

LICENSING PANEL MINUTES

14 SEPTEMBER 2016

Chair: * Councillor Kairul Kareema Marikar

Councillors: * Chika Amadi Ramji Chauhan

* Denotes Member present

86. Appointment of Chair

RESOLVED: That Councillor Kairul Kareema Marikar be appointed Chair of the Licensing Panel Hearing.

87. Declarations of Interest

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

88. Minutes

(See Note at conclusion of these minutes).

89. 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.

90. 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

91. Application for the variation of a premises licence for Dil Se Restaurant and Lounge, 56 - 60 Northolt Road, South Harrow, Middlesex HA2 0DW

In attendance:

Legal Adviser:	Andrew Lucas
Licensing Officers:	Jeffrey Leib Ash Waghela
Responsible Authority (Environmental Health):	Jo Smith
Objectors:	Steve Carey Robert Clark
Applicant's Representative:	Shankar Sivashankar
Applicant:	N/A

RESOLVED: To vary the premises licence subject to the following timings and conditions:

Licensable activities and hours permitted:

DAY	<i>Hours open to public</i>	<i>Alcohol sales (on and off-sales)</i>	<i>Films, live and recorded music, dance,</i>	<i>Late night refreshment</i>
Mon	1030 - 0030	1030 - 0000	0730 - 0000	2300 - 0000
Tues	1030 - 0030	1030 - 0000	0730 - 0000	2300 - 0000
Wed	1030 - 0030	1030 - 0000	0730 - 0000	2300 - 0000
Thurs	1030 - 0030	1030 - 0000	0730 - 0000	2300 - 0000
Fri	1030 - 0100	1030 - 0030	0730 - 0030	2300 - 0030
Sat	1030 - 0100	1030 - 0030	0730 - 0030	2300 - 0030
Sun	1000 - 0030	1030 - 0000	0730 - 0000	2300 - 0000

Seasonal variations: none

The Premises will close at 0130 hours on days when there is a pre-booked party. No licensable activities may be provided after 0100 hours on those days.

Pre-booked parties are only permitted on days where the following day is a non-working day.

Conditions

Prevention of crime and disorder

1. (1) The CCTV system to be maintained and operated in good order in accordance with the Home Office Operational Requirements CCTV

Manual 2009 (Publication 28/09).

(2) Images recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days

(3) Images and recordings will be made available to police and licensing authority officers in a format suitable of being viewed away from the premises within 24 hours of being requested.

(4) No image or recording shall be provided in accordance with sub-condition 3 unless the police or licensing authority officer requesting it has entered his reasons for doing so in a register maintained by the premises licence holder to meet his requirements under the Data Protection Act 1990.

2. (1) No alcohol may be provided to any person between the following times except within the restaurant area, or to hotel guests on production of their key or other means of obtaining access to their hotel bedroom as a means of identification:

Sun, Mon, Tues, Wed, Thur	0000 and 1030 hours
Friday and Saturday	0030 and 1030 hours

(2) No late night refreshment may be provided to any person between the following times except to hotel guests on production of their key or other means of obtaining access to their hotel bedroom as a means of identification:

Sun, Mon, Tues, Wed, Thur	0000 and 0500 hours
Friday and Saturday	0030 and 0500 hours

Prevention of public nuisance

3. Appropriate automatic noise control devices must be fitted in accordance with the manufacturer's instructions to all sound amplification equipment used on the premises. The device must be:

- a) Set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. A Compliance Certificate must be supplied to the licensing authority for the installation of the unit for approval before any regulated entertainment is carried out.

The installation must be carried out by a competent/qualified person. The compliance certificate must contain the following.

5 minute LAEQ
Frequency analysis between 200Hz - 30Hz

- b) The devices must be fitted to all power outlets (i.e. to the main distribution unit) and externally opening window and doors to the premises.

- c) The device shall be located in a lockable cabinet and set at a level to the satisfaction of the Licensing Authority's Environmental Health service. The keys shall be held by the designated premises supervisor or other authorised manager and shall not be available to any other person.
 - d) The limiter shall not be altered without prior agreement from the Licensing Authority's Environmental Health service. The sound limiting device shall be designed to activate a visual warning and prevent any increase in volume once the pre-determined sound limit has been reached.
4. The Premises Supervisor must ensure that any amplified sound from the premises does not cause a public nuisance by ensuring that amplified sound is inaudible at the boundary of any premises where the occupiers are likely to be sensitive to noise.
 5. All doors and windows to the premises shall be kept closed after 21.00 hours when regulated entertainment is taking place, except for access and egress.
 6. All doors used as fire exits only shall be fitted with audible and/or visual alarms that operate when doors are opened.
 7. There shall be no admission or re-admission to the premises after 23:00 hours, except for customers exiting in order to smoke.
 8. Smoking is only permitted in the rear car park.
 9. No drinks are to be taken outside the premises at any time.
 10. Customers shall be encouraged to disperse quietly and avoid congregating outside the premises at closing time.
 11. Clear and legible notices shall be displayed in a prominent position near the exit door(s) requesting that customers leave quietly to avoid disturbing local residents.
 12. Clear and legible notice shall be displayed in a prominent position in the external areas where customers are permitted to smoke, requesting that they keep noise to a minimum to avoid disturbing local residents.
 13. The designated premises supervisor or his/her representative shall conduct regular assessments of the noise coming from the premises on each occasion there is regulated entertainment, and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be kept in a log book and shall include the time and date of the checks, the person making them and the findings, including any remedial action.

14. The Applicant is to obtain a written report from an acoustic engineer who is a member of the Institute of Acoustics. The report should identify the type of regulated entertainment to be carried out and recommend any active or passive measures required to prevent airborne or structural noise and vibration transmission from adversely affecting local residents. A copy of the report shall be provided to the Licensing Authority's Environmental Health service. All recommended works shall be completed to the satisfaction of the Domestic Environmental Health Officer within two months from the date of the acoustic engineer's report.
15. A record shall be kept of all complaints relating to any incident which might undermine the four licensing objectives that takes place on, or in the immediate vicinity of, the Premises. Any action taken to address the complaint shall also be entered in the record. This record shall be available for inspection by the Licensing Authority and the Police at all times when the Premises are open.
16. When a pre-booked party takes place a minimum of two licensed door staff shall be employed. During closing time, they will assist in dispersing persons as quietly and speedily as possible to minimise any nuisance to local residents. The DPS/Manager shall take account of any recommendation made or requirement imposed by the Police Licensing Officer as to whether further licensed door staff would be appropriate for any pre-booked party.
17. The Premises will make available telephone numbers of taxi/mini-cab service operators and will offer to arrange a taxi or mini-cab in advance where a patron requests it.
18. Where there is a pre-booked party, taxis and mini-cabs shall be told to collect patrons from the Hotel car park at the rear of the premises and not the service road at the front.
19. All staff employed at the premises and any licensed door staff shall wear appropriate name badges stating their correct name.

Protecting children from harm

20. The Premises Licence Holder will ensure that the premises has a documented and recorded policy in relation to child safeguarding by ensuring staff are aware of the Metropolitan Police's Operation Makesafe; displaying appropriate literature in the premises; and being aware of how to report any possible concerns.

REASONS:

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

Right to appeal

Any party aggrieved with the decision of the Licensing Panel on one or more of the grounds set out in Schedule 5 to the Licensing Act 2003 may appeal to the Magistrates' Court within 21 days of notification of this decision.

92. Any Other Urgent Business

None.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.30 pm).

(Signed) COUNCILLOR KAIRUL KAREEMA MARIKAR
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].