

Licensing Panel AGENDA

DATE: Wednesday 19 June 2019

TIME: 7.30 pm *

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

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

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Dean Gilligan
Maxine Henson
Angella Murphy-Strachan

Reserve Members:

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

Contact: Navshika Beeharry, Senior Democratic & Electoral Services Officer
Tel: 020 8416 8063 E-mail: navshika.beeharry@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: Tuesday 11 June 2019

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. TRILOGY, 6-8 WHITCHURCH PARADE, WHITCHURCH LANE, EDGWARE, MIDDLESEX, HA8 6LR (Pages 7 - 54)

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 For A Review Hearing - Oral Hearing in Public

*This document provides a summary of the Panel's procedure for the conduct of this oral hearing in public. This procedure is followed during a **REVIEW** procedure.*

*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. **Introduction** by the **objector(s)** 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 **objector(s)** by:
 - the applicant
 - the Panel
- v. **Presentation** by the **applicant**, 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 **applicant** by:
 - the objector
 - the Panel
- vii. **Concluding statement** by the applicant.
- viii. **Concluding statement** by objector(s).
- 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.

Agenda Item 4

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 of Meeting: | 19 June 2019 |
| Subject: | Application for review of the premises licence for Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, HA8 6LR |
| Responsible Officer: | Paul Walker – Corporate Director – Community Directorate |
| Exempt: | No |
| Wards affected: | Canons |
| Enclosures: | Application for review (appendix 1) Location map and image (appendix 2 and 2a) Current premises licence and plan (appendix 3) Representations (appendix 4) Licence review guidelines (appendix 5) |

Section 1 – Summary

An application has been received from the Environmental Health Department to review the premises licence for Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, HA8 6LR, on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Representations received

| From | Representations details |
|-------------------------------|-----------------------------|
| The Planning Authority | No representations received |
| Health & Safety | No representations received |
| Environmental Health | <i>Application received</i> |
| Trading Standards | No representations received |
| Area Child Protection Service | No representations received |
| London Fire Brigade | No representations received |
| <i>Metropolitan Police</i> | No representations received |
| <i>Licensing authority</i> | No representations made |

Representations from other persons

2 representations have been received from other persons who are members of the public.

Section 2 – Report

1. An application has been made on behalf of the Environmental Health Department to review the premises licence for Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, HA8 6LR on the grounds of preventing crime and disorder, public safety and the prevention of public nuisance (appendix 1).
2. Description of premises
The premises are located on a busy parade of Whitchurch Lane. The premises comprise a two storey building. Primarily, the ground floor is a restaurant and bar. The second story is a converted attic space which is furnished for a seating area but it is not currently used for customers.
3. An image of the premises and a location map are provided at appendix 2.
4. Licensing history
A premises licence was first granted on 15 November 2007. The premises licence was transferred to the premises licence holder on 14 November 2014. The designated premises supervisor was varied at the same time to Mr Nilesh Amlani. Mr Amlani is also a director of Local Restaurant Limited.
5. On 9 March 2015, A variation application was submitted to the authority to extend hours for hours open to public, regulated entertainment, late night refreshment and the retail sale of alcohol. The variation also sought the removal of a condition “intoxicating liquor may only be supplied as ancillary to a substantial table meal”. As no representations were received in respect of this application, it was granted.

6. The current premises licence and plan are attached at appendix 3.
7. Details of the application
Received: 15 April 2019
The application has been advertised in accordance with the prescribed regulations.
8. Representations
There have been two representations. Both are from other persons who are members of the public
9. Officer observations
The application has been submitted to the authority by the Environmental Health Department as they have received complaints about noise nuisance that has been emanating from the premises. Mr Riley, on behalf of Environmental Health Department has approached the licensee on several occasions to work with him to try and resolve the issues that are causing one or more of the licensing objectives to be undermined. Noise abatement notices served under the Environmental Protection Act 1990 (EPA 1990) have also been served. It is to be noted that these notices are included with the application only to support information that shows that the prevention of public nuisance objective has been undermined. The non-compliance of these notices and actions taken for non-compliance should not be a consideration under the Licensing Act 2003. The information supplied on the review application and the representations clearly indicate that Condition 7 and condition 9 of annex 3 of the premises licence have not been complied with. A breach of a licence condition is criminal offence and it is dealt with under Section 136 of the Act – Unauthorised Licensable Activities.
10. Statutory guidance
The following passages and paragraphs of the statutory guidance issued by the Secretary of State in April 2018 are relevant to this application.
11. Paragraph 11.10 of the guidance refers to good practice for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.
12. Paragraph 11.20 of the guidance refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.
13. Information on public nuisance is available in paragraphs 2.15 – 2.21 of the Statutory Guidance. In particular, paragraph 2.16 states:

14. *“Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.”*
15. Licensing policy
The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 5. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.
16. Legal implications
The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
17. The Licensing Panel is required to give appropriate weight to the review application, 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 (if any) that are appropriate to promote the four licensing objectives.
18. Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –
- a. to modify the conditions of the licence;
 - b. to exclude any of the licensable activities from the scope of the licence;
 - c. to remove the designated premises supervisor;
 - d. to suspend the licence for a period not exceeding 3 months;
 - e. to revoke the licence
 - f. and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.
 - g. If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.
19. It should be noted that –
- a. clear reasons must be given for the decision;
 - b. any additional or modified conditions should be practicable and enforceable;

20. the applicant for the review, the premises licence holder 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.
21. In addition to determining the application in accordance with the legislation, Members must have regard to the –
- a. common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
 - b. provisions of the Human Rights Act 1998;
 - c. considerations in section 17 of the Crime and Disorder Act 1998.
22. The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).
23. The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which states:
24. '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

25. There are no financial implications.

Appeals

26. 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

on behalf of the
Chief Financial Officer

Date: 17 May 2019

| | | |
|-----------------------|-------------------------------------|--|
| Name: Theresa Awosika | <input checked="" type="checkbox"/> | on behalf of the Monitoring Officer |
| Date: 24 May 2019 | | |

| | | |
|-------------------|-------------------------------------|--------------------|
| Name: Paul Walker | <input checked="" type="checkbox"/> | Corporate Director |
| Date: 17 May 2019 | | |

| | |
|-----------------------------------|------------|
| Ward Councillors notified: | Yes |
|-----------------------------------|------------|

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, Ext. 6267

Background Papers:

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Licensing Act 2003:

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

APPENDIX 1

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **Alan Riley**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|--|
| Postal address of premises or, if none, ordnance survey map reference or description Trilogy, 6-8 Whitchurch Parade, Whitchurch lane, Edgware, Middlesex, HA8 6LR | |
| Post town HARROW | Post code (if known) HA8 6LR |
| Name of premises licence holder or club holding club premises certificate (if known) Local Restaurant Limited | |
| Number of premises licence or club premises certificate (if known) LN/000001049/2015/16 | |

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Alan Riley 1 st Floor, Unit 1, Central Depot, Forward Drive, HA3 8NT |
| Telephone number (if any) [REDACTED] |
| E-mail address (optional) [REDACTED] |

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

1. Failure to comply with an abatement notice under the Environmental Protection Act 1990 section 80.
2. Causing a statutory noise nuisance which shows no or very little regard for neighbours and the surrounding properties. This consistently undermines the public nuisance objective.
3. The crime and disorder objective has been undermined as certain conditions attached to the premise licence have been breached. Also a noise abatement notice under Environmental Protection Act 1990 section 80 has been breached. Prosecution is being considered.

Please provide as much information as possible to support the application (please read guidance note 3)

Having received 3 valid complaints. All with supporting diary sheets regarding a substantial noise nuisance originating from Trilogy. A site visit was made on the.

On the 11/1/19.

At this time there were no managers, DPS or owner present on the premises. Advice was given to Victoria (a member of front of house staff) on the fact that we were investigating noise issues and advised on keeping the doors shut and reducing the volume. A visit was booked in with the manager over the Phone for the, 14/1/19 at 12:00. A voice mail was left for the owner advising he attend. Noise continued over this weekend.

On the 14/1/19.

A meeting with Mr Amlani(owner) and Jagdish(manager). At this meeting we discussed possible solutions and advised on precautions to ensure problems did not persist.

On the 15/1/19

This was put in writing and hand delivered. See attached copy.(exhibit A)

On the 20/1/19

A night time visit was made starting at 01:20 and finished 02:50. During this time the music was clearly audible and witnessed at a level that was deemed to be a statutory nuisance in several locations. 1. Outside graham lodge 2 Montgomery road. 2. Outside a property on Whitchurch lane. 3. Inside a property on Whitchurch lane in front room/ lounge and master bedroom. 4. Outside a property in mead road. 5. at the far end of mead road (over 180 metres away from restaurant). 5. Outside the restaurant to the point the roller shutters were vibrating due to the bass. We entered the restaurant at 02:30 we spoke to Mr Amlani he turned the music off and was re advised about breaching the licencing objectives and causing a statutory nuisance. He promised that he would take steps to rectify this. As we left the music was switched off however the noise continued as patrons were leaving the door staff having little or no effect on the quiet dispersal. Also noted at this visit copious amounts of smoking related rubbish on the street.

On the 21/1/19.

A letter was written and hand delivered. See attached copy.(Exhibit B)

On the 23/1/19

Mr Amlani called left a message on my desk phone. He advised the bass bins were being removed and an effort would be made to reduce the noise in the form of monitoring.

On the 9/2/19

Visit to area at 00.08 people noise but no music evident from outside Graham lodge 2 Montgomery road. at 00:35 We sat at the bus stop opposite the restaurant from here bass and singing could be heard at 00:40 music could be heard clearly this was made worse as people were exiting and entering for cigarettes. At 00:44 7 patrons came out making quite a lot of noise. at 01:06 music could clearly be heard from the bus stop so we entered the premises and spoke to Mr Amlani. he was adamant that he was trying to control the noise it was a lot better the previous so took him at his word.

14/2/19

Music noted to be loud as recorded in diary sheets starting again on then continuing every weekend since.

11/3/19

Message left from complainant advising that noise had increased and continued.

14/3/19

Abatement Notice served on Mr Amlani hand delivered to restaurant and business address see attached.(Exhibit C cover letter) (Exhibit D Notice)

15/3/1

Having noted an issue with the 75dB limit applied on the notice and that it could have still caused a statutory nuisance the wording was adapted and a revised notice was sent out. See attached.(Exhibit E cover letter) (Exhibit F revised notice)

1/4/19

Received more diary sheets from complainant. More evidence of statutory nuisance. And breach of notice served on the 15/3/19. Also included was a petition with 11 signatures. Petition not included as it contains sensitive data.

7/4/19

Visit to the area. At 01:30 music was audible from outside graham lodge 2 Montgomery road this was confirmed to be originating from trilogy. The music was audible at the bus stop opposite and deemed to be a statutory nuisance. We then entered the premises and requested that the music be turned down. It was briefly turned down then the volume crept up while we were still there. After some persuasion the music was turned down and was at a suitable volume as we left at this point the shutters were put down.

Summary

Despite numerous visits and correspondence Mr Amlani has failed to meet the following licencing objectives under the licencing act 2003:

Public Nuisance:

Section 2.16 of the Statutory Guidance issued under the Licensing Act 2003 states (in part): Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

Section 2.17-2.19 of the Statutory Guidance issued under the Licensing Act 2003 states:

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

Crime and disorder

Section 2.5 of the Statutory Guidance issued under the Licensing Act 2003 states:

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

As Mr Amlani is breach of an abatement notice under the environmental protection act 1990 section 80. This is a criminal offence.(we are considering Prosecution.)

Recommendations

It is recommended to the committee that in order to uphold the licensing objectives, regulated entertainment i.e. Exhibition of films, live music (e), recorded music(f), and performance of dance(g) and performance similar to e f g be removed from the licence. This would mean that live and recorded music may be played at the premises during 08:00 and 23:00 hours each day as per the exemption for licensed premises that are allowed to sell alcohol for consumption on the premises.

Section 16.55 of the Statutory Guidance states:

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension⁷⁴ and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

If the committee should be minded to allow music between the hours of 08:00 and 23:00 hours, then the following conditions would be recommended:

1. AT the end of trading the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements. (This ensures that the area is kept clean and tidy and does not impact the neighbouring community helping to prevent public nuisance.)

2. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. (This is to protect licencing objectives regarding public nuisance)

3. Loudspeakers shall not be located in the entrance lobby or outside the premises building. Loudspeakers and other sound amplification equipment must not be directed outwards towards any street or installed externally to the Premises. Section 177A does not apply to this condition. (This is to protect licencing objectives regarding public nuisance)

4. Appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be:

a) Set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. A Compliance Certificate must be supplied to the licensing authority for the installation of the unit before any regulated entertainment is carried out stating the operating parameters of the unit.

i) The installation must be carried out by a competent/qualified person and submitted to licensing authority for approval. The compliance certificate should contain the following.

Min. 5 minute LAEQ

Frequency analysis between 200Hz - 35Hz

ii) The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit) The Premises Supervisor must ensure that any amplified sound from the premises does not cause a public nuisance by ensuring that amplified sound is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise. Section 177A does not apply to this condition. (This is to protect licencing objectives regarding public nuisance)

5. The Licensee shall comply with all reasonable crime prevention and/or public safety measures that may be required by the Licensing Authority and/or the Environmental Health Officer and/or the Metropolitan Police and which are consistent with the premises operating schedule. (This is to protect licencing objectives regarding public nuisance and crime and disorder)

6. At least one First Aider trained to deal with problems associated with alcohol and drugs will be on duty when premises are open for licensable activities. (having witnessed patrons vomiting in the street on several occasions this was added to help with public safety also to help protect the licencing objectives regarding public nuisance)

7. No more than 6 customers are permitted in the outside smoking area at any one time. (This is to protect licencing objectives regarding public nuisance)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|------|
| ± | ± | ± |

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature ALAN RILEY

Date

15/4/2019

Capacity Environmental Health Technician.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

EXHIBIT A

Community Directorate
Corporate Director
Paul Walker

Dear Mr Amlani
Trilogy
6-8 Whitchurch Parade
Whitchurch Lane
Edgware
Middlesex
HA8 6LR

15th January 2019

Our ref: CE/CSS/AR/WK/000662517

 **COPY**

Dear Mr Amlani

Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR

Environmental Protection Act 1990 Noise Nuisance from amplified music.

Following our meeting on 14th January 2019. As discussed going forward you are going to make a conscious effort to ensure noise and vibration leakage is reduced by.

1. Carrying out regular checks of the volume of the sound system. By this as we agreed going outside the premises and if the music is audible then turned down.
2. Ensuring that the doors of the restaurant are used as intended to reduce sound leakage.
3. Ensuring that any portable sound equipment is in fact being played through the sound limiter.
4. Training/informing of all staff of the importance of carrying out the requested actions.

For the avoidance of doubt, you are advised that the Council will be carrying out monitoring as part of its investigation. This monitoring may take the form of periodic visits which could be carried out at any time of day and night, by officers who will undertake such observations as are necessary or use such electronic equipment as necessary, to determine whether statutory nuisance exists.

I am sure that you would not wish to intentionally disturb your neighbours but I must point out that the Council has legal powers under the Environmental Protection Act to serve a formal notice (called an "Abatement Notice") on any person who creates a noise nuisance requiring them to control noise levels and to curtail noisy/anti-social activities.

Yours faithfully

Alan Riley, Environmental Health Technician
Community Safety



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First main paragraph of text, containing several lines of faint, illegible characters.

Second main paragraph of text, continuing the faint, illegible content.

Third main paragraph of text, with faint, illegible characters.

Fourth main paragraph of text, containing faint, illegible text.

Fifth main paragraph of text, with faint, illegible characters.

Sixth main paragraph of text, containing faint, illegible text.

EXHIBIT B

Community Directorate
Corporate Director
Paul Walker

Trilogy
6-8 Whitchurch Parade
Whitchurch Lane
Edgware
Middlesex
HA8 6LR

21st January 2019

Our ref: CE/CSS/AR/WK/000663210



Dear Mr Amlani.

Environmental Protection Act 1990 Noise Nuisance from amplified music and people noise emanating from Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR.

Despite previous site meetings and written action plans. It disappoints me to have to recontact you regarding the nuisance that you are causing. Having actually witnessed the noise allowed to escape the property, the music noise was clearly audible at the far end of mead road approximately 180 metres away.

As discussed previously in our meeting on the 14th January 2019 and in my letter hand delivered on the 15th January 2019.

"You are going to make a conscious effort to ensure noise and vibration leakage is reduced by.

1. Carrying out regular checks of the volume of the sound system. By this as we agreed going outside the premises and if the music is audible then turned down.
2. Ensuring that the doors of the restaurant are used as intended to reduce sound leakage.
3. Ensuring that any portable sound equipment is in fact being played through the sound limiter.
4. Training/informing of all staff of the importance of carrying out the requested actions. "

Following our visit on the morning of the 20th January 2019. It is evident that none of these steps have been implemented or even taken on board.

I therefore request that a qualified sound engineer is employed before next weekend, to test and reset the noise limiter. This is to be set to a level that does not allow the music to be audible from the bus stop opposite your restaurant also to ensure that any/all external equipment is played through this limiter. I will require proof of this in the way of a report.

Additionally it is clearly evident that your door supervisors have little or no control over your noisy patrons whilst outside smoking as their voices could also be clearly heard from 100 metres away. Also at the end of the evening dispersal of drunken patrons would be an additional thing to look into. Also smoking related littering to the front of the premises. Although ashtrays are in place they are clearly not used.

This is my last warning. If noise can not be limited as to not cause a nuisance, an Abatement notice will be served and a licence review may be implemented.

Yours faithfully

Alan Riley, Environmental Health Technician
Community Safety

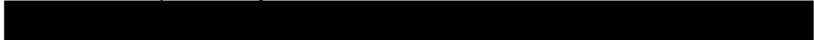


EXHIBIT C

Community Directorate
Corporate Director
Paul Walker
MR

Trilogy
6-8 Whitchurch parade,
Whitchurch lane,
Edgware,
Middlesex,
HA8 6LR.

14th of March 2019

Our ref: CE/CSS/AR/WK/000663210

ENVIRONMENTAL PROTECTION ACT 1990 S80 Noise Nuisance from amplified music and speech from Trilogy ,6-8 Whitchurch parade, Whitchurch lane,Edgware,Middlesex,HA8 6LR.

Dear Mr Amlani.

Despite previous correspondence and site visits. The noise emanating from Trilogy, 6-8 Whitchurch Parade has continued to cause a Noise Nuisance to neighbouring properties.

Therefore please find the attached notice, served under the above legislation, requiring you, as the owner of the premises, to carry out steps to remedy the problem.

I must inform you that failure to comply with the notice can result in prosecution and a review of your premises licence.

It is important that you read through the notice carefully and understand exactly what it means. You may wish to seek independent legal advice. In the event of an appeal arising, all papers relating to it should be sent via the appropriate Magistrates Court to the Director of Legal Services, Harrow Council, Civic Centre, Station Road, Harrow HA1 2UT.

If you wish to discuss this matter further, please contact me on the number below.

I trust you will cooperate to avoid the need for any further enforcement action.

Yours Sincerely,

Alan Riley,
Environmental Health Technician,
Environment & Enterprise.

Ref CSS/WK/000663210/A

London Borough of Harrow
Environmental Protection Act 1990 Section 80

Notice for Abatement and/or Prohibition or Restriction of Nuisance

To: The Owner

Of: Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR

The Council of the London Borough of Harrow

are satisfied that a statutory nuisance exists and likely to recur from the premises at

Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR

Arising from:

Noise nuisance arising from loud amplified music and speech

and that you are the person responsible for this nuisance from those premises.

TAKE NOTICE THAT Harrow Council, using their powers under the Environmental Protection Act 1990 **DO HEREBY PROHIBIT** a recurrence of the said nuisance and **REQUIRE** you to immediately abate and

To take such steps as may be necessary to prevent recurrence of this nuisance:

1. Ensuring all music is played through a working calibrated noise limiter set at 75db.
2. Ensuring door staff has some control over patrons outside the premises whilst smoking limiting the noise from this and patrons leaving the premises.
3. Engage a suitably qualified engineer to provide a schedule of works to improve the sound insulation within the licenced premises within 28 days.

NOTE THAT if this nuisance (whether abated or not) occur or recurs (or if you fail to comply with any of the requirements of this notice) an offence will have been committed and such offence may then be dealt with in a Magistrates' Court.

DATED



(Signed)

Alan Riley, Environmental Health technician.

Community Safety, PO Box 18, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT

Notes:

1. **A Person, industrial or trade premises guilty of an offence is liable to an unlimited fine and a daily penalty of £500.**
2. Failure to comply with the requirements of this Notice may result in the Council doing whatever is necessary to abate the nuisance and recovering any expenses reasonably incurred in so doing.
3. The person served with this Notice may appeal against the Notice to Magistrates' Court within 21 days from the service of the Notice.
4. The Statutory Nuisance (Appeals) Regulations, 1995 shall apply in relation to any appeal against this notice including the specified grounds of appeal contained therein.

5. In the event of an appeal against this Notice, the operation of the Notice shall not be suspended pending the result of the appeal [because (the nuisance is injurious to health) (the nuisance is likely to be of limited duration such that a suspension of the Notice would render it of no practical effect) (the expenditure that would be incurred by any person in the carrying out of works in compliance with the Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance)] NB. section 3 paragraph (2) applies - see 'Suspension of Notice' attached.

6. See attached note on Regulation of Investigatory Procedures Act 2000.

Statutory Nuisance (Appeals) Regulations 1995 (Appeals under section 80(3) of the 1990 Act)

Citation, Commencement and Interpretation

1. - (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.

(2) In these Regulations -

- 'the 1974 Act' means the Control of Pollution Act 1974;
- 'the 1990 Act' means the Environmental Protection Act 1990; and
- 'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.

2.

- (1) The provisions of this regulation apply to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates-
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 65 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being-
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being-
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may-

- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such a manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such an order as it thinks fit-
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
 - (7) In exercising its powers under paragraph (6) above the court-
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

- 3.
- (1) Where-
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act and
 - (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
 - (2) This paragraph applies where-
 - (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
 - (3) Where paragraph (2) applies the abatement notice-
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Regulation of Investigatory Procedures Act 2000:

For the avoidance of doubt, you are advised that the Council will be carrying out monitoring of the requirements of the Notice to ensure you have complied with it. This monitoring will take the form of periodic visits, to be carried out at any time of day or night, by officers who will undertake such observations as are necessary to determine whether the Notice has been complied with.

EXHIBIT E

Community Directorate
Corporate Director
Paul Walker
MR

Trilogy,
6-8 Whitchurch parade,
Whitchurch lane,
Edware,
Middlesex,
HA8 6LR.

 COPY

15th of March 2019

Our ref: CE/CSS/AR/WK/000663210

ENVIRONMENTAL PROTECTION ACT 1990 S80 Noise Nuisance from amplified music and speech from Trilogy ,6-8 Whitchurch parade, Whitchurch lane,Edware,Middlesex,HA8 6LR.

Dear Mr Amlani.

Please find enclosed a revised copy of the notice issued on the 14th march 2019. Please destroy the original.

Yours Sincerely,

Alan Riley,
Environmental Health Technician,
Environment & Enterprise.

Cc URMILA RAVAL 

Ref CSS/WK/000663210/A

London Borough of Harrow
Environmental Protection Act 1990 Section 80

Notice for Abatement and/or Prohibition or Restriction of Nuisance

To: The Owner

Of: Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR

The Council of the London Borough of Harrow

are satisfied that a statutory nuisance exists and likely to recur from the premises at

Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR

Arising from:

Noise nuisance arising from loud amplified music and speech

and that you are the person responsible for this nuisance from those premises.

TAKE NOTICE THAT Harrow Council, using their powers under the Environmental Protection Act 1990 **DO HEREBY PROHIBIT** a recurrence of the said nuisance and **REQUIRE** you to immediately abate and

To take such steps as may be necessary to prevent recurrence of this nuisance:

1. Ensuring all music is played through a working calibrated noise limiter set at a level that ensures that music is not audible at the nearest noise sensitive property.
2. Ensuring door staff has some control over patrons outside the premises whilst smoking limiting the noise from this and patrons leaving the premises.
3. Engage a suitably qualified engineer to provide a schedule of works to improve the sound insulation within the licenced premises within 28 days.

NOTE THAT if this nuisance (whether abated or not) occur or recurs (or if you fail to comply with any of the requirements of this notice) an offence will have been committed and such offence may then be dealt with in a Magistrates' Court.

DATED

(Signed)
Alan Riley, Environmental Health technician.

Community Safety, PO Box 18, Civic Centre, Station Road, Harrow, Middlesex, HA1 2UT

Notes:

1. **A Person, Industrial or trade premises guilty of an offence is liable to an unlimited fine and a daily penalty of £500.**
2. Failure to comply with the requirements of this Notice may result in the Council doing whatever is necessary to abate the nuisance and recovering any expenses reasonably incurred in so doing.

3. The person served with this Notice may appeal against the Notice to Magistrates' Court within 21 days from the service of the Notice.
4. The Statutory Nuisance (Appeals) Regulations, 1995 shall apply in relation to any appeal against this notice including the specified grounds of appeal contained therein.
5. In the event of an appeal against this Notice, the operation of the Notice shall not be suspended pending the result of the appeal [because (the nuisance is injurious to health) (the nuisance is likely to be of limited duration such that a suspension of the Notice would render it of no practical effect) (the expenditure that would be incurred by any person in the carrying out of works in compliance with the Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance)] NB. section 3 paragraph (2) applies - see 'Suspension of Notice' attached.
6. See attached note on Regulation of Investigatory Procedures Act 2000.

Statutory Nuisance (Appeals) Regulations 1995 (Appeals under section 80(3) of the 1990 Act)

Citation, Commencement and Interpretation

1. - (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.
- (2) In these Regulations -
 - 'the 1974 Act' means the Control of Pollution Act 1974;
 - 'the 1990 Act' means the Environmental Protection Act 1990; and
 - 'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.
2. (1) The provisions of this regulation apply to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates-
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,
 that the best practicable means were used to prevent or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being-
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being-
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
 and that it would have been equitable for it to have been so served.

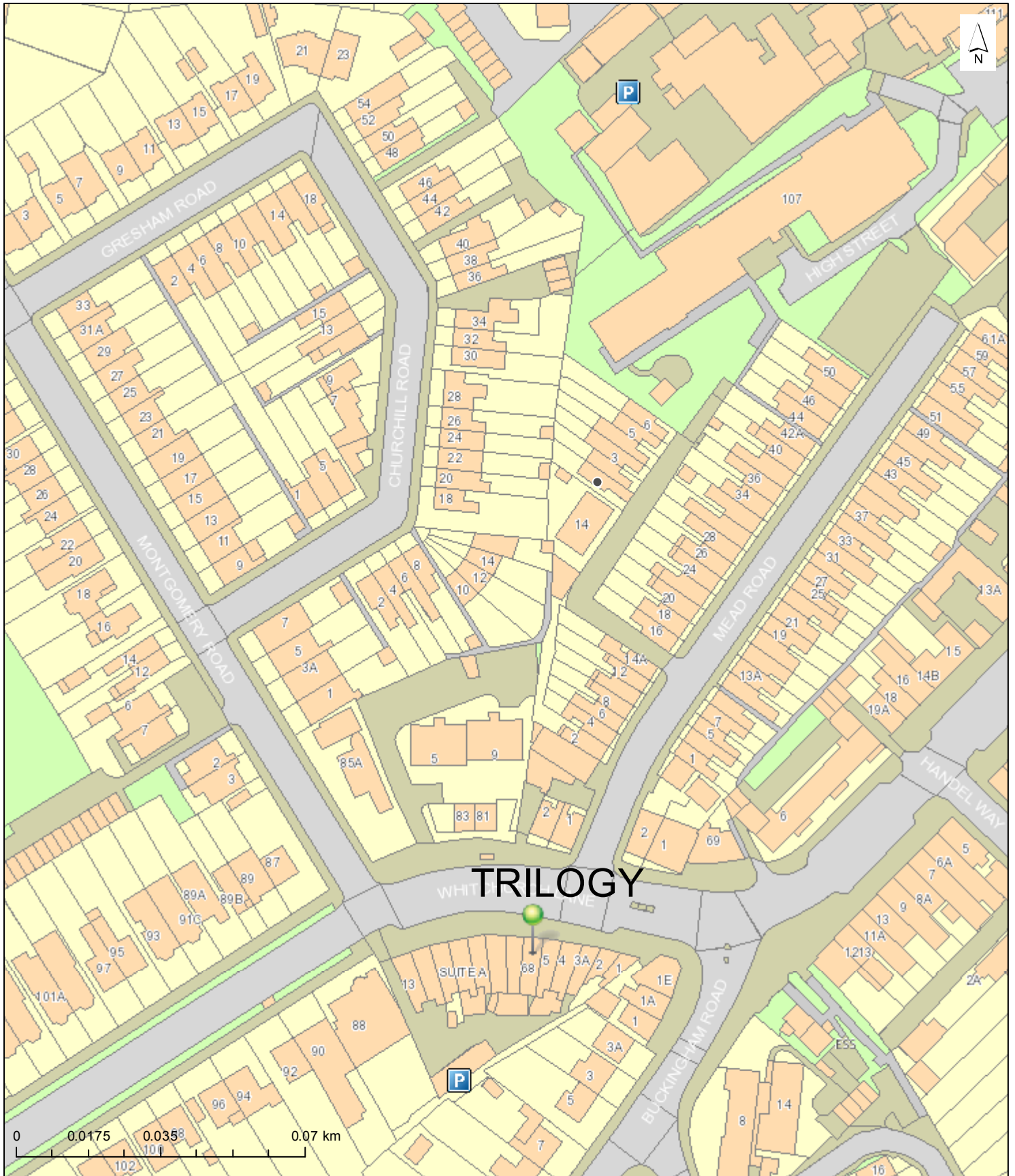
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such a manner as it thinks fit, or
 - (c) dismiss the appeal;
 and an abatement notice that is varied under sub-paragraph (b) above shall be final and otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such an order as it thinks fit-
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court-
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that the person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

- 3.
- (1) Where-
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act and
 - (b) either-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
 - (2) This paragraph applies where-
 - (a) the nuisance to which the abatement notice relates-
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
 - (3) Where paragraph (2) applies the abatement notice-
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Regulation of Investigatory Procedures Act 2000:

For the avoidance of doubt, you are advised that the Council will be carrying out monitoring of the requirements of the Notice to ensure you have complied with it. This monitoring will take the form of periodic visits, to be carried out at any time of day or night, by officers who will undertake such observations as are necessary to determine whether the Notice has been complied with.



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Points



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APPENDIX 2A

37



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LICENSING ACT 2003

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

Premises Licence Number: LN/000001049/2015/16

Part 1 – Premises details

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

Trilogy, 6-8 Whitchurch Parade, Whitchurch Lane, Edgware, Middlesex, HA8 6LR

Telephone Number [REDACTED]

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Exhibition of films Live music Recorded music Performance of dances Performance similar to e f g

Late night refreshment

Sale of retail alcohol

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)

Premises Licence



Licensable area
Hours open to public

| | | |
|-----------|---------------|---------------|
| Sunday | 00:00 - 03:00 | 12:00 - 00:00 |
| Monday | 12:00 - 00:00 | - |
| Tuesday | 12:00 - 00:00 | - |
| Wednesday | 12:00 - 00:00 | - |
| Thursday | 12:00 - 00:00 | - |
| Friday | 12:00 - 00:00 | - |
| Saturday | 00:00 - 03:00 | 12:00 - 00:00 |

The times the licence authorises the carrying out of licensable activities

Location: Licensable Area

Exhibition of films Live music Recorded music Performance of dances Performance similar to e f g

| | | |
|-----------|---------------|---------------|
| Sunday | 00:00 - 02:45 | 12:00 - 23:30 |
| Monday | 12:00 - 23:30 | - |
| Tuesday | 12:00 - 23:30 | - |
| Wednesday | 12:00 - 23:30 | - |
| Thursday | 12:00 - 23:30 | - |
| Friday | 12:00 - 00:00 | - |
| Saturday | 00:00 - 02:45 | 12:00 - 00:00 |

Location: Licensable Area

Late night refreshment

| | | |
|-----------|---------------|---------------|
| Sunday | 00:00 - 02:45 | 23:00 - 23:30 |
| Monday | 23:00 - 23:30 | - |
| Tuesday | 23:00 - 23:30 | - |
| Wednesday | 23:00 - 23:30 | - |
| Thursday | 23:00 - 23:30 | - |
| Friday | 23:00 - 00:00 | - |
| Saturday | 00:00 - 02:45 | 23:00 - 00:00 |

Location: Licensable Area

Sale of retail alcohol

| | | |
|-----------|---------------|---------------|
| Sunday | 00:00 - 02:30 | 12:00 - 23:30 |
| Monday | 12:00 - 23:30 | - |
| Tuesday | 12:00 - 23:30 | - |
| Wednesday | 12:00 - 23:30 | - |
| Thursday | 12:00 - 23:30 | - |
| Friday | 12:00 - 00:00 | - |
| Saturday | 00:00 - 02:30 | 12:00 - 00:00 |

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

Part 2

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

Local Restaurant Limited

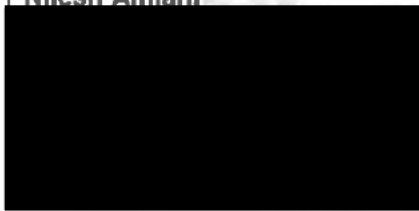


Registered number of holder, for example company number, charity number (where applicable):

09052945

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Nilesh Amlani



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

LB OF BRENT - 140167

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) "value 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) CCTV will be installed operated and maintained in accordance with the reasonable specification of the Metropolitan Police Crime Prevention Officer.

2) Children will always be accompanied by an adult when on the premises.

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

1. An accurate and up to date log book shall be maintained, in a format prescribed by the licensing authority, providing details of door supervisors employed in respect of the premises, which shall comprise two parts:

i. a part recording the name, address, telephone number and registration number of each door supervisor employed in respect of the premises (whether employed directly or through an agency) and the name,

address and telephone number of the agency providing the supervisor where the supervisor is not employed directly;

ii. a part recording the name and registration number of each door supervisor, dates and times of commencement and finishing of work, signature of the door supervisor in respect of both, and details of any incident in which the door supervisor is involved, including the calling of the police and any police action taken.

2. There shall be a minimum of one door supervisor for every 50 persons (or part thereof) at live music events attended by adults and for any event on a Friday, Saturday or Sunday night from 1900 until closing.

3. CCTV equipment shall be installed operated and maintained in good working order and in accordance with the recommendations of the Police Crime Prevention Officer.

4. Notices shall be prominently displayed (and prevented from damage and deterioration) advising customers to leave the premises quickly and quietly to prevent any disturbance to residents.

5. A suitable method of determining the number of persons on the premises at any one time shall be employed to ensure that the maximum permitted number is not exceeded.

6. The licence holder, manager or designated premises supervisor should be aware of the number of people on the premises and shall inform any authorised person on request.

7. Noise or vibration shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

8. Doors and windows shall be kept shut during licensable activities.

9. Amplified sound equipment shall be governed by a sound limiting device set at a level approved by the licensing authority.

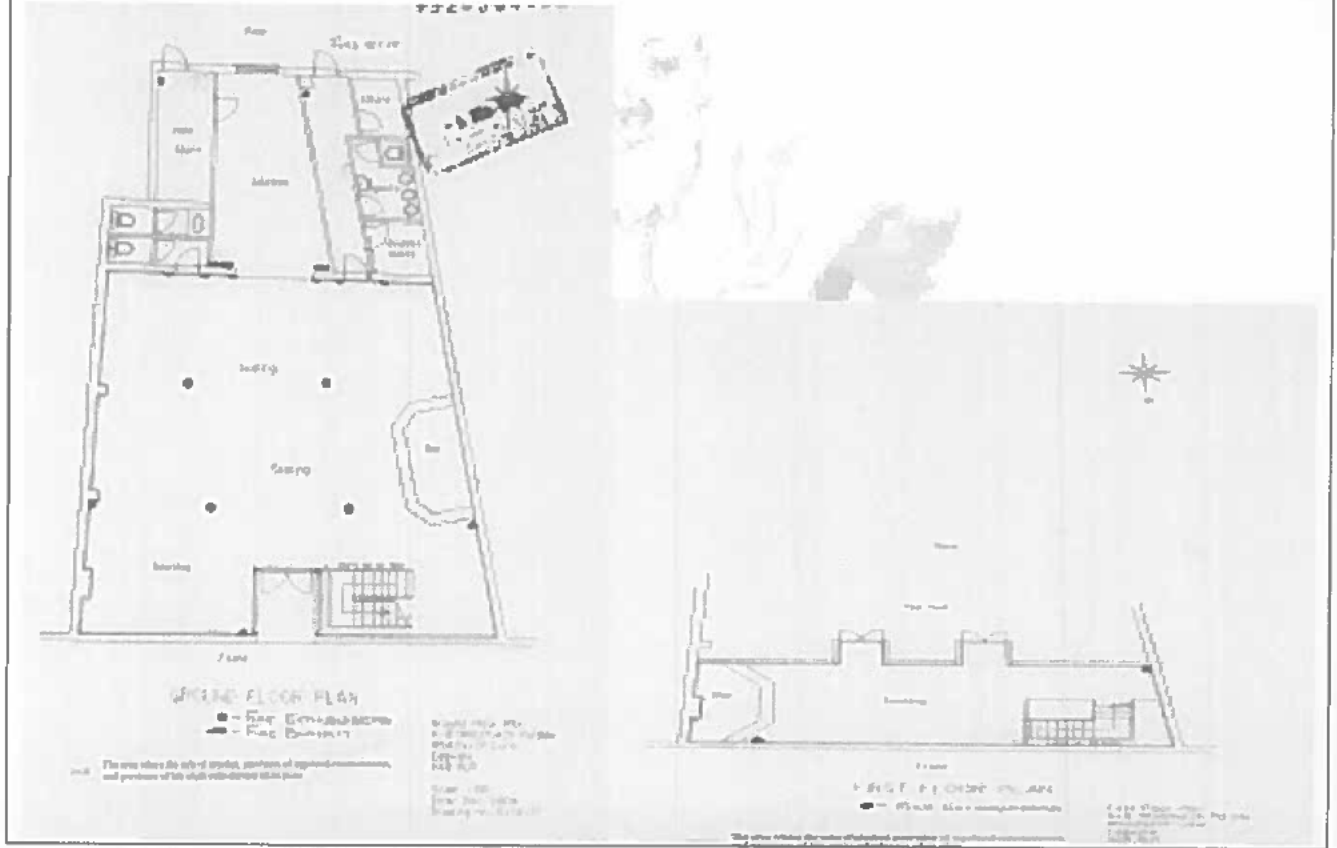
10. The placing of bottles into receptacles outside the premises shall only take place between the hours of 0800 and 2100.

11. There will be no 'Mujra' dancing at the premises.

12. A central alarm system shall be installed, operated and maintained in good working order and in accordance with the recommendations of the Police Crime Prevention Officer.

13. Any films shown should be in accordance with the British Board of Film Classification and suitable for clientele including children.

Annex 4 – Plan



| | |
|------------------------------------|-----------------------------|
| Date of original grant: 15/11/2007 | Reason for issue: Variation |
| Date of issue: 13th April 2015 | Issue Number: 16 |



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APPENDIX 4



MR M. J. HOLLEY



REF CE/CS/AR/WK000662517.

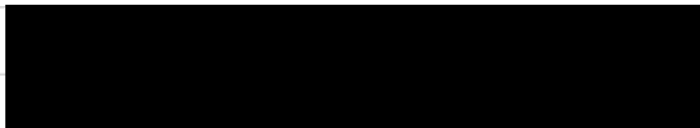
Dear Sir

The TRILOGY RESTURANT, 6-8 WHITCHURCH ~~LANE~~
PARADE, WHITCHURCH LANE, EDYWARE, MIDDLESEX
Plays very LOUD MUSIC (VERY STRONG BASS) from
app 9PM - 3-4 AM. This happens 2-3 times a week.
this has been going on for years.
This can be a NIGHTMARE.

As not being a young as I was (a PENSIONER).

The STRESS IS BAD having an effect on my HEALTH.
So I hope this letter will stop the very LOUD MUSIC.
(RECORD OF DATES & TIMES SUPPLIED).

Yours Sincerely,



Written record of noise disturbance

Complaint reference 662517

Officer name Alan Riley



Noise witnessed by MR. M. J. HOLLEY
 (Full name and address from which the witness heard the noise)

Noise originating from RE TELEVISION - 6-8 WHITE CHURCH LANE, EDYWARE, MIDDLESEX HA8 6LR
 (address which the noise was coming from)

I certify that the details given on this diary sheet are a true and accurate record of noise events from the address shown. I understand that these details are in the event of formal action on this matter.

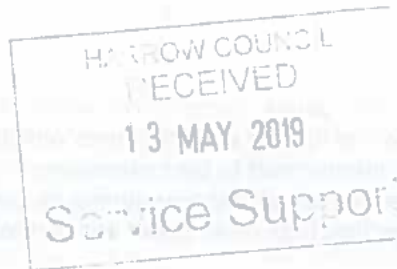
Signature [Redacted] Full name (print) M. J. HOLLEY Date 14/4/2019

| Date | Time noise started | Time noise stopped | Description of noise | Effect of noise on you |
|------------------|--------------------|--------------------|------------------------|---|
| <u>16/4/2019</u> | <u>10.30 PM</u> | <u>1.00 AM</u> | <u>VERY LOUD MUSIC</u> | <u>I COULD HEAR IT ABOVE THE SOUND OF MY TELEVISION</u> |
| <u>13/4/2019</u> | <u>10.30 PM</u> | <u>2.00 AM</u> | <u>"</u> | <u>"</u> |
| <u>17/4/2019</u> | <u>11.45 PM</u> | <u>1.30 AM</u> | <u>"</u> | <u>NO SLEEP</u> |
| <u>18/4/2019</u> | <u>9.00 PM</u> | <u>12.30 AM</u> | <u>"</u> | <u>NO SLEEP</u> |
| <u>19/4/2019</u> | <u>9.30 PM</u> | <u>1.00 AM</u> | <u>"</u> | <u>NO SLEEP</u> |
| <u>20/4/2019</u> | <u>11.15 PM</u> | <u>2.30 AM</u> | <u>"</u> | <u>"</u> |
| <u>26/4/2019</u> | <u>10.00</u> | <u>12.30 AM</u> | <u>"</u> | <u>"</u> |



| Date | Time noise started | Time noise stopped | Description of noise | Effect of noise on you |
|-----------|--------------------|--------------------|----------------------|------------------------|
| 27/4/2019 | 12:30 AM | 2:45 AM | VERY LOUD MUSIC | NO SLEEP |
| 5/5/2019 | 10:30 PM | 2:00 AM | STRAINING BASS | ✓ |
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HARROW COUNCIL
 RECEIVED
 13 MAY 2019
 Service Support



STUART CAWTHORNE

Your ref: CE/CS/AR/WK/000662517

10 May, 2019

Mr A. Riley,
Environmental Health Technician,
Community Safety,
London Borough of Harrow,
Station Road,
Harrow,
HA1 2XY.

Dear Mr Riley,

TRILOGY, 6-8 WHITCHURCH PARADE, WHITCHURCH LANE, EDGWARE, HA8 6LP

Thank you for your letter informing me about the review of the premises licence in respect of Trilogy at 6 to 8 Whitchurch Parade. I wish to make representation in respect of this application.

These premises have been a blight on our community ever since planning permission was granted for it to operate as a nightclub. I have appealed to you in the past to impose licensing restrictions that would reduce the environmental impacts on our street. I do so again now. I shall summarise my objections in bullet-point format so that the Committee does not have to read a lengthy narrative.

The prevention of public nuisance

- Noise from the premises: the music is so loud that I can hear it when I go to bed at night, even with the windows closed.
- There is excessive noise from clientele using the premises, particularly when leaving in the small hours of the morning.
- The club's clientele litter our street: my wife picks up bags of litter every morning; unfortunately some people frequenting the club also litter the street with their discarded nitrous oxide canisters.
- Vehicles sometimes obstruct access to our homes.

Public safety

- The premises have been granted a licence notwithstanding that it has no parking facilities for its customers. This means that our streets soon become congested with their clientele's vehicles.
- Customers' vehicles are frequently parked illegally around street corners: I doubt if the fire brigade would be able to access our estate on these occasions.
- Driving on the footpath and parking on the footpath: the pavement by the bus-stop opposite Trilogy is regularly used by the club's clientele to park their vehicles. Apart from contravening the highway code, this puts pedestrians at risk and occasionally obstructs wheelchair users.
- When customers are unable to find a parking space, they frequently react by driving their high-performance vehicles at high speed down our street.

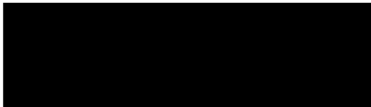
I would add that the demand for parking spaces in our streets has increased as a consequence of approval being granted for many houses to be converted to multiple

/ continued overleaf

occupation. We now have more people living on our estate who need somewhere to park. I recognise that residents have no right to expect to park outside their houses but surely the Council must realise that residents need to park somewhere. Failure to take a holistic view of the problem has created the free-for-all that we witness on our streets. I appeal to the Council to implement policies that help us to foster our communities, not destroy them.

I have had no success in the past trying to convince your committee that the operation of a nightclub at these premises disturbs the peace and quiet of local residents. I repeat the point that I have made to you in the past: I believe that a late music licence is completely incompatible with the predominantly residential character of our area and I would like any future music licence for these premises to be restricted to no later than midnight.

Yours sincerely,

A black rectangular redaction box covering the signature of Stuart Cawthorne.

Stuart Cawthorne

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Appendix 5

APPENDIX 1

Licence review guidelines

| | Aggravating factors | Mitigating factors |
|---|---|---|
| Prevention of crime and disorder | <ul style="list-style-type: none"> • Failure to heed police or licensing authority advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results from poor management • Previous track record • Deliberate or direct involvement in criminality | <ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional conditions |
| Prevention of public nuisance | <ul style="list-style-type: none"> • Noise late at night in breach of condition or statutory abatement notice • Previous warnings ignored • Long and prolonged disturbances • Excessive noise during unsocial hours (relating to locality and activity concerned) | <ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary proposal/acceptance of additional conditions |
| Public safety | <ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions | <ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition |
| Protection of children from harm | <ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected/involved • Children not allowed on premises as part of operating schedule/conditions | <ul style="list-style-type: none"> • Conduct occurred with lawful consent of persons with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol |

| | Aggravating factors | Mitigating factors |
|---|---|---|
| Application for review after other enforcement action taken by responsible authorities | <ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Previous review hearing held resulting in any corrective action • Premises licence holder previously convicted or cautioned for same or similar offences/contraventions • Offences over prolonged period of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard for licensing requirements • Offence likely to be repeated | <ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or fixed penalty notice • First offence or warning • First review hearing • Single offence/breach • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated |
| Range of likely responses available to the Licensing Panel | <ul style="list-style-type: none"> • To take no action • To issue a written warning • To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) • Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions • To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate • To suspend the licence for a period not exceeding three months • To revoke the premises licence or withdraw the club premises certificate | |