

LICENSING PANEL MINUTES

30 AUGUST 2017

Chair: * Councillor Ramji Chauhan

Councillors: * Ms Pamela Fitzpatrick * Primesh Patel

* Denotes Member present

139. Appointment of Chair

RESOLVED: That Councillor Ramji Chauhan be appointed Chair of the Licensing Panel Hearing.

140. Declarations of Interest

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

141. Minutes

(See Note at conclusion of these minutes).

142. 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

143. Application to vary a premises licence for Apollonia Restaurant, 25-29 Church Road, Stanmore, Middlesex, HA7 4AR

In attendance:

Legal Adviser, Harrow Council:	Baljeet Virdee
Licensing Officer, Harrow Council:	Jeffrey Leib
Applicant:	Mr Christoforoua
Applicant's Representative:	S Sivashankar
Objectors – Elm Park Residents' Association:	Carole Lis and Betty Shihab

RESOLVED: That, having taken into account the following,

- Written and any oral representations by all the parties. This included the viewing of a video titled 'Spice Rack Customers' that was a late submission by representatives of Elm Park Residents' Association. The video purported to show the behaviour of individuals and the disturbance being caused to residents of Elm Park, which the applicant's representative did not object to but considered to be irrelevant to the application. The Panel agreed the video was not relevant as it purported to relate to customers of other premises;
- 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 application to vary the premises licence for Apollonia Restaurant, 25-29 Church Road, Stanmore, Middlesex, HA7 4AR, as amended, be granted with the following opening hours, licensable activities and additional conditions:

Opening Hours and Licensable Activities

	<i>New hours</i>			
	<i>Live music, Recorded music, Performance of dance and similar</i>	<i>Late night refreshment</i>	<i>Sale of retail alcohol</i>	<i>Hours open to public</i>
Mon	2300 - 0100 *	2300 – 0100 *	1030 – 0100 *	1030 – 0130 *
Tue	2300 - 0100 *	2300 – 0100 *	1030 – 0100 *	1030 – 0130 *
Wed	2300 - 0100 *	2300 – 0100 *	1030 – 0100 *	1030 – 0130 *
Thu	2300 - 0100 *	2300 – 0100 *	1030 – 0100 *	1030 – 0130 *
Fri	2300 - 0200 *	2300 – 0300 *	1030 – 0200 *	1030 – 0300 *
Sat	2300 - 0200 *	2300 – 0300 *	1030 – 0200 *	1030 – 0300 *
Sun	2300 - 0000	2300 – 0000	1030 – 0000	1000 – 0000

* = Next Day

Summary of applicable mandatory conditions:

1. No alcohol to be sold unless under the supervision of a designated premises supervisor who holds a premises licence.
2. Requirement for any door supervisors to be licensed by the Security Industry Authority.
3. Mandatory conditions prohibiting irresponsible alcohol sales, requiring free potable water and requiring premises to have proof-of-age policy.

Existing conditions:

Conditions consistent with Operating Schedule
None.

Conditions attached after a previous hearing by the licensing authority.

1. Maximum number of patrons accommodated at any time should not exceed 150**;
2. Only food refuse to be placed in the external refuse bins after 9 pm and all other rubbish is to be dealt with next morning;
3. Prominent, clear and legible notices to be displayed at all exits requesting the patrons to respect the needs of local residents and to leave the premises and the area quietly.

** = The condition relating to the capacity limit was deleted as this was now dealt with under different provisions.

ADDITIONAL CONDITIONS:

Prevention of public nuisance

1. The Premises Licence Holder shall ensure that notices were displayed at each exit from the premises reminding patrons to leave quietly and to respect nearby residents;
2. The Premises Licence Holder shall ensure that staff were pro-active in informing customers to leave quietly, such as through the use of announcements by DJs and door supervisors;
3. The Premises Licence Holder shall take all reasonable steps including the use of notices, and conditions on contracts for the hire and use of the premises, to encourage patrons to park or to be collected by taxi/private hire vehicle from the car park at the rear of the premises;

Public Safety

4. On Days (Friday and Saturday nights) where a part booking was taken beyond 0100, SIA registered staff would be employed at a ratio of 1:100.

REASONS:

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

Additional Matters: The Panel noted that during the meeting, the Applicant offered to meet with the Objectors if they ever considered there was any issue with the Premises and therefore, whilst not part of this decision, the Panel hoped that if there was ever such an issue the parties would meet to discuss the same.

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 7.00 pm, closed at 8.15 pm).

(Signed) COUNCILLOR RAMJI CHAUHAN
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].