

LICENSING PANEL MINUTES

20 MARCH 2019

Chair: * Councillor Ramji Chauhan

Councillors: * Dan Anderson * Dean Gilligan

* Denotes Member present

12. Appointment of Chair

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

13. Declarations of Interest

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

14. Minutes

(See Note at conclusion of these minutes).

15. 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 ITEM

16. Application for a new premises licence for Shenels Supermarket, Kingsgate House, 29 - 43 The Broadway, Stanmore, HA7 4DJ

In attendance:

Legal Adviser:	Theresa Awosika
Licensing Officers:	Ash Waghela and Aneta Sarafnejad
Applicant:	Senel Tursun
Applicant's Representative:	Duncan Craig
Objector(s):	C Lis, Manager of Bernays Memorial Hall

The Licensing Panel carefully considered all relevant information including:

- Written and oral representations by all the parties, including photographs and maps
- 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.

Members of the Panel also took into consideration the:

- objections made at the meeting by a manager of an adjoining Community Hall which focused on the risk of the undermining of licensing objectives should the application be granted;
- offer made by the applicant to reduce the hours for sale of alcohol on Sundays;
- minor modifications to the conditions proposed;

full details of which were set out in the Decision Notice sent to all interested parties. The Panel also noted that the application was in respect of a local convenience store seeking to introduce the sale of alcohol which would form only 10% of its shelf space and not operate solely as an off-licence, and consequently

RESOLVED: That a premises licence be granted to Shenels Supermarket, Kingsgate House, 29 – 43, The Broadway, Stanmore, HA7 4DJ, for the hours and conditions set out below:

Hours Open to the Public and for Licensable Activities

Hours open to the Public

Monday – Sunday 07:00 – 23.00

Sale of retail alcohol

Monday – Sunday 07:00 – 23.00

Sunday 08:00- 22:00

Conditions

1. The designated premises supervisor (DPS), a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public;
2. CCTV system:
 - (a) A CCTV system covering the interior and exterior of the premises be installed to current Metropolitan Police standards and kept operational at all times the premises are open to the public.
 - (b) The CCTV system shall be capable of taking frontal head and shoulders shot of persons entering the premises, of recording images in any light, and be capable of storing the images for a minimum of 31 days.
 - (c) All staff working on the shop floor shall be trained to operate the CCTV system and download images.
 - (d) At least one member of staff, trained to operate the CCTV system and download images, shall be on duty at all times the premises were open to the public. Footage and screenshots shall be shown to the police and authorised Council officers immediately upon request. Copies of downloaded footage/images shall be provided to the police and to authorised Council officers on a USB stick, CD or other acceptable means as soon as possible and, in any case, within 24 hours of the request.
3. A "Challenge 25" Policy shall be operated;
4. All staff were required to undergo regular Licensing Act 2003 training at least every six months. This training shall include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making a recording of a refusal, avoiding conflict and responsible alcohol retailing. This was to be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request;
5. An incident book shall be kept at the premises and made available to the police or authorised Council officers, which will record the following:

- (a) All crimes reported
 - (b) Lost property
 - (c) All ejections of customers
 - (d) Any complaints received
 - (e) Any incidents of disorder
 - (f) Any seizure of drugs or offensive weapons
 - (g) Any faults in the CCTV
 - (h) Any refusal in the sale of alcohol
 - (i) Any visit by a relevant authority or emergency services;
6. Notices were to be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:
- (a) That CCTV and “Challenge 25” were in operation
 - (b) Of the provisions of the Licensing Act 2003 regarding underage and proxy sales
 - (c) Of the permitted hours for licensable activities and the opening times of the premises
 - (d) To not consume alcohol in the street
 - (e) To respect residents, leave quietly, not to loiter outside of the premises or in the vicinity and to dispose of litter legally;
7. The premises licence holder shall not sell super strength beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of the specialist branded, premium priced, products – for example, craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider;
8. The external area of the premises shall be kept tidy at all times and be swept at close of business;
9. No deliveries were to be received or rubbish removed from the premises between 22:00 hours and 07:00 hours (the following morning) on any day;
10. Name badges shall be worn by staff on the premises for ease of identification.

REASONS: As detailed in the Decision Notice sent to all interested parties, namely:

- (a) Harrow Council had not adopted a cumulative impact policy in any part of the borough;
- (b) the amendment to the hours for sale of alcohol on Sundays together with the additional and slightly revised conditions above would help promote the licensing objectives: prevention of crime and disorder, promotion of public safety, prevention of public nuisance and protection of children from harm. The concerns about drinking and littering in the area, as well as that of the other objectors, would be met by the

conditions imposed on the licence and were sufficient to ensure that the licensing objectives are not compromised.

The Licensing Panel encouraged the parties present at the meeting to liaise with each other and reminded the objectors that there was a mechanism for the review of a premises licence 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: prevention of crime and disorder, promotion of public safety, prevention of public nuisance and protection of children from harm.

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 7.40 pm, closed at 9.02 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].