

LICENSING PANEL MINUTES

21 FEBRUARY 2017

Chair: * Councillor Mrs Chika Amadi

Councillors: * John Hinkley * Amir Moshenson

* Denotes Member present

114. Appointment of Chair

RESOLVED: That Councillor Mrs Chika Amadi be appointed Chair of the Licensing Panel.

115. Declarations of Interest

A potential conflict of interest was disclosed by Councillor Hinkley of the Panel in respect of how well he knew one of the Objectors. The Applicant was content to proceed with the hearing following the disclosure of the specific nature of that interest.

116. Minutes

(See Note at conclusion of these minutes).

117. 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

118. Application for Variation of a Premises Licence: MIR Food Centre 2, 88-92 High Street, Wealdstone, Harrow, Middlesex, HA3 7AH

In attendance:

Legal Adviser:	Andrew Lucas (Harrow Council)
Licensing Officers:	Ash Wagela, Samina Khan (Harrow Council)
Applicant:	Yusuf Cagin
Applicant's Representatives:	Graham Hopkins, Linda Potter, GT Licensing Consultants
Objectors:	June Skidmore, Wealdstone Active Community Christine Thomas, Wealdstone Active Community
Metropolitan Police	PC Dipesh.Raithatha, Marlborough Safer Neighbourhood Team

RESOLVED: That the premises licence in respect of MIR Food Centre 2, 88-92 High Street, Wealdstone, Harrow, Middlesex, HA3 7AH, be varied subject to the following timings and conditions:

Hours Open to the Public and for Licensable Activities

Hours open to the Public

Monday – Friday	00:00 – 23:59
Saturday – Sunday	00:00 – 23:59

Sale of retail alcohol

Monday – Friday	00:00 – 23:59
Saturday – Sunday	00:00 – 23:59

Conditions (which will form Annex 3 of the Licence):

1. An SIA licensed door supervisor must be present on the Premises between the hours of 12.00 am and 7.00 am, when the Premises is open during these hours, for a period of 12 months from the granting of this variation. The officers of the Licensing Authority will review whether there remains a need for a door supervisor at the Premises at the expiration of the 12 month period and determine for what, if any, further period a door supervisor must be provided for. The officers of the Licensing Authority will review whether there remains an ongoing

need for a door supervisor at the end of each and every period of extension.

2. Deliveries of goods and collections of rubbish from the Premises are only permitted between the hours of 8.00 am and 8.00 pm.
3. Any person loitering or consuming alcohol outside the front, rear, or flank wall of the Premises will be asked to move on by the staff of the Premises.
4. At least one member of staff present on each shift must have received external training on conflict management.

REASONS:

The Panel carefully considered all the relevant information including:

- Written and oral representations by all the parties
- The Licensing Act 2003
- The Guidance issued under Section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998
- The considerations in Section 17 of the Crime and Disorder Act 1998

The Panel heard that neither the Applicant nor the Objectors had received the additional witness statements circulated by the Police on the morning of 20 February 2017. Copies were circulated at the meeting and the parties given time to read them. The Applicant made an application for the witness statements to be excluded on the basis that they contained a substantial amount of information which the Applicant had not had the opportunity to prepare submissions in response to. Given that none of the parties had seen the statements of PS Crown and PCSO Campbell the Panel resolved to exclude them from proceedings and they were not considered.

Although the Panel were sympathetic to the difficulties faced by residents in the Wealdstone area, the Panel resolved to grant the application as sought, albeit with further conditions, on the basis that there was no evidence before them capable of satisfying Paragraph 10.1.15 of the Guidance issued under Section 182 of the Licensing Act 2003 (*good reason ... for restricting those hours*) or Paragraph 11.5 of the Licensing Authority's own policy (*very good reasons for restricting hours ... shops known to be the focus for disorder or disturbance*).

The Panel placed substantial weight on the fact that there was no evidence that the Premises were known to be the focus of disorder or disturbance. The Premises had been run by the Applicant for over 2 months and had been open for 24 hours a day, seven days a week over that period; there were no reported complaints before the Panel, either in respect of the Licensing Objectives, or generally. The Panel also placed weight on the fact that the Premises had been licenced for over 40 years and had not historically been known as a premises with a reputation for causing trouble.

The Panel noted that the Licensing Authority had not made any objection to the Application.

The Panel also heard that the Applicant was making an effort to improve the Premises and had installed 32 CCTV cameras in and around the premises, as well as installing lighting and clearing rubbish at the rear of the Premises. The Applicant submitted that he had already provided CCTV footage to the Police, notwithstanding it was not a condition of the current licence to do so. The Panel heard that the Applicant had experience of running premises of this nature, having run other premises in Brent without complaint or issue. The Panel concluded that the Applicant is a responsible operator and placed due weight on this.

The Panel were aware of the problems facing the Wealdstone area generally. They heard from the Objectors about problems relating to street drinking and littering, particularly at the Holy Trinity Church. However, the Panel concluded that there was no evidence that the Premises were supplying either street drinkers or the items which ended up being littered in the local vicinity. Where specific incidents of anti-social behaviour were cited by the Police, there was no evidence that the Premises had supplied alcohol to the perpetrators. The Applicant admitted not knowing who the problem drinkers in the area were, but expressed willing to work with the Police to identify them and was adamant he would not serve someone who was already drunk in any event.

The Panel did not accept the Objector's submission that granting the premises a 24-hour licence would draw people to the area. There are a number of premises within the Borough with 24-hour licences and it was likely that these served the needs of residents local to them.

In respect of concerns raised by the Police that the Safer Neighbourhood Team stopped patrolling between 12.00 am and 7.00 am, and staff at the Premises would be reliant on dialling 999 and more vulnerable in the event of an incident than when the SNT are on patrol, the Applicant offered a condition to provide an Security Industry Authority (SIA) licensed door supervisor at the Premises during these hours to improve security. The Applicant proposed that this would be for an initial period of three months, with the provision to be reviewed by officers of the Licensing Authority. The Panel considered this to be sensible proposal and that it would not only improve the safety and security of the Premises and its staff, but should also improve the general safety of the area immediately around the Premises and prevent public nuisance from being caused. However, the Panel concluded that a three-month trial period was not long enough given this would be the first 24-hour premises in the area and the problems experienced in the Wealdstone area generally. The Panel therefore determined that an SIA approved door supervisor should be present between the hours of 12.00 am and 7.00 am for the first 12 months of the 24-hour licence being granted.

The Applicant offered a condition that deliveries are made and rubbish collected from the Premises only between the hours of 8.00 am and 8.00 pm. The Panel concluded that this was an appropriate condition to apply to the Licence to prevent public nuisance.

The Applicant offered a condition that staff of the Premises would ask people drinking or loitering outside the frontage of the premises to move on, which was the limit of what they could do. The Panel felt that while this was a reasonable condition to propose, it did not go far enough. The Panel resolved to modify this condition so that any person drinking or loitering alongside any part of the premises should be asked to move on, including to the side and rear of the premises. In its modified form, the Panel felt that this was an appropriate condition to impose to prevent public nuisance from being caused.

In respect of the Police's submission that asking drinkers to move on could put staff at the Premises at risk, the Applicant offered to have staff trained in conflict management. The Panel felt this was an appropriate condition to impose to promote public safety.

The Panel noted that there is a mechanism for the review of a premises licence (of any licensed premises) which can be invoked by any person, or a responsible authority, at any time because of any matter arising at the premises in connection with any of the four licensing objectives. It was also noted that 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 the decision.

(Note: The meeting, having commenced at 7.00 pm, closed at 8.45 pm).

(Signed) COUNCILLOR MRS CHIKA AMADI
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].