

LICENSING PANEL MINUTES

21 AUGUST 2017

Chair: * Councillor Ramji Chauhan

Councillors: * Barry Kendler * Primesh Patel

* Denotes Member present

134. Appointment of Chair

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

135. Declarations of Interest

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

136. Minutes

(See Note at conclusion of these minutes).

137. 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

138. Application to vary a premises licence for M18 Lanes, 16 Church Road, Stanmore, Middlesex, HA7 4AR

In attendance:

Legal Adviser:	Ms Victoria Seifert
Licensing Officer:	Mr Jeffrey Leib
Applicant:	Mr Patel
Applicant's Representative:	Mr Sivansankar
Objectors:	Mrs Carole Lis, Mr Manuel Paris, Ms Lyn Weston

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

Licensable activities and hours permitted:

Day	Provision of films	Recorded music, Performance of dance, and similar	Late night refreshment	Sale of retail alcohol	Hours open to public
Mon	1030 - 2300			1030 - 2300	1030 - 2330
Tue	1030 - 2300			1030 - 2300	1030 - 2330
Wed	1030 - 2300			1030 - 2300	1030 - 2330
Thu	1030 - 0100*	2300 - 0100*	2300 - 0130*	1030 - 0100*	1030 - 0130*
Fri	1030 - 0200*	2300 - 0200*	2300 - 0230*	1030 - 0200*	1030 - 0300*
Sat	1030 - 0200*	2300 - 0200*	2300 - 0230*	1030 - 0200*	1030 - 0300*
Sun	1030 - 2300			1030 - 2230	1030 - 2300

Special Extensions

- (a) On Bank Holiday weekends, the Licensable Activities and hours open to the public be extended by one hour.
- (b) Licensable activities and hours open to public can be extended between the terminal on New Years Eve and the commencement hour on the following morning.

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

8. SIA Door Supervisors will be deployed on Thursday to Saturdays from 11 pm until the premises are closed to the Public.
14. A Challenge 25 Policy will be in operation at the premises.

21. Public Transport information and local Taxi numbers will be available at the Reception.
31. A designated cordoned off area for smokers will be provided outside the premises, such smoking area to be positioned in such a way as to not to interfere with the access and egress of residents into Stanmore Tower.
32. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer.

Condition 20 on the existing licence is removed.

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 s.17 of the Crime and Disorder Act 1998

The Panel first heard from the Principal Licensing Officer who corrected two typographical errors in the report regarding the hours and the relevant paragraph references in the Statutory Guidance. He further explained that Applicant had also produced a letter which had been sent to the Objectors, dated 14 August 2017, which claimed to address their concerns. The Applicant was allowed to rely on this letter. He informed the panel that there were no objections from Licensing or other Responsible Authorities to the proposed variations in the licensing hours.

Mrs Lis was given permission to speak on behalf of Elm Park Residents' Association who had submitted a representation opposing the application, also in attendance were two other residents Lyn Weston and Manuel Paris, who also were allowed to speak and address the panel. The Applicant's representative had no objection to them speaking and stated that the Applicant was keen to build good relations with the residents.

The Panel heard from the Applicant's representative from Compliance Direct, Mr Sivashankar and Mr Patel, the premises licence holder.

Mr Sivashankar explained that considerable refurbishment had taken place at the premises with three bowling lanes had been added and the number of covers being reduced to 80. Mr Patel stated that the décor is of a high standard with specialist equipment from America and LCD screens. They were looking to extend the hours on Thursday, Friday and Saturday night. It was anticipated that if the hours increased the venue would become less family orientated and the bookings would be more anniversaries, corporate events and other celebrations. Mr Sivashankar explained that the proposed changes allowed for an hour's drinking up time (on Friday and Saturday nights), following the recent legislative changes so that there would be a gradual dispersal rather than drink up time being limited to 30 minutes, which should be less of a nuisance for residents. He stated that they had had several meetings with the Harrow Council Licensing and the Police which had led to additional conditions being agreed. He stated that they had considered the Elm Park's Residents Association letter in particular in relation to the issue of parking. He explained that they had an arrangement for parking in the Sainsbury's car park and after consultation with the Police, taxis collecting patrons would be from the existing exit at the rear of the building, to cause minimal disturbance to the residents.

Concerns were raised by Mrs Weston about sound insulation at the premises and in particular it was said that following the refurbishment at the premises, the sound proofing which had previously been in the premises had been removed and now loud music and reverberations from the bowling could be heard. Mr Sivashankar stated that this was the first time they had heard of this complaint, he explained that they did not want to cause an issue for the residents. Mrs Weston stated that she had complained to the manager who had stated that they were trying to run a business. Mr Sivashankar gave assurances that they would bring an acoustic consultant in to check the sound insulation. He also apologised for the manager's unhelpful response and stated that they would set up a noise limiter and would re-look at the sound insulation at the premises. He gave assurances that if the licence was granted they would not operate to the new hours until the noise limiters were in place and confirmed to the Panel that they would consent to the installation of a noise limiter, with the level to set by a Council Officer.

Mrs Lis stated that there was a problem with people wanting to drink, parking down the side streets and there had been disturbances at 3.00 am in the morning. Mr Sivashankar stated that this public nuisance could not be attributed to M18 Lanes as they did not presently operate at that time in the morning and could only control their customers.

A member of the Licensing Panel asked Mr Sivashankar to clarify whether the proposed variations to the conditions would be in breach of planning times/conditions. Mr Sivashankar stated that the Applicant appreciated that there were two separate regimes and explained that it was the Applicant's intention to first obtain approval from licensing and thereafter seek permission from planning to vary their planning approval for the hours. He was then asked whether the Applicant, if the licensing hours were varied as requested would operate those hours without planning permission. Mr Sivashankar made it clear that they would not do so until they had had approval from

planning and appreciated that they were liable to be prosecuted for a breach in planning if they operated beyond the hours agreed in their planning permission.

Mr Patel was then asked if they had had any complaints regarding the noise from residents, he admitted that there had been some complaints from the residents in Stanmore Towers regarding music being too loud.

Mr Sivashankar was asked about what kind of music was played at the premises and he acknowledged although no live music was played there were DJs. The Chair noted that he had attended the premises and had noticed that all the doors were left open and therefore he could understand the residents concerns about noise.

The Applicant was also asked about door security and Mr Sivashankar explained that they had liaised with the police and done a risk assessment. Currently they employed a minimum of two people but this could be increased to one or two more depending on future risk assessments. However as the venue is booked up weeks in advance it is possible to carry out risk assessments to establish what their security needs should be in advance.

The panel also heard from Mrs Lis, she stated that one of their main concerns had been the planning issue, but that appeared to have been addressed in the Applicant's submissions. They were also concerned that the venue was situated in a "District" Centre, not the "Town Centre" and such late opening hours would be detrimental to the neighbourhood. She was concerned that despite the Applicant's assertions the management of M18 Lanes had not liaised with the residents prior to the letter of 14 August 2017, specifically they had not been provided with any telephone numbers. She also stated that they did not understand the condition why there was no requirement for SIA doormen before 11.00 pm. The Panel noted that the existing condition does not require SIA doormen before 11.00 pm only on Friday and Saturday Nights and pre-booked event days, where a capacity of 150 or more are expected to attend the event. She stated that residents had complained about the music and also found it difficult to negotiate the smokers and debris caused by the smokers was not cleared away. She also stated that they were entitled to peaceful occupation of their premises under the Human Rights Act 1998.

Mr Manuel Paris, a resident, also asked for permission to speak and his request was granted by the chair. He reiterated the complaint about the music and explained about smokers blocking the entrance to the flats. He acknowledged however that smokers always agreed to move when requested.

In addressing the Objectors' concerns Mr Sivashankar stated that M18 Lanes were prepared to set up regular meetings with the residents in order to talk over issues and the Objectors were happy with this proposal.

Mr Sivashankar also proposed a designated cordoned off smokers area outside the premises to reduce any potential nuisance to the residents.

The panel noted that it was not possible for the residents to attribute the noise of people leaving from M18 Lanes rather than any of the other late night venues that operated in the area. Furthermore the panel noted that there was no evidence at all of any complaints regarding noise nuisance at the premises to the Police, Environmental Health, the ward Councillor or the local MP since the venue opened 7 years' ago. Mrs Lis stated that this was because residents thought that they would not be answered due to the cuts in local authority resources. But the panel made it clear that this was insufficient as the onus was on residents to complain if they were problems as hard evidence of complaints was needed.

While deliberating over the application, the Panel noted that whilst not relevant to the licensing objectives, as it was a planning issue, the Applicant's representative had given assurances that if the variation in licence was granted M18 Lanes would not operate the additional hours without planning permission. The Panel expects the Applicant to honour this promise. The Panel were also concerned about the licensing objective in respect of the prevention of public nuisance, specifically the complaints about noise, music and reverberations but they were reassured that the Applicant would employ acoustic consultants, and install a noise limiter to restrict noise. The panel were also concerned about the potential public nuisance caused by smokers blocking entrances to residents' properties' but were satisfied that a cordoned off smoking area would help to deal with this issue. They were similarly concerned that there had not yet been an attempt by the Applicant to liaise with the residents but were satisfied that going forward the Applicant had agreed to hold regular meetings with the residents to address their concerns about noise and nuisance.

Although the Panel were sympathetic to the difficulties faced by residents in the area, all issues could not be attributed to just this premises and the Panel were satisfied that the proposals made by the Applicant will help to deal with most of these and to ensure that the licensing objectives are not undermined. The Panel therefore resolved to grant the application as sought, albeit with further two further conditions:

- A designated cordoned off area for smokers will be provided outside the premises, such smoking area to be positioned in such a way as to not to interfere with the access and egress of residents into Stanmore Tower.
- A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer.

The Panel wished to remind the Objectors that there was a mechanism for the review of a premises licence (of any licensed premises) which could 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.

(Note: The meeting, having commenced at 7.05 pm, closed at 8.40 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].