.

5/2/2016 at 2347: man and lady sat at a table right hand side, 3 persons sat around bar area, 1 man, where the woman previously was that was singing, was here putting his coat on, 1 man with striped top behind the bar

NB. This is 20 minutes after the premises should be closed and 56 minutes after the end of licensable activities.

5/2/2016 2356: separate shutter to actual front door goes down; lights off inside, 2 persons seated by bar and 2 persons looking at us from inside -

6/2/2016 0002: about 6 persons on site now.

6/2/ 2016: 0003: Natrandra Patel came outside to greet us and I told him what we had saw with the female singer - he replied that he had made her keep singing as he knew

we were around, so that I could listen to it in complainants property(!)

I made it clear - for him to NOT to do this ie go over his licensed hours so that we could assess. I told him to keep to the hours he had been given. He said only family and staff there now.

0016 left him and he said he hoped to make it on Thursday to the hearing.

I may try and go Saturday as well.

To discuss Wednesday.

Thanks

Lois

From: Lois Smith

Sent: 08 February 2016 10:52

To: Jeffrey Leib; Ash Waghela

Cc: John Rattray

Subject: Re: Pinner Lounge 14 B Broadwalk, Pinner Road FRIDAY 5/2/2016

Apologies Pinner Lounge is 14 A.

I parked outside Pinner Lounge on 7/2/2016 at 0029.

0032 - 5 women with balloons came out of the front door of Pinner Lounge and the shutter over the front door closed behind them. They got into a parked car.

0034 shutter over front door goes up and a man came out and walked down street.

Shutter remains half up - same man goes back in to premises.

0037 lights out inside - but can see outline of people still inside - looks like they stood up from the table at the front - 4 persons possibly.

0044 shutter goes up to front door and 2 men come out and walk to a car.

Shutter then goes down with 2 staff members at the door.

Left 0047.

Had texts from Complainant about late night noise too ...

Did you see my email about Friday night too ?

I will come and see Licencing on Wed !

Thanks

Lois

Friday 12 February 2016 – Sunday 14 March 2016

A standard temporary event notice was received on the 28 January 2016. The dates for the event were 12 – 14 February 18:00 – 02:00. After receiving an objection from Lois Smith from the Environmental Protection Department, a hearing was arranged and subsequently cancelled as the premises user withdrew the notice.

Although the date on the subject title reads 5/2/2016, this visit was carried out on 11 February 2016:

From: Lois Smith

Sent: 16 February 2016 09:44

To: Jeffrey Leib

Cc: Ash Waghela

Subject: Re: Pinner Lounge 14 B Broadwalk, Pinner Road FRIDAY 5/2/2016

Dear Jeffrey

Again on Friday night - Pinner Lounge was past it's licensing hours -

Arrived at 2322 - male singing from inside and base beat...(off 2325)

We stood at front taking notes.

Shutter for main window and the door - both down (will you liaise with FB on this ?)

0015 - we left and still public inside seated and at bar

Please can I come and see you about way forward with this premises - on Wed / tomorrow - thanks

Lois

Copies of the notices and the email confirming the withdrawal of the standard TEN are attached to this application.

The premises user Narendra Patel knew full well that he could not proceed with the events as no authorisation had been obtained for them. He had submitted the TENs and had been served with an objection notice for the events for 5 – 7 and 12 – 14 February 2016. Since the notice for 5-7 February was classed as a Late Ten, following the receipt of the objection notice, this notice was vetoed. With regard to the notice for 12-14 February 2016, Mr Patel – the premises user, withdrew the notice. This was confirmed by email which is submitted as exhibit 1

Date: Friday 19/2/2016

Time: 22.49

Arrived with Lois Smith and park outside opposite Pinner Lounge. The Shutters were up and lights were on inside. There were two men smoking outside the front door of the premises.

22.52

The two men now joined by a third man outside the premises.

22.53

We got out the car and visited the person who has been complaining about the noise emanating from the premises.

Lois and I stood in the sitting room of the flat and I could hear music. The windows and doors of the flat were closed. The windows are double glazed. I went to the bedroom and could clearly hear the

music. It was an Indian song and a man and a woman were singing to music. Lois Smith came into the bedroom and could hear the music and singing.

23.05

Music had stopped and just restarted.

23.06

Again, a man and a woman singing. Windows are double glazed in the bedroom and closed but could clearly hear the music. As you face the bedroom from the door, the music sounds like its coming from the left. The song is Hindi.

23.09

The music stops.

23.10

The music starts again.

23.22

The music has stopped.

23.40

Lois told me that the music that could be heard can be classed as a statutory nuisance.

23.48

Left the complainants premises.

23.49

Shutters were still up at the premises and customers still inside.

Photos taken of the outside – Exhibit 2

23.58

Went to the back of the premises and people standing outside the back door (3 males).

20/2/2016

00.01

Met Narendra Patel - Licensee. Public still on the premises and kitchen still in operation.

00.05

Caution read out to Mr Narendra Patel, the Licensee.

Lois Smith was taking notes in her note book whilst I was questioning Mr Patel. Please see Mrs Smith's notes attached to this application Exhibit 3

00.25

Lois Smith had brought a copy of the premises licence with her and I explained the licence conditions and hours to Mr Patel.

He said that he will consider stopping the music altogether and asked about how to increase the hours on the licence.

I asked Mr Patel why he failed to meet Jeffrey Leib at the premises when a meeting was arranged to discuss the TENS and he said that he has another job and he could not make it.

00.33

concluded meeting

00.38

Left premises.

Date: Thursday 25/2/2016

Lois Smith received a telephone message from Narendra Patel. When she responded, Mr Patel asked if Lois Smith could pass on a message for Jeffrey Leib to call him:

Time: 11:00.

Telephone call with Mr Narendra Patel about possible variation to licence. Advised he needed 3 - 6 months without any breaches. Narendra Patel advised he was aware of breaches and that had only been operating business for 2 months; he had been unable to control his customers but now wanted to stop selling food at 2300 hours. He stated he had arranged an acoustic report and soundproofing, and had now taken his personal licence holders course. Details recorded in PACE book.

It is noted that on the first visit conducted by the licensing authority neither the licensee or the DPS was present. On the second visit, although the licensee was present, the DPS was not.

The guidance issued under section 182 of the Licensing Act 2003 section 2.5 states that "The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder , including the prevention of disorder".

A Warning letter has been sent to the licensee on the 25 February 2016 which has been attached to this application (exhibit 4) for the breaches that have occurred. The letter was sent both to the licensee's address as stated on the premises licence and also the premises.

Date: Friday 13/05/16 approximately 2200 hours

Licensing officers and the Harrow police licensing officers visited the premises as part of routine compliance checks around the Borough. During the visit a conversation was held with Mr Patel in the rear service area where it was pointed out to him that sound was still audible despite standing some 6 – 10 metres away from the rear exit. Mr Patel was asked about the acoustic report to be supplied to the EHO and he replied he was still owed money by his consultants about it. Mr Patel was advised that the licensing authority would be making a formal representation about his variation application

The Licensing Authority has tried to work with the Premises Licence Holder and has given advice and guidance as to how to resolve the issues being raised at the premises. The licensee has clearly not taken this advice on board and instead is only interested in extending his hours on the licence as the notes taken by Lois Smith between 19 – 20 February 2016 and the licensee's telephone conversation with Jeffrey Leib on the 25 February 2016 shows.

Many of the breaches have arisen after 2300 hours – the Licensing Act allows small-scale regulated entertainment such as music and dancing to take place without a licence but only up until 2300 hours precisely because it is recognised that any later time can have a detrimental effect on neighbouring premises. The licensing authority is of the view that the premises licence holder has shown that he is not capable of complying with his current restrictions and furthermore applied to extend the hours in the knowledge that the abatement notice had been served.

The licensing authority is also concerned about the lack of any drinking-up or winding-down time on Friday and Saturday (presumably the busiest trading sessions of the week), with alcohol sales and late-night refreshment continuing until the close of the premises to the public. This is in contrast to the proposed operation on the other days of the week with a proposed half-hour close-down period.

Finally the licensing authority is concerned that the proposed conditions do not address the real issues presented by this application. The proposals relating to taxis is of limited application when the nuisance is caused within the premises; the conditions relating to the provision of water and a Challenge 21 scheme simply reinforce the requirements of the existing mandatory conditions.

It is the recommendation to the Licensing Committee that this application be refused in its entirety. There is evidence that the licensee is not in control of the premises (by his own admission to Jeffrey Leib) and has very little or no interest in upholding the four licensing objectives. Although the licensee is not seeking to amend the hours for regulated entertainment, he is already continuing with licensable activities without the correct authorisations being gained first. This can be regarded as committing a criminal offence under the Act. The authority is currently considering in commencing proceedings against the licensee in this case. There is also very little or no point adding extra conditions to the licence as the Premises Licence Holder has been operating the premises in breach of his licence conditions.

Adequate weight should be placed on the findings of the investigating officers and the premises licence holder's own admission to Mr Leib that he cannot not control his customers (the telephone conversation dated 25 February 2016). The Licensing Authority does not have confidence in the Premises Licence Holder/Designated Premises Supervisor to operate the premises in accordance with the conditions and hours authorised by the Premises Licence granted under the Licensing Act 2003 and the findings show that the licensing objectives have been clearly undermined.

**Please tick
yes**

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature Ash Waghela.....
 Date.....23/5/2016.....
 ...
 CapacityLicensing Officer.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e mail address (optional)	

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

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APPENDIX 3

On 11 May 2016, at 00:03, XXXXXXXXXXXX> wrote:

XXXXXXXXX
14B BROADWALK
PINNER RD.

DATED - TUESDAY 10TH MAY 2016

LICENSING SECTION
LONDON BOROUGH OF HARROW
P.O.BOX 18
CIVIC CENTRE
STATION ROAD
HAROW HA1 2UT

RE; VARIATION APPLICATION FOR;
PINNER LOUNGE
14A BROADWALK, PINNER RD. NORTH HARROW HA2 6ED

I WRITE TO EXPRESS MY OBJECTIONS TO THE VARIATION APPLICATION OF HOURS APPLIED FOR BY THE ABOVE COMPANY, I LIVE AT 14B BROADWALK, PINNER ROAD, WHICH MAKES MY BEDROOM SITUATED ABOVE THE PINNER LOUNGE.

I HAVE A [ONE BEDROOM FLAT WHICH SLEEPS MYSELF, MY 8](#) YEAR OLD DAUGHTER AND MY 2 YR OLD SON. MY DAUGHTER STRUGGLES TO FALL OFF TO SLEEP AT A REASONABLE HOUR, AND SOMETIMES ITS A PROBLEM GETTING HER UP FOR SCHOOL, I CANNOT GET OFF TO SLEEP UNTIL THE PINNER LOUNGE DECIDES TO TURN OF THEIR MUSIC. VERY INCONSIDERATE OF THEM. MRS. LOIS SMITH HAS A DOSIER ON THIS MATTER. BECAUSE I HAVE HAD TO KEEP A NOISE RECORD, SHE HAS ALSO BEEN OUT TO THEM AFTER HOURS, THE PINNER LOUNGE DOES NOT COMPLY WITH THE CURRENT TIMING THEIR MUSIC HAS TO BE TURNED OFF OR FOR THEIR VERY LOUD CUSTOMERS TO LEAVE, THEY SEEM TO TURN IT OFF WHENEVER IT SUITES THEM.

THE PINNER LOUNGE STARTED A VERY LOUD REFURBISHMENT WHICH TOOK OVER A YEAR IN 2014/15, WHICH EVERY NIGHT WHENT ON TILL THE LATE EVENING, ON ONE OCCASION I WAS WOKEN UP AT 1AM FROM DRILLING SOUNDS IN THE PINNER LOUNGE BELOW MY BEDROOM, THIS ACCORDING TO AN EMAIL I GOT FROM A MEMBER OF MY ESTATE AGENTS TEAM ADDRESSED TO MY NEIGHBOUR WAS FOR A SOUND INSULATION TEST SO WE WOULDN'T HEAR ANY NOISE FROM PINNER LOUNGES MUSIC, I DO NOT BELIEVE ANY INSULATION WAS DONE INFAC T ALL THEIR NEW LIGHT FITTINGS HAVE MADE THE NOISE LOUDER FROM ALL THE HOLES THAT WERE DRILLED IN ORDER TO FIT THEM, DURING THE DAYS OF THEM BUILDING I COULD GRADUALLY AS THE DAYS WHENT ON NOTICE THAT THE NOISES WERE GETTING LOUDER AND LOUDER FROM THE BUILDERS AND BUILDERS WORK TO THE POINT WHERE I COULD HERE WHEN THEY COUGHED OR SNEEZED FROM THE DUST.

THE OWNERS ARE FULLY AWARE OF THIS NOISE ISSUE AND ARE CURRENTLY BEING INVESTIGATED BY THE HARROW NOISE TEAM AND HAVE STILL REQUESTED A LATER TIME TO CONTINUE IT WHEN THEY MAKE NO EFFORT TO KEEP TO THE CURRENT TIME SET.

I AM ALREADY CONSTANTLY DISTURBED BY THE PINNER LOUNGE WITH THERE LOUD MUSIC AND KARAOKE, IN THE VERY LATE HOURS, I HAVE HAD THIS SITUATION MONITORED AND HAVE BEEN IN LIAISONS WITH MRS LOIS SMITH FROM THE HARROW OUT OF HOURS NOISE TEAM.

I WAS HORRIFIED WHEN I SAW THIS APPLICATION, AND I WOULD URGE YOU NOT TO GRANT THIS EXTENSION OF HOURS.

I REALISE THAT THIS MAY BE OUT OF LINE BUT THIS LETTER ISNTO EXPRESS MY STRONG OPINION ON THIS MATTER FOR THE WELL BEING OF MY VERY YOUNG FAMILY BUT IN MY OPINION IF THE MUSIC CANNOT BE CONTAINED WHICH IT HAS BEEN PROVED THAT IT CANNOT THEN THAT IS NO PLACE FOR THE PINNER LOUNGE TO BE IF THEY WANT TO PLAY LOUD OBNOXIOUS MUSIC WHICH CAN BE AS LOUD AS CLUB MUSIC SEEPING THROUGH MY FLOOR IN THE EARLY HOURS OF THE MORNING WHEN CHILDREN AND BABIES ARE TRYING TO SLEEP RIGHT ABOVE THEM.

THANKYOU FOR YOUR CONSIDERATION IN THIS MATTER.

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