

LICENSING PANEL MINUTES

14 MARCH 2017

Chair: * Councillor Kairul Kareema Marikar

Councillors: * John Hinkley * Adam Swersky

* Denotes Member present

119. Appointment of Chair

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

120. Declarations of Interest

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

121. Minutes

(See Note at conclusion of these minutes).

122. 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

123. Application for a new premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow, HA3 8RP

In attendance:

| | |
|-----------------------------|----------------------------|
| Legal Adviser: | Andrew Lucas |
| Licensing Officers: | Ash Waghela Samina Khan |
| Applicant: | Manjeet Singh Rajvanci |
| Applicant's Representative: | S Panchal |

RESOLVED: That, having taken into account the following,

- Written and any 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 s.17 of the Crime and Disorder Act 1998

the Premises Licence be granted with the following opening hours and licensable activities:

| | |
|--------------------------|---------------|
| Hours open to the Public | |
| Monday – Saturday | 08:00 – 23:00 |
| Sunday | 08:00 – 23:00 |

| | |
|------------------------|---------------|
| Sale of retail alcohol | |
| Monday – Saturday | 08:00 – 23:00 |
| Sunday | 10:00 – 22:30 |

REASONS:

The Panel read the representations received from local residents. The Panel would have appreciated it if the objectors had attended in person as Members would have liked the opportunity to ask them questions about their objections.

The Panel could only give the objections a low weight. This was because, as identified in paragraph 2.16 of the Licensing Officer's report, 'need' was not a relevant consideration when determining the application.

In respect of the display of the statutory site notice, the Panel noted that a site visit had been carried out whereby it had been observed that a further copy of the statutory notice had been placed at a lower height in the Premises' window.

In respect of the problem of littering in the area raised by the objectors, the Panel was unable to find that there was sufficient evidence to conclude that this was a consequence of the business carried out at the premises. The Panel noted that the premises had not had any licence at all, so it could not be held responsible for any discarded alcohol containers.

The Panel placed weight on the fact that the Police had made no objection to the application and that the Applicant and the Licensing Officers had worked together to agree conditions to appear on the Licence.

The Applicant produced an incident log and refusal log which he had been keeping at the Premises, notwithstanding that it was not a requirement of the conditions agreed with the Licensing Officers to do so. The Applicant also produced a comprehensive training manual and signage he was intending to display if the Licence was granted. The Panel concluded that the Applicant appeared to be a responsible operator who was taking his licensing obligations seriously.

The Panel wanted to know the hours for which the other two shops in the parade were licensed to sell alcohol for. The Panel heard that 'Happy Shopper' was licensed for the same hours on Monday-Saturday but only from 10.00 until 22.30 on Sundays. The Applicant said he would be willing to be licensed for the same hours on Sundays. The Panel then heard that 'Kenton Food and Wine' was licensed from 06.00 until 23.59 on Sundays. The Applicant said that he would not seek parity with those hours and repeated that he would be willing to accept licensing hours of 10.00 until 22.30 on Sundays.

The Panel therefore resolved to grant the premises license as sought, save for reducing the licensable hours on Sunday, which the Applicant had indicated that he was willing to accept.

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.

(Note: The meeting, having commenced at 7.35 pm, closed at 8.15 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].