

LICENSING PANEL MINUTES

26 MARCH 2019

Chair: * Councillor Primesh Patel

Councillors: * John Hinkley * Natasha Proctor

In attendance: Dan Anderson Minute 21
(Councillors)

* Denotes Member present

17. Appointment of Chair

RESOLVED: That Councillor Primesh Patel be appointed Chair of the Licensing Panel hearing.

18. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 5 - McDonald's Restaurant, Shaftesbury Parade, Shaftesbury Circle, South Harrow, Middlesex, HA2 0AE

Councillor Dan Anderson declared a non-pecuniary interest in that he was Ward Councillor for Harrow on the Hill. He would remain in the room whilst the matter was considered and voted upon.

19. Minutes

(See Note at conclusion of these minutes).

20. 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

21. McDonald's Restaurant, Shaftesbury Parade, Shaftesbury Circle, South Harrow, Middlesex, HA2 0AE

In attendance:

Legal Adviser:	Andrew Lucas
Licensing Officers:	Ash Waghela, Aneta Sarafnejad
Applicant's Representative:	Mark Altman
Applicant:	Kurt Jansen, Thom Russell
Objector:	Councillor Dan Anderson

The Licensing Panel carefully considered all 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

Having considered all the oral and written representations put before them, the Panel resolved to grant the Application as sought and not to impose further conditions on the Licence other than the ones already offered by the Applicant or agreed with the Objectors at the meeting of the parties.

The Panel acknowledged that the area the Premises are located in are primarily residential. But the Panel were satisfied that the conditions offered by the Applicant would prevent the licensing objectives from being undermined.

The Panel placed weight on the fact that the Police were satisfied with the conditions originally proposed by the Applicant and saw no need to make a representation. The Panel also placed weight on the lack of objection from the Council in its capacity as the Licensing Authority. The good working relationship between the Applicant and the Council's ASB team was noted by the Panel.

RESOLVED: To grant the premises licence for the hours set out below and subject to the following conditions:

Hours Open to the Public and for Licensable Activities

Hours open to the Public & Late Night Refreshment

Sunday – Thursday	06:00 – 00:00
Friday – Saturday	06:00 – 02:00 (the following morning)
Restaurant Opening Hours	06:00 – 00:00
Monday – Sunday	

Drive Thru Opening Hours	
Friday – Saturday	06:00 – 02:00 (the following morning)

Conditions

The Panel resolved that the following conditions should be applied to the licence:

1. The head unit (recorder) for storing CCTV images must be located in a secure cabinet or other secure area out of the sight and reach of the public.
2. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days. Footage and screenshots shall be made available to the Police and Licensing Authority Officers immediately upon request in accordance with the Data Protection Act 2018.
3. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which the footage is transferred must be provided by the Premises.
4. A member of staff who is trained to operate the system and supply the footage must be present at the Premises at all times when licensable activities are taking place.
5. There shall be a fully trained manager at the Premises between 23:00 and the terminal hour.
6. Signage shall be displayed throughout the restaurant and drive thru facility warning that CCTV is in operation for the detection and prevention of crime and disorder.
7. The car park shall be closed off to customers from 23:00 by way of a barrier to prevent vehicles from loitering; apart from the two designated grill bays as shown on the plans attached to the licence.

8. Any gathering of people or vehicles in those spaces that are coned off in the car park or other areas of the drive thru shall be challenged by the manager on duty, notified that they are on CCTV, and asked to leave the Premises.
9. Delivery drivers shall not be allowed to wait outside the front of the restaurant after 23:00 and any that do will be reported to Uber and prevented from collecting takeaway orders.
10. Delivery drivers shall not be permitted to park on the public highway in front of the Premises. This will be enforced by the manager on duty.
11. Clear, illuminated signage that informs persons that the area is out of bounds between the hours of 23:00 and 05:00 shall be prominently displayed in the alfresco area. Where persons are seen to be disregarding these notices and/or loitering outside the Premises, the manager on duty shall challenge and politely ask those persons to leave the Premises.
12. Prominent and clear signage shall be displayed throughout the drive thru to warn customers to keep noise to a minimum, respect the needs of local residents, leave the Premises and the area quietly and not to:
 - Use their vehicle horns;
 - Play loud music;
 - Rev engines or act in anti social mannerOr they may risk not being served. Signage shall also warn customers that these types of anti-social behaviour are recorded on CCTV which will be used to identify offenders and reported to Harrow Council and/or the Police.
13. A telephone number and e-mail address will be made available to residents (via signage displayed at the Premises) to enable residents to contact the Premises to report evidence of anti-social behaviour within or on the boundary of the Premises.
14. The placing of waste, including bottles, into receptacles outside the Premises shall only take place between the hours of 07:00 and 23:00 to minimise disturbance to nearby properties.
15. Litter patrols shall be extended to cover those hours when the drive thru is open up until 02:00. Litter patrols shall be extended up to a 100 metre radius of the Premises and all of the Shaftesbury Circle. All litter shall be properly bagged and disposed of in a commercial litter receptacle.

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 7.30 pm, closed at 8.20 pm).

(Signed) COUNCILLOR PRIMESH PATEL
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].