

Licensing Panel AGENDA

DATE: Wednesday 28 February 2018

TIME: 7.30 pm *

VENUE: Committee Room 5, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

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

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Maxine Henson
Adam Swersky

Manjibhai Kara

Reserve Members:

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

Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1542 E-mail: miriam.wearing@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: Friday 23 February 2018

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. CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE SUBMITTED FOR MAYA PUB, 3 SHAFTESBURY PARADE, SHAFTESBURY AVENUE, SOUTH HARROW, MIDDLESEX HA2 0AJ (Pages 7 - 18)

Report of the Corporate Director, Community Directorate

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

REASON FOR LATENESS AND URGENCY

In accordance with the Local Government (Access to Information) Act 1985, this meeting is being called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

In order to meet the deadlines for consideration of a Temporary Event Notice this meeting had to be arranged at very short notice and it was not possible for the agenda to be published 5 clear working days prior to the hearing.

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 5**) 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 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 its decision. Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

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 of Meeting: | 28 February 2018 |
| Subject: | Consideration of an objection notice to a Temporary Event Notice submitted for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ |
| Responsible Officer: | Paul Walker – Corporate Director, Community Directorate |
| Exempt: | No |
| Enclosures: | Premises Licence Objection from Environmental Protection |

Section 1 – Summary

A Temporary Event Notice under the Licensing Act 2003 has been submitted to the Licensing Authority (Harrow Council) to permit licensable activities at Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ.

The event – a private student night - is to take place from 3 to 4 March 2018. The Environmental Health Department has submitted an objection to the temporary event notice. In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the Environmental Health Department (responsible authority), premises user and licensing authority agree that a hearing is unnecessary.

Representations received

| From | Relevant Representations details |
|--------------------------------|----------------------------------|
| Metropolitan Police | No representation received |
| Environmental Health Authority | Objection notice received |

Section 2 – Report

2.1 Current situation

- 2.1.1 A temporary event notice has been submitted to the licensing authority by the applicant, Mr Rabindra Gurung, (the Designated Premises Supervisor of Maya Pub) to authorise the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment at the premises from 2200 hours on Saturday 3 March 2018 to 0330 hours on Sunday 4 March 2018.
- 2.1.2 The premises licence currently allows these activities until 2330 hours and for the premises to stay open until midnight on Saturday. It is therefore an extension of four hours. The premises licence is attached.
- 2.1.3 The Environmental Health Department has submitted an objection notice to the temporary event notice on the grounds of public nuisance as set out in the enclosure.

2.2 Legal Implications

- 2.2.1 Pursuant to the provisions of section 105(2)(a) of the Licensing Act 2003, the Licensing Authority must hold a hearing to consider the objection notice, unless all parties (i.e. - the premises user, the relevant person who gave the objection notice and the licensing authority) agree that a hearing is unnecessary. The hearing must be held in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.2.2 The Licensing Panel is required to give appropriate weight to the objection (including supporting information), 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 licensing objectives.
- 2.2.3 Having considered those relevant matters and the objection notice, the Licensing Panel is required to do one of the following:
- Give the premises user a counter notice (prohibiting the event) if it considers it appropriate for the promotion of a licensing

objective(s) to do so, and a notice stating the reasons for its decision, and give each relevant person (police and environmental health authority) a copy of both these notices;

- b. Decide not to give a counter notice, giving notice of this decision to the premises user and each relevant person (police and environmental health authority).

2.2.4 It should be noted with these options that clear reasons should be given to the parties for the decision to issue or not to issue a counter notice.

2.2.5 In the case of TEN in respect of a premises for which there is already a premises licence (or club premises certificate) in place, the licensing authority can impose conditions from the existing premises licence or club premises certificate if:

- the police or environmental health authority have objected to the TEN(s)
- the objection has not been withdrawn
- the relevant licensing authority has decided under section 105 of the Licensing Act 2003 not to give a counter notice
- it considers that imposing the conditions would be appropriate to promote the licensing objectives
- the conditions would not be inconsistent with the carrying out of the licensable activities under the TEN

Where the licensing authority decides to impose conditions, the Licensing Act 2003 and relevant regulations set out the manner in which these must be notified to the premises user.

2.2.6 In addition to determining the application in accordance with the legislation, Members must also have regard to the following –

- The common law rules of natural justice.
- The provisions of the Human Rights Act 1998.
- The considerations in section 17 of the Crime and Disorder Act 1998 as below:

'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.'

2.3 Financial Implications

None

Section 3 - Statutory Officer Clearance

| | | |
|--------------------|-------------------------------------|---|
| Name: Jessie Man | <input checked="" type="checkbox"/> | on behalf of the Chief Financial Officer |
| Date: 20.02.18 | | |
| Name: Paresh Mehta | <input checked="" type="checkbox"/> | on behalf of the Monitoring Officer |
| Date: 20.02.18 | | |

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Licensing Services Manager, ext 6267

Background Papers: Licensing Act 2003, Statutory Guidance

LICENSING ACT 2003

Premises Licence

Schedule 12
Part A (Regulation 33,34)
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000000605/2017/20

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ

Telephone Number: 0208 423 5056

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Exhibition of films Live music (e) Recorded music (f) Performance of dances (g) Sale of retail alcohol
Late night refreshment

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)



Licensable area
Hours open to public

| | | |
|-----------|---------------|---|
| Sunday | 08:00 - 23:30 | - |
| Monday | 08:00 - 23:30 | - |
| Tuesday | 08:00 - 23:30 | - |
| Wednesday | 08:00 - 00:00 | - |
| Thursday | 08:00 - 00:00 | - |
| Friday | 08:00 - 00:00 | - |
| Saturday | 08:00 - 00:00 | - |

The times the licence authorises the carrying out of licensable activities

Location: Licensable area

Exhibition of films Live music (e) Recorded music (f) Performance of dances (g) Sale of retail alcohol

| | | |
|-----------|---------------|---|
| Sunday | 10:00 - 23:00 | - |
| Monday | 10:00 - 23:00 | - |
| Tuesday | 10:00 - 23:00 | - |
| Wednesday | 10:00 - 23:30 | - |
| Thursday | 10:00 - 23:30 | - |
| Friday | 10:00 - 23:30 | - |
| Saturday | 10:00 - 23:30 | - |

1. SALE BY RETAIL OF ALCOHOL CAN BE EXTENDED BETWEEN THE TERMINAL HOUR ON NEW YEAR'S EVE AND THE COMMENCEMENT HOUR ON THE FOLLOWING MORNING.

Location: Licensable area

Late night refreshment

| | | |
|-----------|---------------|---|
| Sunday | - | - |
| Monday | - | - |
| Tuesday | - | - |
| Wednesday | 23:00 - 23:30 | - |
| Thursday | 23:00 - 23:30 | - |
| Friday | 23:00 - 23:30 | - |
| Saturday | 23:00 - 23:30 | - |

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies
Sale by retail on/off premises

Part 2

Name, (registered) address, telephone number and email (where relevant of holder of premises licence):

Maya Pub Limited
3 Shaftesbury Parade
Shaftesbury Avenue
South Harrow
Middlesex
HA2 0AJ

Telephone: 02038025535

Registered number of holder, for example company number, charity number (where applicable):

10793799

Name, address and telephone number of designated premises supervisor where the premises licence

authorises for the supply of alcohol:

Rabindra Gurung

Telephone:

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

BRENT - 221853226

State whether access to the premises by children is restricted or prohibited: **N/A**

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age

(or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Condition order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions where licence authorises exhibition of films:

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

1. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises is open to the public.
2. Toughened glass shall be used for draught beers and lager at all times the premises are open to the public.
3. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
4. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

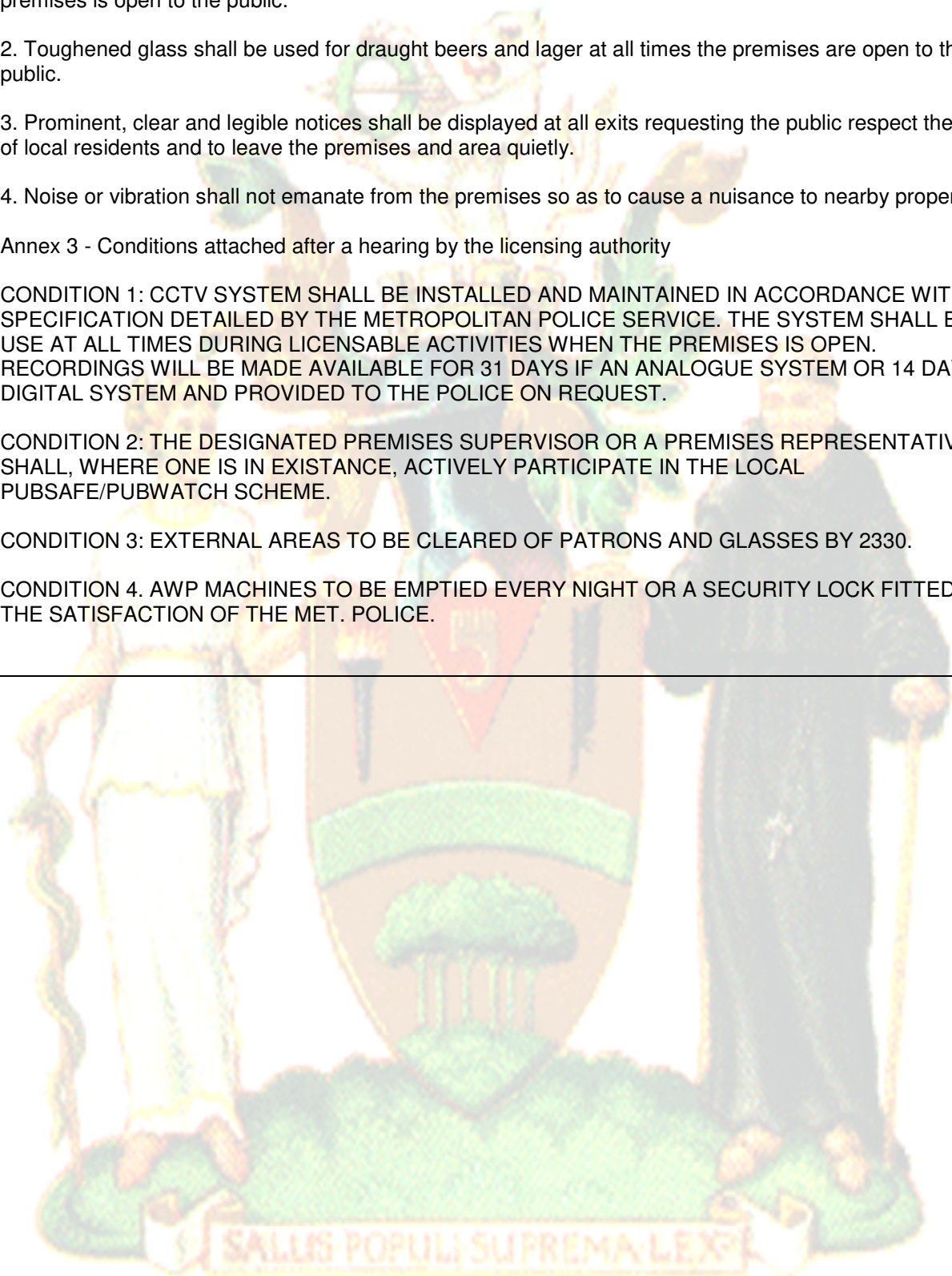
Annex 3 - Conditions attached after a hearing by the licensing authority

CONDITION 1: CCTV SYSTEM SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE SPECIFICATION DETAILED BY THE METROPOLITAN POLICE SERVICE. THE SYSTEM SHALL BE IN USE AT ALL TIMES DURING LICENSABLE ACTIVITIES WHEN THE PREMISES IS OPEN. RECORDINGS WILL BE MADE AVAILABLE FOR 31 DAYS IF AN ANALOGUE SYSTEM OR 14 DAYS IF A DIGITAL SYSTEM AND PROVIDED TO THE POLICE ON REQUEST.

CONDITION 2: THE DESIGNATED PREMISES SUPERVISOR OR A PREMISES REPRESENTATIVE SHALL, WHERE ONE IS IN EXISTANCE, ACTIVELY PARTICIPATE IN THE LOCAL PUBSAFE/PUBWATCH SCHEME.

CONDITION 3: EXTERNAL AREAS TO BE CLEARED OF PATRONS AND GLASSES BY 2330.

CONDITION 4. AWP MACHINES TO BE EMPTIED EVERY NIGHT OR A SECURITY LOCK FITTED TO THE SATISFACTION OF THE MET. POLICE.



Annex 4 – Plan

**SCALE 1:100
GROUND FLOOR**

SCALE 1:1250

| NO. | SYMBOL | DATE |
|-----|--------|------|
| | | |

allen & unwin
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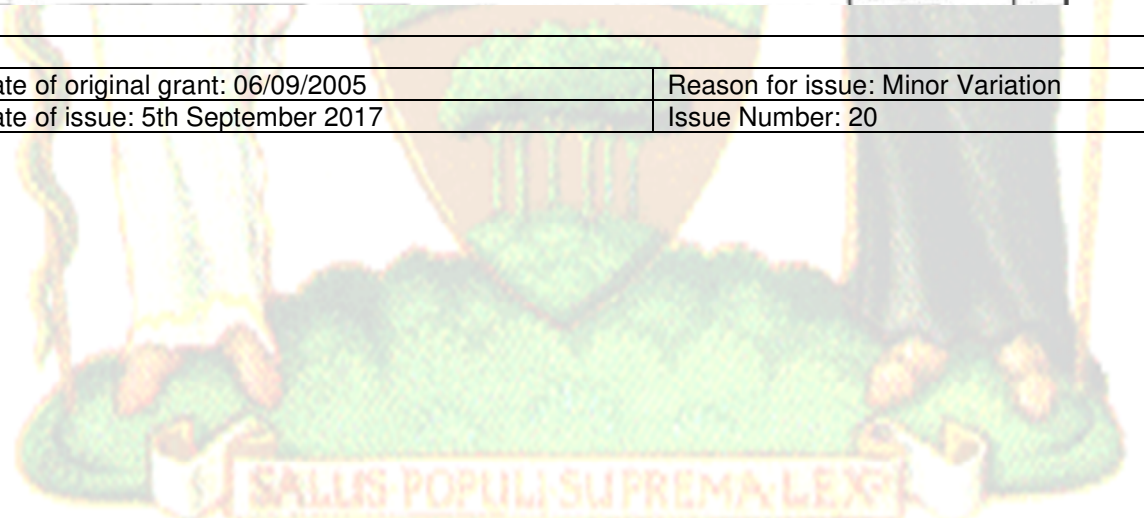
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REVISIONS

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PROJECT
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| | |
|------------------------------------|-----------------------------------|
| Date of original grant: 06/09/2005 | Reason for issue: Minor Variation |
| Date of issue: 5th September 2017 | Issue Number: 20 |



**OBJECTION
TEMPORARY EVENT NOTICE**

From: Lois Smith
Sent: 19 February 2018 01:45
To: license
Cc: Jo Smith; John Rattray; Ash Waghela; Jeffrey Leib; Pat Moran / Licensing
Subject: RE: FW: TEN - Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ.

Dear Licensing

I wish to object to the above TENs.

The reason for this is that with my monitoring of this premises on the early hours of 18 February 2018 - I witnessed along with my colleague - from their closing time of that date of 230am until approximately 315am rowdy and noisy behaviour from clients of the Maya Club directly outside the Maya Club on the pavement and also in the vicinity of Shaftesbury Circle.

Only after our intervention did the Maya Club take action to disperse their clients.

Thank you

Mrs L Smith
(Environmental Health Officer)

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