

LICENSING PANEL MINUTES

18 JUNE 2019

Chair: * Councillor Angella Murphy-Strachan

Councillors: * Sarah Butterworth * Stephen Wright

* Denotes Member present

32. Appointment of Chair

RESOLVED: That Councillor Angella Murphy-Strachan be appointed Chair of the Licensing Panel Hearing.

33. Declarations of Interest

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

34. Minutes

(See Note at conclusion of these minutes).

35. Licensing Procedures

The Chair asked the Panel Members, officers, Responsible Authorities 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 ITEMS

36. Application for review of the premises licence for Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA

In attendance:

Legal Adviser:	Laurie Marks
Licensing Officer:	Ash Waghela
Applicant:	Nabil Freeman Daya and Uday Patel
Relevant Representations:	
Environmental Health	David Norton Jo Smith
Metropolitan Police	PC Darren Cowley
Present:	
Representing Licence Holder	Duncan Craig
Licence holder and DPS	Prakash Pradhan
Club KTM Director	A Thakure
Head of Club KTM security	Mr Dean
Licensing Consultant	Mr Panchal

The Licensing Panel carefully considered all relevant information including

- Written and oral representations by all the parties;
- The Licensing Act 2003 and the steps that were appropriate to promote the licensing objectives;
- The Guidance issued under section 182 of the Licensing Act 2003 (2018 being the most recent);
- Harrow Council's Licensing Policy;
- Human Rights Act 1998
- The considerations in s.17 of the Crime and disorder Act 1998

Members of the Panel also took into consideration the following, full details of which were set out in the Decision Notice sent to all interested parties:

The Panel found that the licensee had failed to uphold the licensing objectives of public safety, the prevention of public nuisance and the prevention of crime and disorder.

The Panel considered that the proposed reduction in weekday hours proposed by the licence holder would not be sufficient to deal with the problem. Significant reductions in the hours were necessary to prevent or reduce alcohol-related incidents. But the Panel did not consider that it was necessary, on top of this and the new and modified conditions, to cease licensable activities 60 minutes before closing (as proposed by responsible authorities) rather than 30 minutes (as currently).

The Panel agreed that the dispersal policy needed to be improved and the relevant condition tightened to ensure this.

The Panel found that, although the issue of the number of patrons had implications beyond fire safety, there was no evidential basis for reducing it below its current figure unless the fire officer found it necessary to do so. The Panel considered that the other relevant issues could be addressed by the tighter dispersal policy (which would require the agreement of both the police and the licensing authority).

In addition to the above the Panel agreed to add the new conditions conceded or proposed by the licence holder, except as to CCTV as the Panel noted that the licence already specified that the CCTV system must be “comprehensive” and “to the satisfaction of the Metropolitan Police”, so any current deficiencies are required to be dealt with between the police and the licence holder.

RESOLVED: To take the following steps in relation to the premises, as appropriate to promote the licensing objectives.

Modify the times and conditions of the licence as follows:

1. Change the hours open to the public to the following:

Sunday	00:00 – 02:30	12:00 – 0:00
Monday	00:00 – 01:30	12:00 – 0:00
Tuesday	00:00 – 01:30	12:00 – 0:00
Wednesday	00:00 – 01:30	12:00 – 0:00
Thursday	00:00 – 01:30	12:00 – 0:00
Friday	00:00 – 01:30	12:00 – 0:00
Saturday	00:00 – 02:30	12:00 – 0:00

2. Changes the times the licence authorises the carrying out of licensable activities to the following:

Late night refreshment

Sunday	00:00 – 02:00	23:00 – 0:00
Monday	00:00 – 01:00	23:00 – 0:00
Tuesday	00:00 – 01:00	23:00 – 0:00
Wednesday	00:00 – 01:00	23:00 – 0:00
Thursday	00:00 – 01:00	23:00 – 0:00
Friday	00:00 – 01:00	23:00 – 0:00
Saturday	00:00 – 02:00	23:00 – 0:00

All other licensable activities authorised by the licence

Sunday	00:00 – 02:00	12:00 – 0:00
Monday	00:00 – 01:00	12:00 – 0:00
Tuesday	00:00 – 01:00	12:00 – 0:00
Wednesday	00:00 – 01:00	12:00 – 0:00
Thursday	00:00 – 01:00	12:00 – 0:00
Friday	00:00 – 01:00	12:00 – 0:00
Saturday	00:00 – 02:00	12:00 – 0:00

3. Remove the extension of opening hours and licensable activities during British Summer Time.
4. On the holidays and other special days when the current licence provides for later hours, opening hours to end at 03:30 and all licensable activities to end at 03:00.
5. Add the following conditions:
 - The Premises must employ the Scannet electronic identification system (or an alternative electronic identification system if agreed in writing with an Harrow Police Licensing Officer in advance). All customers must have their identity verified using the system before entry, except at times agreed in advance in writing by the Police Licensing Officer.
 - Any faults with the electronic identification system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place until the fault is rectified or an alternative system agreed with Harrow Police Licensing Officer.
 - The Designated Premises Supervisor must ensure that all data recorded on the Scannet (or alternative electronic identification) system is kept for at least 31 days and not deleted during that period.
 - Data recorded by the Scannet (or alternative electronic identification) system shall be made immediately available upon request by the Police providing that such request is in connection with the prevention or detection of crime.
 - The Premises must implement a “Challenge 25” policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S) approved identification before being allowed to enter the Premises whilst licensable activities are taking place.
 - All events to take place at the premises shall be announced on a publicly accessible website at least seven days in advance.
6. Modify existing conditions as follows:
 - In the conditions under “Staff Training”, add the following words to the end of condition (1): “Such training shall be given to all staff at least once every six months.”
 - In the conditions under “Customer Dispersal”, delete condition (3) and in its place insert the following new condition (3): “The Designated Premises Supervisor shall be responsible for

implementing a dispersal management plan agreed (and revised from time to time) with the Harrow Police Licensing Officer and the Licensing Authority. The dispersal management plan shall address issues including but not limited to the safety of customers, noise, traffic management and the safety and amenity of local residents including children. The Designated Premises Supervisor will also ensure that at least five licensed door supervisors, of whom at least two shall be trained as traffic marshals, remain on duty outside the Premises from at least one hour before the Premises close until at least 30 minutes after the Premises close to assist with dispersal of persons and vehicles from the Premises and the vicinity of the Premises.”

- In the conditions under “Public Safety”:
 - In condition (1) delete all words after “any one time” and in their place insert the words “(excluding staff) shall not exceed 280 or the safe capacity of the venue as determined by the fire brigade pursuant to condition (5) of this section, whichever is lower.”
 - add a new condition (5) as follows: “A copy of the premises fire risk assessment, approved by the fire brigade, shall be supplied to the Police and the licensing authority stating the safe capacity of the venue as determined by the fire brigade”.
 - In Condition (2) delete all words after “to new customers after” and in their place add “one hour before the Premises close”.

Reasons: As detailed in the Decision Notice sent to all interested parties.

This determination in accordance with section 52(11) of the Licensing Act 2003 does not take effect:

- (a) Until the end of the period given for appealing against the decision, or
- (b) If the decision is appealed against, the disposal of the appeal.

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 9.50 pm).

(Signed) COUNCILLOR ANGELLA MURPHY-STRACHAN
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].