

Licensing Panel AGENDA

DATE: Monday 30 April 2018

TIME: 7.30 pm *

VENUE: the Members' Lounge, Harrow Civic Centre,
Station Road, Harrow, HA1 2XY

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7PM IN THE MEMBERS' LIBRARY

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Ms Pamela Fitzpatrick Stephen Wright
Maxine Henson

Reserve Members:

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

Contact: Frankie Belloli, Senior Democratic Services Officer
Tel: 020 8424 1263 E-mail: frankie.belloli@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 20 April 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. APPLICATION TO VARY A PREMISES LICENCE: BOMBAY CENTRAL, 328 HIGH ROAD, HARROW, MIDDLESEX HA3 6HS (Pages 7 - 32)

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - Nil

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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.

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:	30 April 2018
Subject:	Application to vary a premises licence for Bombay Central, 328 High Road, Harrow, Middlesex HA3 6HS
Responsible Officer:	Simon Baxter, Divisional Director Community Directorate
Exempt:	No
Enclosures:	Current premises licence (appendix 1) Location (GIS) Map (appendix 2) Image of premises (appendix 3) Proposed plan of premises (appendix 4) Representation (appendices 5 & 5A) Summary of proposed times and conditions (appendix 6)

Section 1 – Summary

An application has been received to vary the premises licence for Bombay Central, 328 High Road, Harrow, Middlesex HA3 6HS to add an external seating/dining area to the licensable plan to allow licensable activities to take place there. Environmental Health has made a representation on the grounds of preventing public nuisance.

Section 2 – Report

- 2.1 Application
Dine (India) Limited has applied to vary the premises licence (appendix 1) for Bombay Central, 328 High Road, Middlesex HA3 6HS. A location map and image of the premises are set out at appendices 2 and 3. The application is to incorporate an external seating and dining area within the ambit of the licensed premises and to allow licensable activities to take place there between 1030 hours and 2300 hours (1000 hours on Sunday). The proposed area is shown on appendix 4.
- 2.2 Licensable activities
The premises licence sets out the licensable activities which are in summary:

	<i>Hours open to public</i>	<i>Sale of alcohol</i>	<i>Live music/dance performance*</i>	<i>Recorded music*</i>	<i>Late night refreshment</i>
<i>Ground floor</i>	0800 – 0100 next day	1000 – 0000	None		2300 - 0000
<i>Basement</i>	0800 – 0200 next day	1000 – 0100 next day	1000 – 0100	1000 - 0100	2300 – 0130 next day
<i>External area if granted</i>	1030 – 2300 (1000 – 2300 Sunday)	1030 – 2300 (1000-2300 Sunday)	None	None	None

The terminal hour for opening is extended on New Years' Eve to 0400 hours the following morning and until 0300 hours for licensable activities.

* A licence is not needed for live or recorded music, or for dance, between 0800 hours and 2300 hours.

** A licence is not needed for late night refreshment between 0500 hours and 2300 hours.

2.3 Description of premises

The premises were described on the 2015 premises licence application form as follows:

“The premises consists of [a] ground floor restaurant and basement with [an] 80 person capacity private bookings venue/restaurant. The business is mainly-food led and provides [a] high quality dining experience. The timings for [the] ground floor are different to [the] basement as the basement will be closing later than the ground floor due to party bookings.

2.4 The premises are centrally located on the High Road, Harrow Weald in a mixed commercial and residential area.

2.5 History of the premises

It is understood the premises were originally licensed and operated as a pub under the Licensing Act 1964 and Licensing Act 2003 until approximately 2012¹. A new premises licence has been held by the current premises licence holder since 5 January 2016.

2.6 Designated premises supervisor

Nishant Nishant

2.7 Details of application

Received: 5 March 2018

Closing date for representations: 2 April 2018

The application has been advertised in accordance with the prescribed regulations

¹ Licensing records are not complete for this period but refer to www.whatpub.com.

- 2.8 Representations
A representation has been made by Environmental Health on the grounds of preventing public nuisance (appendix 5).
- 2.9 Operating schedule and conditions
Members will be aware that an operating schedule forms part of the licensing application 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.
- 2.10 The Panel's attention is directed towards paragraphs 8.38 – 8.46 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.
- 2.11 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.
- 2.12 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.
- 2.13 Conditions must also be clear, understandable, capable of being complied with by the premises licence holder and enforceable as breach of any condition is a criminal offence.
- 2.14 The premises licence holder has not proposed any additional conditions to those on the premises licence, save for a condition that the external area will be closed at 2300 hours.
- 2.15 Whilst appendix 6 is provided for the Panel's assistance, the Panel is reminded that any final decision on this application and any conditions to be applied on the licence is the Panel's decision taking in to account all relevant matters, including the representations, legislation, statutory guidance and Harrow's Licensing Policy.
- 2.16 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.
- 2.17 Environmental Health have proposed the following conditions that they believe would alleviate the potential for public nuisance to be caused to the nearby properties identified in their representation:
- (1) No amplified music or speech to be played in the external area.
 - (2) The external area shall only be used up until 21:00 hours Sunday – Thursday and 22:00 hours Friday- Saturday.
 - (3) No persons shall be permitted to smoke outside the rear of the premises after 21:00 hours Sunday – Thursday and 22:00 hours Friday - Saturday.

- (4) The maximum occupancy of the external area at any one time to be 20 persons (not including serving staff).
- (5) Clear and legible notices shall be displayed in a prominent position near the exit door(s) requesting that customers leave quietly to avoid disturbing local residents.
- (6) Clear and legible notices shall be displayed in a prominent position in any external areas where customers are permitted to smoke or drink, requesting that they keep noise to a minimum to avoid disturbing local residents.
- (7) Any security or other external lighting shall be carefully positioned and oriented to prevent lights shining into nearby residential properties and causing a nuisance.

2.18 Members should be aware that the premises are entitled to provide live or recorded music between 0800 hours and 2300 hours each day. No conditions can be imposed in relation to live or recorded music between those times other than following a review of the premises licence and to that extent the impact of condition (1) would be restricted.

2.19 The Panel may wish to clarify whether the extended hours allowed on New Years' Eve should also apply to the external area, if granted.

2.20 Licensing policy

Paragraph 6.3 of the licensing authority's statement of licensing policy sets out matters that the Panel may take into account when considering representations (although the Panel is not limited to these matters) including:

- noise reduction measures associated with licensable activities, particularly near to residential properties such as noise limiters, acoustic lobbies, double glazing, ventilation systems etc
- noise mitigation measures associated with licensable activities, particularly near to residential properties
- effective wind-down and dispersal policies
- noise from people arriving at or leaving from the premises and which is related to licensable activities

2.21 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.

2.22 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.

2.23 The Licensing Panel will be aware that it cannot reduce the existing licensable activity hours of the premises licence.

2.24 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.

2.24 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.

2.25 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

2.26 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)

2.27 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

2.28 There are no financial implications.

Appeals

- 2.29 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: 17.04.18		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 18.04.18		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer Tel: 020 8424 7667
Email: Jeffrey.leib@harrow.gov.uk

Background Papers: Application form, 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/000008921/2018/3

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:
Bombay Central, 328 High Road, Harrow, Middlesex, HA3 6HS
Telephone Number: N/A

Where the licence is time limited, the dates:
N/A

Licensable activities authorised by the licence:
Hours open to public
Sale of retail alcohol
Late night refreshment
Live music (e) Performance of dances (g) Performance similar to e f g
Recorded music (f)

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)



Basement Floor**Hours open to public**

Sunday	00:00 - 02:00	08:00 - 00:00
Monday	00:00 - 02:00	08:00 - 00:00
Tuesday	00:00 - 02:00	08:00 - 00:00
Wednesday	00:00 - 02:00	08:00 - 00:00
Thursday	00:00 - 02:00	08:00 - 00:00
Friday	00:00 - 02:00	08:00 - 00:00
Saturday	00:00 - 02:00	08:00 - 00:00

Terminal hours to be extended to from 08:00 - 04:00 (the following morning) on New Years Eve

The times the licence authorises the carrying out of licensable activities**Location: Ground Floor****Hours open to public**

Sunday	00:00 - 01:00	08:00 - 00:00
Monday	00:00 - 01:00	08:00 - 00:00
Tuesday	00:00 - 01:00	08:00 - 00:00
Wednesday	00:00 - 01:00	08:00 - 00:00
Thursday	00:00 - 01:00	08:00 - 00:00
Friday	00:00 - 01:00	08:00 - 00:00
Saturday	00:00 - 01:00	08:00 - 00:00

Terminal hours to be extended to from 08:00 - 04:00 (the following morning) on New Years Eve

Location: Basement Floor**Sale of retail alcohol**

Sunday	00:00 - 01:00	10:00 - 00:00
Monday	00:00 - 01:00	10:00 - 00:00
Tuesday	00:00 - 01:00	10:00 - 00:00
Wednesday	00:00 - 01:00	10:00 - 00:00
Thursday	00:00 - 01:00	10:00 - 00:00
Friday	00:00 - 01:00	10:00 - 00:00
Saturday	00:00 - 01:00	10:00 - 00:00

Off sales are limited to take aways and partly consumed bottles of wine

Terminal hours to be extended to from 08:00 - 03:00 (the following morning) on New Years Eve

Location: Ground Floor**Sale of retail alcohol**

Sunday	10:00 - 00:00	-
Monday	10:00 - 00:00	-
Tuesday	10:00 - 00:00	-
Wednesday	10:00 - 00:00	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	10:00 - 00:00	-

Off sales are limited to take aways and partly consumed bottles of wine

Terminal hours to be extended to from 08:00 - 03:00 (the following morning) on New Years Eve

Location: Basement Floor**Late night refreshment**

Sunday	00:00 - 01:30	23:00 - 00:00
Monday	00:00 - 01:30	23:00 - 00:00
Tuesday	00:00 - 01:30	23:00 - 00:00
Wednesday	00:00 - 01:30	23:00 - 00:00
Thursday	00:00 - 01:30	23:00 - 00:00
Friday	00:00 - 01:30	23:00 - 00:00
Saturday	00:00 - 01:30	23:00 - 00:00

Terminal hours to be extended to from 08:00 - 03:00 (the following morning) on New Years Eve

Location: Ground Floor

Late night refreshment

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

Terminal hours to be extended to from 08:00 - 03:00 (the following morning) on New Years Eve

Location: Basement Floor

Live music (e) Performance of dances (g) Performance similar to e f g

Sunday	00:00 - 01:00	10:00 - 00:00
Monday	00:00 - 01:00	10:00 - 00:00
Tuesday	00:00 - 01:00	10:00 - 00:00
Wednesday	00:00 - 01:00	10:00 - 00:00
Thursday	00:00 - 01:00	10:00 - 00:00
Friday	00:00 - 01:00	10:00 - 00:00
Saturday	00:00 - 01:00	10:00 - 00:00

The above timings are for Basement only. There is no live music in Ground Floor. The live music will be amplified.

Terminal hours to be extended to from 08:00 - 03:00 (the following morning) on New Years Eve

Location: Basement Floor

Recorded music (f)

Sunday	00:00 - 01:00	10:00 - 00:00
Monday	00:00 - 01:00	10:00 - 00:00
Tuesday	00:00 - 01:00	10:00 - 00:00
Wednesday	00:00 - 01:00	10:00 - 00:00
Thursday	00:00 - 01:00	10:00 - 00:00
Friday	00:00 - 01:00	10:00 - 00:00
Saturday	00:00 - 01:00	10:00 - 00:00

Terminal hours to be extended to from 08:00 - 03:00 (the following morning) on New Years Eve

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):

Dine India (London) Ltd

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

08021399

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

authorises for the supply of alcohol:

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

LANCASTER - LAPA1072

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

Annex 2 - Conditions consistent with the Operating Schedule

1. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests as documented in the Harrow Police Security Recommendations document. The medium upon which the images are recorded will be clearly identifiable, stored securely, retained for a period of not less than 31 days and it will be made available to Council Officers and Police immediately upon request.
2. As per Mandatory Conditions - The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 the age verification policy shall apply to persons who appear to be under the age of 21 years old ("Challenge 21 policy"). All staff shall receive training with regard to the Challenge 21 Policy. The record will be made available to officers of the Metropolitan Police and the local authority immediately upon request.
3. A record of any incident that takes place at the premises which would undermine one or more of the four licensing objectives to be kept at the premises. The record will be made available to officers of the Metropolitan Police and the local authority immediately upon request.
4. All staff will be trained to a suitable level to identify public safety matters and any such concerns will be recorded in the incident book.
5. Prominent, clear and legible notices shall be displayed at the entrance/exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
6. When live or recorded music either amplified or unamplified is played the volume of the music will be kept to a level that ensures that no nuisance is caused to nearby residents.
7. All windows and doors will be kept closed (except for entry and exit) during the times regulated entertainment takes place.
8. Door supervisors will be employed at the premises from 23.00 until the terminal hour the following morning on Friday and Saturday nights at a ratio of 1 door supervisor to every 50 persons on the premises. The car park area will be monitored by the door supervisors to ensure persons who are exiting the venue disperse quickly and quietly so as not to cause a nuisance to nearby residents.
9. When the basement is booked for events beyond midnight (other than on a Friday or Saturday night) there will be at least two door supervisors employed at the premises from 23.00 until the terminal hour the following morning. The car park area will be monitored by the door supervisors to ensure persons who are exiting the venue disperse quickly and quietly so as not to cause a nuisance to nearby residents.

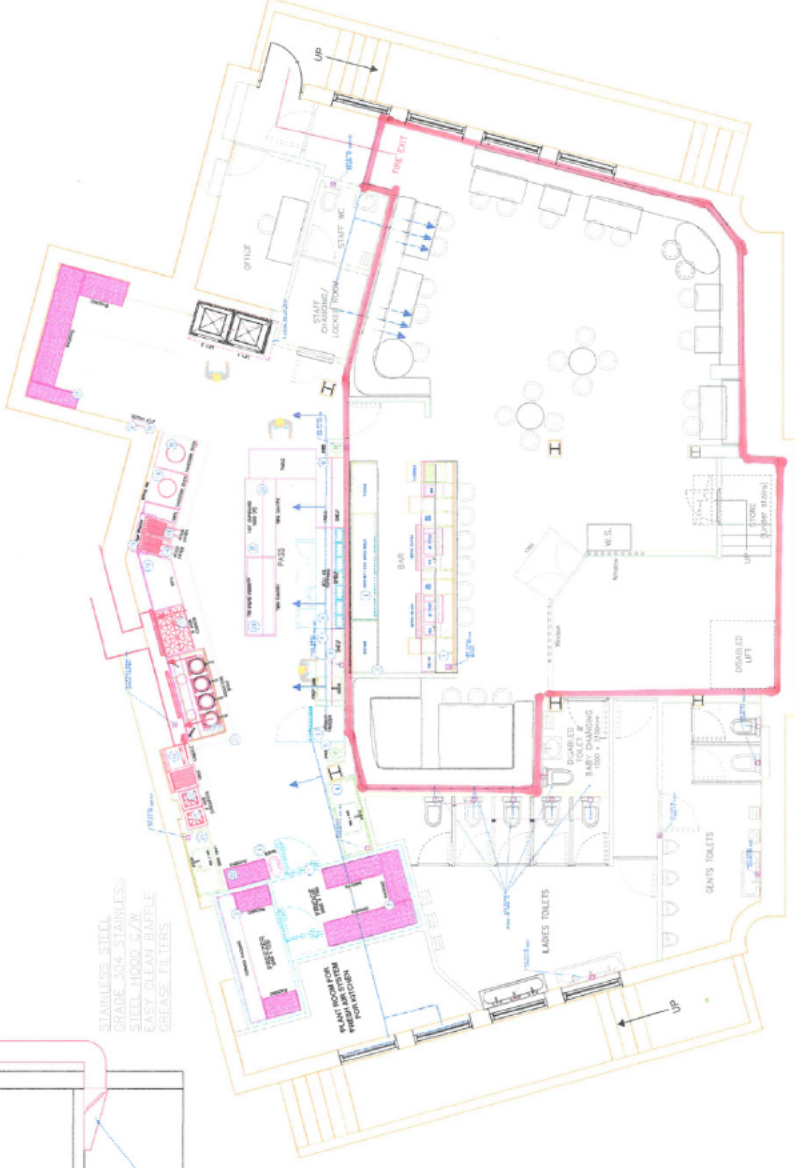
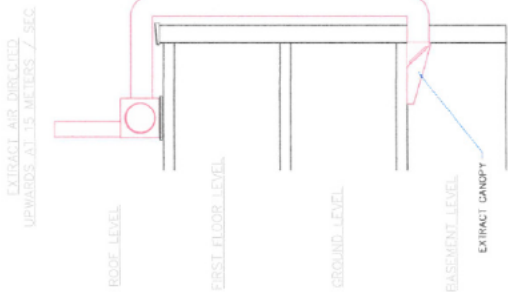
Annex 3 - Conditions attached after a hearing by the Licensing Authority

1. Off sales of alcohol are limited to alcohol purchased at the same time as takeaway meals only.

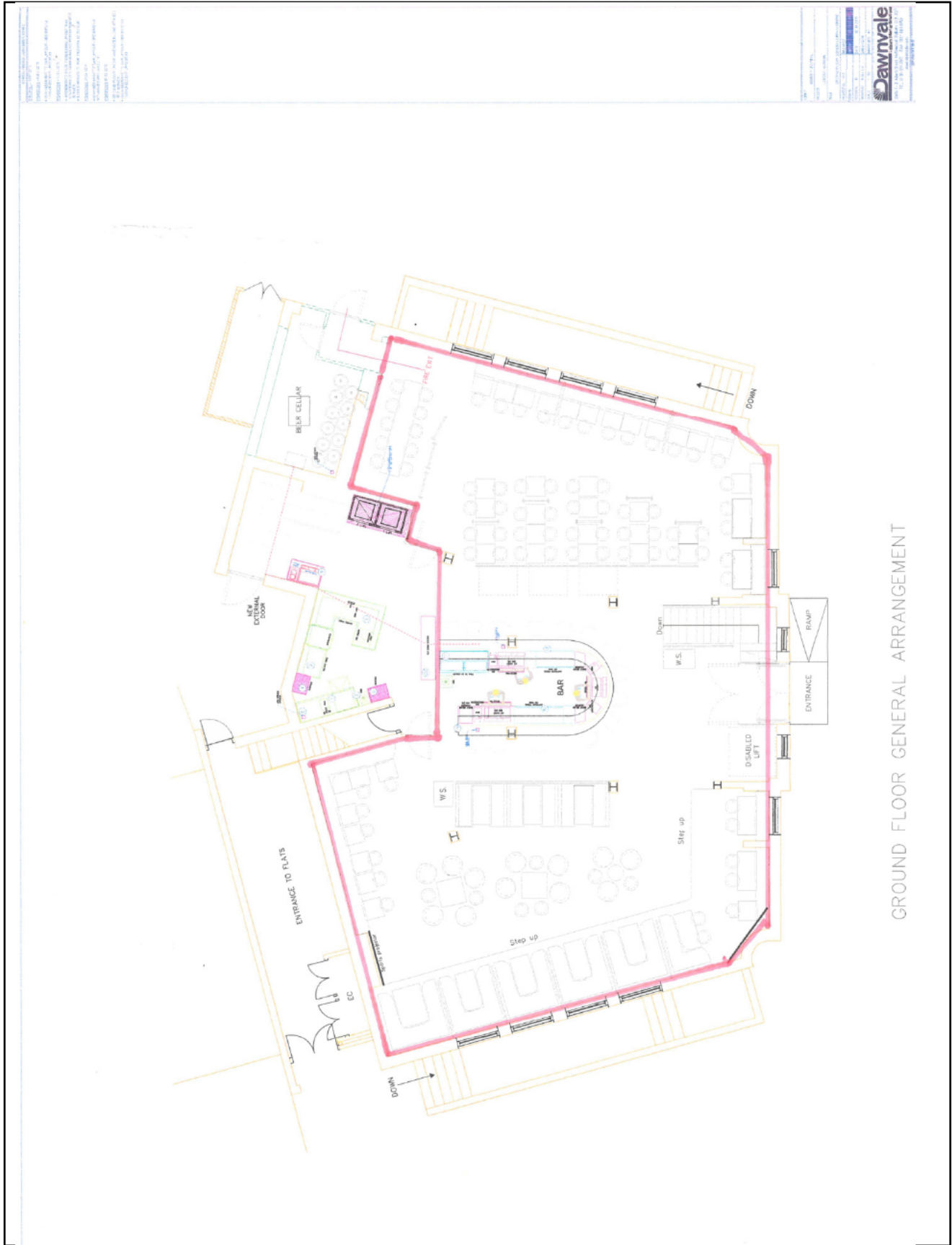
Annex 4 – Plan

PROJECT NO. 14/011	DATE 14/01/14	SCALE 1:50	SHEET NO. 14/011/01
CUSTOMER HARRROW COUNCIL	PROJECT TITLE BASEMENT GENERAL ARRANGEMENT	DESIGNER	DATE
DESIGNED BY	CHECKED BY	APPROVED BY	DATE
PROJECT MANAGER	PROJECT ENGINEER	PROJECT ARCHITECT	DATE
PROJECT SUPERVISOR	PROJECT CO-ORDINATOR	PROJECT COMMERCIAL MANAGER	DATE

Dawvale
 Building Services
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BASEMENT GENERAL ARRANGEMENT



GROUND FLOOR GENERAL ARRANGEMENT

Date of original grant: 05/01/2016	Reason for issue: Variation Of DPS
Date of issue: 14th February 2018	Issue Number: 3

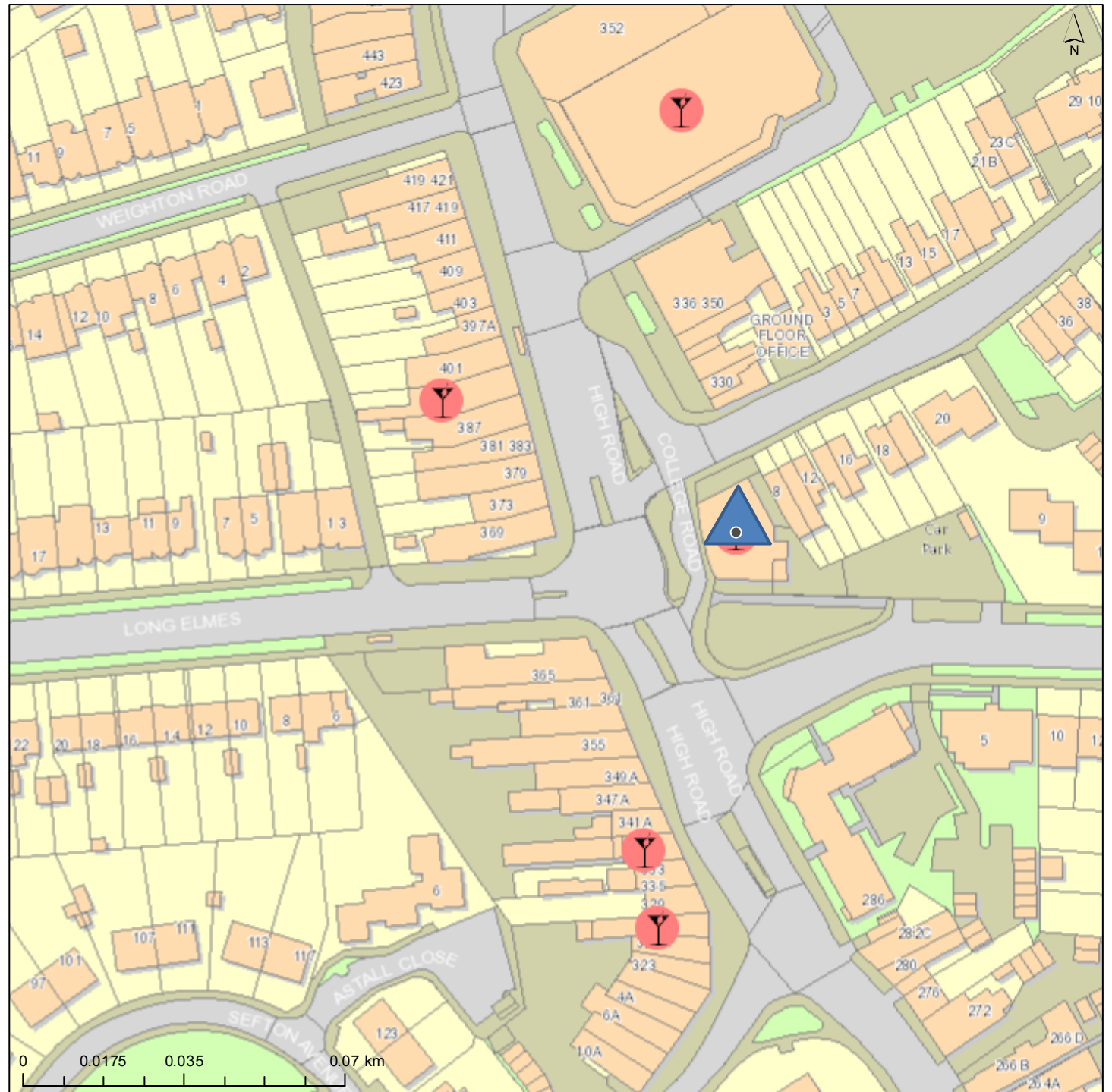
Appendix 2 - location map

Legend

■ Override 1

🍷 On Licensed Alcohol Premises

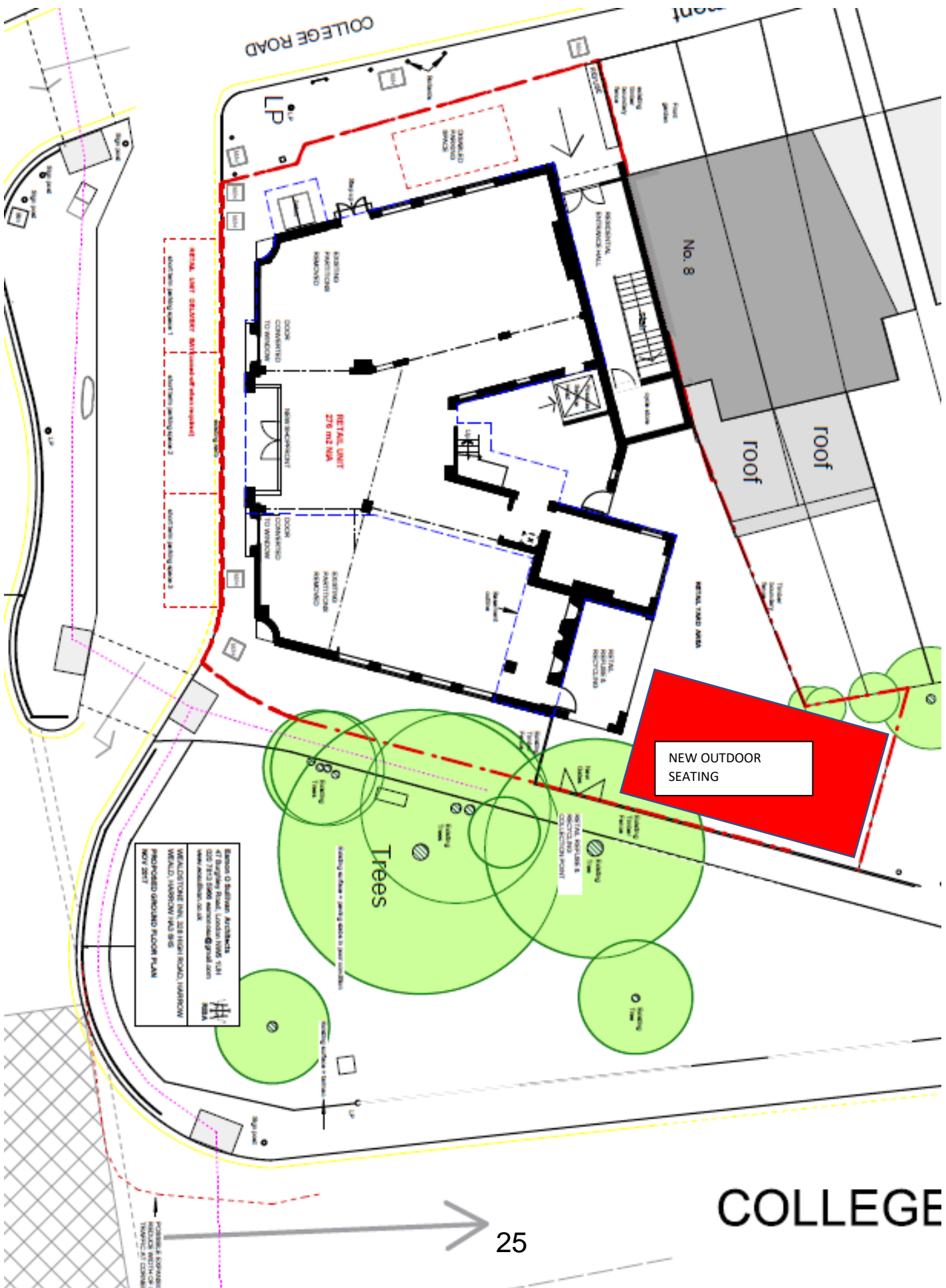
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ENVIRONMENTAL PROTECTION UNIT**MEMORANDUM****From:** Jo Smith**To:** Ash Waghela**Ext:** 6037**My Ref:****Your Ref:** 644401**Date:** 29/03/2018

Dear Ash,

Re: Application to vary a Premises Licence - Licensing Act 2003

Address: Bombay Central, 328 High Road, Harrow, Middlesex, HA3 6HS

I refer to the application to vary a Premises Licence under the Licensing Act 2003, relating to the above named premises.

The Domestic Environmental Health Team, in its capacity as a responsible authority, is making a representation to this application, in relation to the licensing objective 'Prevention of Public Nuisance'.

In preparing this representation I, Jo Smith, spoke with officers who attended the premises. Bombay Central is located on High Road, Wealdstone, in a mixed residential/commercial area. The nearest residential accommodation is approximately 3 metres away from the curtilage of the premises, and approximately 8 metres away from where the premises wishes to have the outdoor seating area.

The grounds for this objection are:

1. The external area is in close proximity to the rear of residential premises, which generally consist of sleeping accommodation. This would generate noise nuisance for the residents in close proximity to the establishment.
2. The new area would result in light pollution for the neighbouring premises, preventing them from sleeping.
3. There is a possibility that the area would be used for smoking, which would cause a nuisance to those residential properties close by.

Should the Licensing Sub-Committee be minded to grant the licence the following action(s)/condition(s) are recommended:

1. No amplified music or speech to be played in the external area.

2. The external area shall only be used up until 21:00 hours Sunday – Thursday and 22:00 hours Friday- Saturday.
3. No persons shall be permitted to smoke outside the rear of the premises after 21:00 hours Sunday – Thursday and 22:00 hours Friday - Saturday.
4. The maximum occupancy of the external area at any one time to be 20 persons (not including serving staff)
5. Clear and legible notices shall be displayed in a prominent position near the exit door(s) requesting that customers leave quietly to avoid disturbing local residents.
6. Clear and legible notices shall be displayed in a prominent position in any external areas where customers are permitted to smoke or drink, requesting that they keep noise to a minimum to avoid disturbing local residents.
7. Any security or other external lighting shall be carefully positioned and oriented to prevent lights shining into nearby residential properties and causing a nuisance.

I would therefore invite the Licensing Sub-committee to consider this representation when making their decision regarding this application.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Jo Smith', written over a faint rectangular stamp.

Miss Jo Smith
Team Leader, Domestic Environmental Health

Amended representation

Environmental Health - Domestic**MEMORANDUM****From:** Jo Smith**To:** Licensing**Ext:** 6037**My Ref:****Your Ref:** 644401**Date:** 18/04/2018

Dear Ash,

Re: Application to vary a Premises Licence - Licensing Act 2003**Address: Bombay Central, 328 High Road, Harrow, Middlesex, HA3 6HS**

I refer to the application to vary a Premises Licence under the Licensing Act 2003, relating to the above named premises and my subsequent discussion with Compliance Direct and Jeffrey Leib.

The Domestic Environmental Health Team, in its capacity as a responsible authority, will continue with its representation to this application, in relation to the licensing objective 'Prevention of Public Nuisance'.

In preparing this representation I, Jo Smith, spoke with the Environmental Health Officers who attended the premises and, like myself, are qualified to assess for noise nuisance. As such I have concerns regarding the close proximity of the residential areas to the external seating area of the premises.

Bombay Central is located on High Road, Wealdstone, in a mixed residential/commercial area. The nearest residential accommodation is approximately 3 metres away from the curtilage of the premises, and approximately 8 metres away from where the premises wishes to have the outdoor seating area.

The grounds for this objection are:

1. The external area is in close proximity to the rear of residential premises, which for the most part would be sleeping accommodation. This would generate noise nuisance for the residents in close proximity to the establishment. Although the car park is nearby, and guests do leave at close of business in the early hours, the fact that nearby residents would also have to contend with loud music and speech on top of people leaving the premises in the early hours would try even the most tolerant of neighbours.

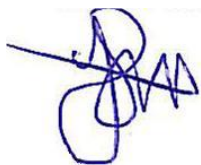
2. The new area would result in light pollution for the neighbouring premises, preventing them from sleeping.
3. There is a possibility that the area would be used for smoking, which would cause a nuisance to those residential properties close by.

Should the Licensing Sub-Committee be minded to grant the licence the following actions/conditions are recommended:

1. No amplified music or speech to be played in the external area at any time.
2. The external area shall only be used up until 22:00 hours Sunday – Thursday and 23:00 hours Friday- Saturday.
3. No persons shall be permitted to smoke outside the rear of the premises after 22:00 hours Sunday – Thursday and 23:00 hours Friday - Saturday.
4. The maximum occupancy of the external area at any one time to be 25 persons (not including serving staff)
5. Clear and legible notices shall be displayed in a prominent position near the exit door(s) requesting that customers leave quietly to avoid disturbing local residents.
6. Clear and legible notices shall be displayed in a prominent position in any external areas where customers are permitted to smoke or drink, requesting that they keep noise to a minimum to avoid disturbing local residents.
7. Any security or other external lighting shall be carefully positioned and oriented to prevent lights shining into nearby residential properties and causing a nuisance. Any lighting other than security lighting shall be switched off after 23:00 hours to prevent occurrence of the nuisance.

I would therefore invite the Licensing Sub-committee to consider this representation when making their decision regarding this application.

Yours sincerely,



Miss Jo Smith
Team Leader, Domestic Environmental Health

Appendix 6
Summary of proposed times and conditions

Bombay Central, 328 High Road, Harrow, Middlesex, HA3 6HS

Licensable activities

	<i>Hours open to public</i>	<i>Sale of alcohol</i>	<i>Live music/dance performance*</i>	<i>Recorded music*</i>	<i>Late night refreshment</i>
<i>Ground floor</i>	0800 – 0100 next day	1000 – 0000	None		2300 - 0000
<i>Basement</i>	0800 – 0200 next day	1000 – 0100 next day	1000 – 0100	1000 - 0100	2300 – 0130 next day
<i>External area if granted</i>	1030 – 2300 (1000 –2300 Sunday)	1030 – 2300 (1000-2300 Sunday)	None	None	None

* = Next day

The terminal hour for opening is extended on New Years' Eve to 0400 hours the following morning and until 0300 hours for licensable activities.

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.

Annex 2 – conditions consistent with Operating Schedule

1. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests as documented in the Harrow Police Security Recommendations document. The medium upon which the images are recorded will be clearly identifiable, stored securely, retained for a period of not less than 31 days and it will be made available to Council Officers and Police immediately upon request.
2. As per Mandatory Conditions - The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 the age verification policy shall apply to persons who appear to be under the age of 21 years old ("Challenge 21 policy"). All staff shall receive training with regard to the Challenge 21 Policy. The record will be made available to officers of the Metropolitan Police and the local authority immediately upon request.
3. A record of any incident that takes place at the premises which would undermine one or more of the four licensing objectives to be kept at the premises. The record will be made available to officers of the Metropolitan Police and the local authority immediately upon request.

4. All staff will be trained to a suitable level to identify public safety matters and any such concerns will be recorded in the incident book.
- 5 . Prominent, clear and legible notices shall be displayed at the entrance/exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
6. When live or recorded music either amplified or unamplified is played the volume of the music will be kept to a level that ensures that no nuisance is caused to nearby residents.
7. All windows and doors will be kept closed (except for entry and exit) during the times regulated entertainment takes place.
8. Door supervisors will be employed at the premises from 23.00 until the terminal hour the following morning on Friday and Saturday nights at a ratio of 1 door supervisor to every 50 persons on the premises. The car park area will be monitored by the door supervisors to ensure persons who are exiting the venue disperse quickly and quietly so as not to cause a nuisance to nearby residents.
9. When the basement is booked for events beyond midnight (other than on a Friday or Saturday night) there will be at least two door supervisors employed at the premises from 23.00 until the terminal hour the following morning. The car park area will be monitored by the door supervisors to ensure persons who are exiting the venue disperse quickly and quietly so as not to cause a nuisance to nearby residents.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

1. Off sales of alcohol are limited to alcohol purchased at the same time as takeaway meals only.

[Additional conditions proposed by Environmental Health]:

2. No amplified music or speech to be played in the external area.
3. The external area shall only be used up until 21:00 hours Sunday – Thursday and 22:00 hours Friday- Saturday.
4. No persons shall be permitted to smoke outside the rear of the premises after 21:00 hours Sunday – Thursday and 22:00 hours Friday - Saturday.
5. The maximum occupancy of the external area at any one time to be 20 persons (not including serving staff).
6. Clear and legible notices shall be displayed in a prominent position near the exit door(s) requesting that customers leave quietly to avoid disturbing local residents.
7. Clear and legible notices shall be displayed in a prominent position in any external areas where customers are permitted to smoke or drink, requesting that they keep noise to a minimum to avoid disturbing local residents.
8. Any security or other external lighting shall be carefully positioned and oriented to prevent lights shining into nearby residential properties and causing a nuisance.