

LICENSING PANEL MINUTES

28 FEBRUARY 2018

Chair: * Councillor Adam Swersky

Councillors: * Maxine Henson * Manjibhai Kara

* Denotes Member present

159. Appointment of Chair

RESOLVED: That Councillor Adam Swersky be appointed Chair of the Licensing Panel Hearing.

160. Declarations of Interest

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

161. Minutes

(See Note at conclusion of these minutes).

162. Licensing Procedures

The Chair asked the Panel Members, officers, Responsible Authority 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

163. Consideration of an Objection Notice to a Temporary Event Notice Submitted For Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex HA2 0AJ

In attendance:

| | |
|-----------------------|-------------------------------------|
| Legal Adviser: | Baljeet Virdee |
| Licensing Officer: | Ash Waghela |
| Applicant: | Rabindra Gurung Ranjan Rajbanshi |
| Responsible Authority | Lois Smith |

RESOLVED: That the following steps be taken in relation to the temporary event notice as appropriate to promote the licensing objectives:

The Licensing Panel carefully considered all of the relevant information including the written representations by all the parties and the oral representation made at the hearing.

The Licensing Panel carefully considered all the relevant information including

- written and oral representations by all the parties
- the Licensing Act 2003 and the steps appropriate to promote licensing objectives
- the guidance issued under section 182 of the Licensing Act
- Harrow Council's Licensing Policy
- the Human Rights Act 1998

The Panel resolved not to give a counter notice, thereby allowing the temporary event on the 3 March 2018 to take place.

The Panel resolved to impose the conditions from the existing premises licence on to the temporary event notice save for conditions 2 and 3 in Annex 3 to the Licence.

REASONS:

The Panel considered the representations made by the Environmental Health Authority and the Licensee in respect of the Temporary Event Notice and the Environmental Health Authority's objection submitted on 19 February 2018.

The objection was on the ground of public nuisance, specifically that between 02:30 and 03:15 on the morning of 18 February 2018 officers from the Environmental Health Authority team observed what they described as "rowdy and noisy behaviour" by clients of the Maya Pub on the pavement directly outside the venue and in the vicinity of Shaftesbury Circle.

The written representation made by the Environmental Health Authority goes on to state that they intervened in to the matter, after which the licensee took action to disperse their clients.

No other objections about these premises or any about any actions, conduct or concerns about the licensee had been submitted by any relevant person. The representation does not confirm if there was any statutory nuisance.

While the Panel was disappointed that on the 18 February 2018 the licensee only appeared to have taken action after intervention by officers of the Environmental Health Authority, the Licensee did then take action to disperse their clientele and they have indicated a willingness to work harder to ensure similar issues do not arise on this event, including hiring additional security for this event. They have also indicated a willingness to liaise with Environmental Health in writing in relation to their security and dispersal proposals for this event.

The Panel believed that this decision promotes the licensing objectives, particularly the public nuisance objective and that the measures taken above are appropriate and proportionate in the circumstances to promote all the licensing objectives.

Right to appeal

The relevant person (Environmental Health Authority) may appeal to a Magistrates Court against the decision of the Licensing Authority, in accordance with Schedule 5 of the Licensing Act 2003, within 21 days of notification of this decision, but no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

(Note: The meeting, having commenced at 7.32 pm, closed at 8.52 pm).

(Signed) COUNCILLOR ADAM SWERSKY
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].