

Licensing Panel AGENDA

DATE: Tuesday 14 March 2017

TIME: 7.30 pm *

VENUE: Committee Room 5
Harrow Civic Centre

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00PM IN COMMITTEE ROOM 5.

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Kairul Kareema Marikar John Hinkley
Adam Swersky

Reserve Members:

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

Contact: Daksha Ghelani, Senior Democratic Services Officer
Tel: 020 8424 1881 E-mail: daksha.ghelani@harrow.gov.uk

Useful Information

Meeting details:

This meeting is open to the press and public.

Directions to the Civic Centre can be found at:
<http://www.harrow.gov.uk/site/scripts/location.php>.

Filming / recording of meetings

The Council will audio record Public and Councillor Questions. The audio recording will be placed on the Council's website.

Please note that proceedings at this meeting may be photographed, recorded or filmed. If you choose to attend, you will be deemed to have consented to being photographed, recorded and/or filmed.

When present in the meeting room, silent mode should be enabled for all mobile devices.

Meeting access / special requirements.

The Civic Centre is accessible to people with special needs. There are accessible toilets and lifts to meeting rooms. If you have special requirements, please contact the officer listed on the front page of this agenda.

An induction loop system for people with hearing difficulties is available. Please ask at the Security Desk on the Middlesex Floor.

Agenda publication date: Monday 6 March 2017

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 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].

4. LICENSING PROCEDURES (Pages 5 - 6)

Procedure to be followed at an oral hearing.

5. APPLICATION FOR A NEW PREMISES LICENCE FOR QUALITY FOOD & WINE, 215 KENTON LANE, HARROW, HA3 8RP (Pages 7 - 24)

Report of the Corporate Director of Community.

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - Nil

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For **Agenda Item 5**
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.

For **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 March 2017
Subject:	Application for a new premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow, HA3 8RP
Responsible Officer:	Tom McCourt, Corporate Director of Community
Exempt:	No
Enclosures:	Location (GIS) Map (appendix 1) Image of premises (appendix 2) Plan of premises (appendix 3) Other parties representations (appendix 4) Summary of proposed times and conditions (appendix 5) Operating schedule (appendix 6)

Section 1 – Summary

An application has been received for the grant of a premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow HA3 8RP to allow the sale of alcohol for consumption off the premises between 8 am and 11 pm each day. Representations have been received two local residents.

Section 2 – Report

- 2.1 Mr Manjeet Singh Rajvanci has applied for the grant of a new the premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow HA3 8RP. A location map and image of the premises are set out at appendices 1 and 2.
- 2.2 Licensable activities
The applicant seeks a licence for the sale of alcohol for the consumption of alcohol off the premises between 8 am and 11 pm each day (and for the premises to be open to the public during the same times).
- 2.3 Description of premises
The premises are described on the application form as a local convenience store which will be selling, fruit and vegetables, daily grocery items, tobacco and alcohol.

The premises are a ground floor newsagent/convenience store, located on a small retail shopping parade on Kenton Road. A plan of the premises is attached at appendix 3.
- 2.5 Proposed designated premises supervisor
Manjeet Singh Rajvanci
- 2.6 Details of application
Received: 20 January 2017
Newspaper advertisement: 2 February 2017 (Harrow Times)
Closing date for representations: 17 February 2017
- 2.7 Representations
Representations have been received from two other persons not being responsible authorities (appendix 4).
- 2.8 Operating schedule and 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.
- 2.9 The Panel's attention is directed towards paragraphs 8.33 – 8.39 of the statutory guidance issued under the Act that sets out matters that ought to be considered by an applicant when drafting their operating schedule.
- 2.10 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 transferred into conditions on the licence. The Panel's discretion is engaged in the light of relevant representations to impose conditions that are appropriate to promote the licensing objectives. Conditions should be tailored to the size, type, location, characteristics and activities at the premises, and the Panel should be aware of any indirect costs that may arise from the imposition of conditions.

- 2.11 Appendix 5 sets out for the Panel's consideration a summary of proposed hours and the conditions transferred from the operating schedule (which is at appendix 6), including those agreed with the licensing authority's officers. The applicant has agreed at the licensing authority's recommendation to enrol with the Brent and Harrow Trading Standards Responsible Traders' Scheme. This gives the business access to high-quality information and advice in implementing a due diligence system in relation to age-related products.
- 2.12 The operating schedule also contains proposals in relation to fire safety measures which by virtue of the Regulatory Reform (Fire Safety) Order 2005 SI 2005 No 1541 cannot be included as conditions.
- 2.13 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance¹ that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives. However the conditions in appendix 5 were both proposed and accepted by the applicant.
- 2.14 The Panel has the discretion to add to or modify these conditions in light of the representations where it is appropriate to do so to promote the licensing objectives.
- 2.15 Officers' observations
The representation from Mr Ruda alludes to a high concentration of licensed premises in the area and questions the need for more. There are three existing licensed premises in a parade of sixteen businesses highlighted on the location map at appendix 1 (Happy Shopper at 223 Kenton Lane, Kenton Food and Wine at 235 Kenton Lane and Boulevard Club at 243 Kenton Lane, which is licensed for on-sales only).
- 2.16 The Panel will be aware that the question of need is not a relevant consideration to take into account (see paragraph 13.9 of the statutory guidance issued by the Secretary of State). The licensing authority does not have any recent complaints recorded against any of those businesses.
- 2.17 The representation from Mr Rose refers to the statutory site advertisement being placed very high on an external wall. When officers visited the premises on 6 February 2017 they found that notice and also another placed at a lower height in the shop window.
- 2.18 The Panel's attention is also drawn to paragraph 10.15 of the guidance, which recommends that shops ought to be allowed to sell alcohol during the same times the shop is allowed to sell other goods, unless there are good reasons for restricting those hours based on the licensing objectives.
- 2.19 It is for the Panel to decide how much weight to place on those representations after reading them and hearing from the applicant and those making representations. These above comments are to assist the Panel in its decision-making process based on the evidence before it and the legislative requirements.
- 2.26 Licensing policy
There are no issues arising from this application in relation to the licensing authority's

¹ https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf

statement of licensing policy.

2.27 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.

2.28 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.

2.29 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;

The conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

2.32 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

2.33 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

2.35 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).

2.36 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

2.37 There are no financial implications.

Appeals

2.38 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 Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 22 February 2017		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 2 March 2017		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer
Tel: 020 8424 7667 (Int Ext 7667)

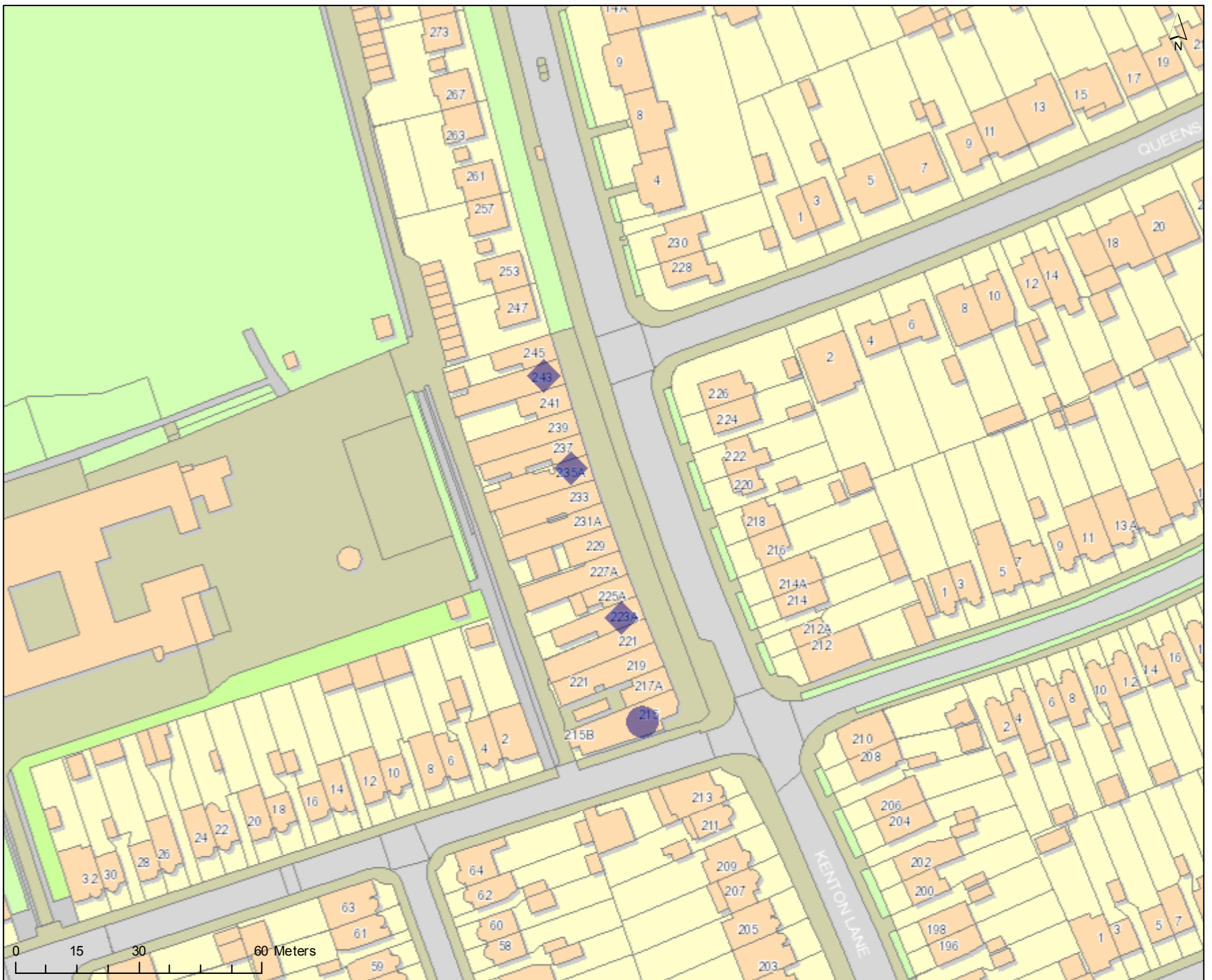
Background Papers: Application form, Statutory Guidance.

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Appendix 1 - location map, 215 Kenton Lane

Legend

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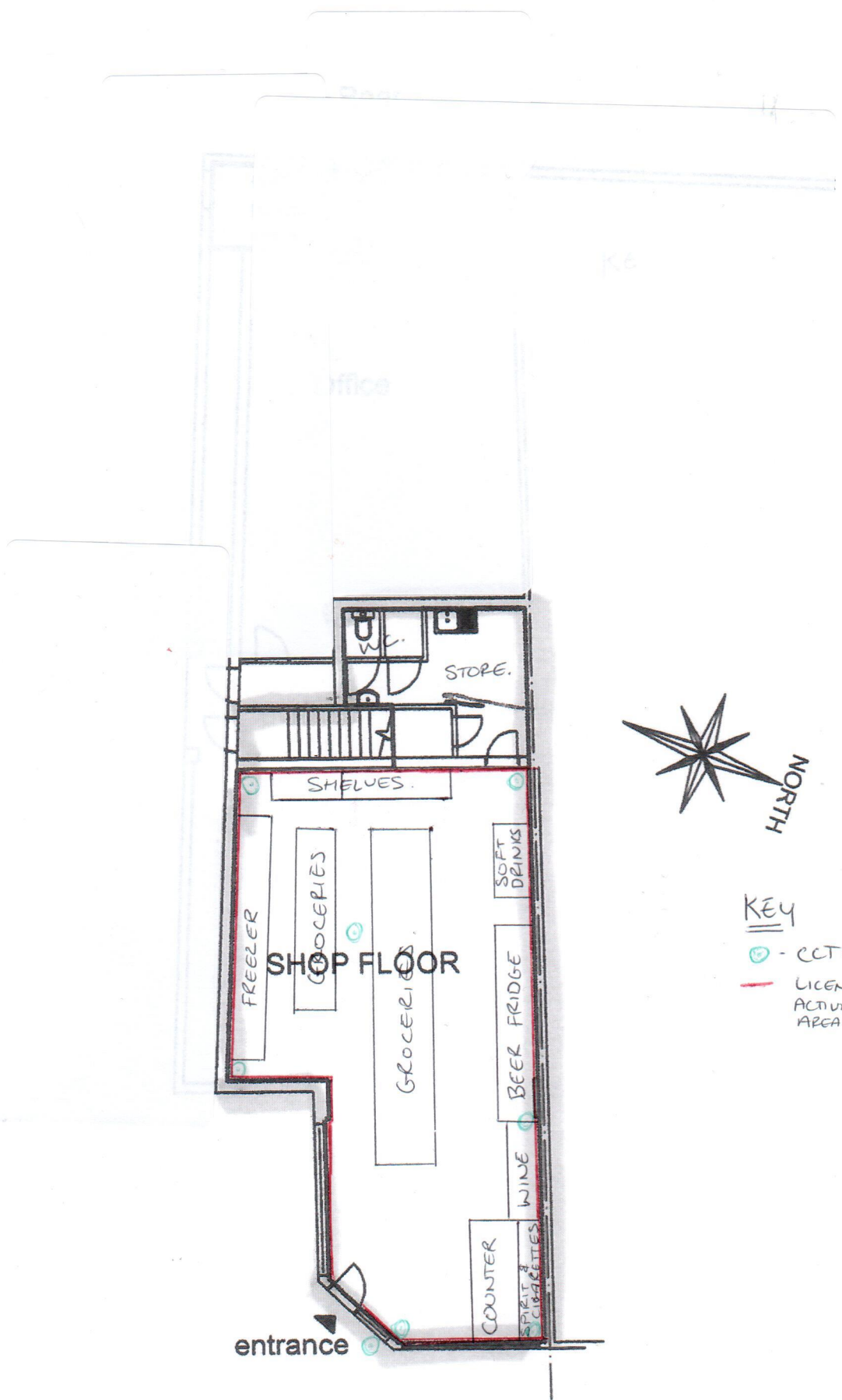
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APPENDIX 2
IMAGE OF PREMISES

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entrance

SHOP FLOOR

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**APPENDIX 4
REPRESENTATIONS**

From: KIRAN RUDA [mailto:]
Sent: 04 February 2017 06:22
To: license
Subject: Objection to Alcohol License Application

RE: [ALCOHOL LICENSING] Quality Food & Wine, 215 Kenton Lane, Harrow, Middlesex, HA3 8RP

Dear Sirs,

I am writing to register my objection to the application for An alcohol licence by Quality Food & Wine, 215 Kenton Lane, Harrow, Middlesex, HA3 8RP. The basis for this opposition is that granting a licence for this business will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour furthermore granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises - Happy Shopper and Best Way, not to mention a small pub (Boulavade), do we therefore really need a third shop in close proximity with another alcohol offering shop???

A more concerning matter is that a primary school (Priestmead) exists just round the corner and often seen on the corner where the shop will exist are alcohol abusers, high level of littering, includes glass bottles and drugs/cigarette butts, we do not want our children to see such sites.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Kiran Ruda

From: David Rose [mailto:]
Sent: 01 February 2017 17:43
To: license
Subject: Quality Food & Wine - 215 Kenton Lane, Harrow, HA3 8RP

Dear sirs

I am writing to place on record my objection to the application for a licence for the retail sale of alcohol from the above premises. Please note the following points:

1. The notice has been placed very high up (over 6ft) on the outside window. In my opinion the notice has been deliberately positioned too high for people to see that a notice is there and is very difficult to read it. I could only read it by taking a photo and then I read it when I arrived home.

2. There are already 2 other retail premises selling alcohol as well as a licensed restaurant in that very short parade of shops. In my opinion I don't see the need for another business selling alcohol.
3. There is already a problem with discarded bottles and cans on the pavement and by adding another business selling alcohol I fear this will make the situation worse.

Regards

David Rose

APPENDIX 5

Summary of applicant's proposed times and conditions for premises licence: Quality Food & Wine, 215 Kenton Lane

Licensable activities and hours proposed:

Day	Hours open to public	Alcohol sales (for consumption off-premises only)
Monday	0800 - 2300	0800 - 2300
Tuesday	0800 - 2300	0800 - 2300
Wednesday	0800 - 2300	0800 - 2300
Thursday	0800 - 2300	0800 - 2300
Friday	0800 - 2300	0800 - 2300
Saturday	0800 - 2300	0800 - 2300
Sunday	0800 - 2300	0800 - 2300

Summary of applicable mandatory conditions:

- (1) No sales of alcohol without a designated premises supervisor
- (2) Age-verification policy required
- (3) Prohibition against irresponsible alcohol promotions
- (4) Prohibition against selling alcohol below cost price

Conditions consistent with the operating schedule including those agreed with the licensing authority:

Prevention of crime and disorder

1. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days and will be made available to Police and Licensing Authority Officers immediately upon request.
2. The CCTV views are not to be obstructed and at least one CCTV camera is to be placed near to the exit/entrance in order to capture clear facial images of all customers entering and leaving the premises.
3. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which the footage is transferred must be provided by the premises.
4. A member of staff who is trained to operate the CCTV system and supply the footage must be present at the premises at all times when licensable activities are taking place.

5. The Designated Premises Supervisor or authorised person by him must ensure that the CCTV system is checked at least once every month by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date.
6. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only and invoices will be available upon request. No alcoholic drinks or tobacco will be purchased by the premises from unannounced callers at the premises.

Prevention of public nuisance

7. The premises licence holder shall ensure a notice is displayed asking customers to leave quietly from and will customers will be told in person to leave quietly and not to disturb the local neighbourhood

Public safety

[None]

Protection of children from harm

8. The licence holder will enrol in the Brent and Harrow Trading Standards Service's Responsible Traders Scheme within one month of the grant of the premises licence.

APPENDIX 6 OPERATING SCHEDULE

List here steps you will take to promote all four licensing objectives together

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 31 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

1. The premise license holder shall ensure that CCW camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only an invoices will be available upon request. No alcoholic drinks or tobacco will be purchased by the premises [from unannounced sellers calling at the premises

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

d) The prevention of public nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighborhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 35 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorized officer of the council of the police which will record the following;
 - a) All crimes reported at the venue
 - b) Any complaints received, any faults in the CCTV system
 - c) Any refusal of the sale of alcohol, any visit by a relevant authority
 - d) CAD reference number where police are called

4. The licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.