

LICENSING PANEL MINUTES

13 AUGUST 2019

Chair: * Councillor Michael Borio

Councillors: * Ramji Chauhan * Maxine Henson

* Denotes Member present

42. Appointment of Chair

RESOLVED: That Councillor Michael Borio be appointed Chair of the Licensing Panel Hearing.

43. Declarations of Interest

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

44. Minutes

(See Note at conclusion of these minutes).

45. Licensing Procedures

The Chairman asked the Panel Members, officer/s, Responsible Authority/ies and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

RESOLVED ITEMS

46. Application for the Review of the Premises Licence for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ

In attendance:

Legal Adviser:	Andrew Lucas, HB Public Law
Licensing Officer:	Ash Waghela
Applicant(s):	Jo Smith, Environmental Health John Rattray, Environmental Health
Representatives of Maya Pub:	D Craig, Counsel for the premises licence holder S Panchal R Gurung, Director S Rai, Manager Rickiee B, Ace Security
Metropolitan Police:	PC Beresford 1330NW

The Licensing Panel carefully considered all the relevant information including:

- written and oral representations by all 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;
- Harrow Council's Licensing Policy;
- Human Rights 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:

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- the licence holder had agreed to the comprehensive suite of conditions proposed by the applicant and that the counsel for the premises licence holder had made suggestions to improve those conditions, including the retention of relevant conditions at annex 2 and annex 3 of the premises licence;
- hours that the premises were open to the public and hours at which licensable activities could take place and whether they needed to be reduced as proposed by the applicant;

- many of the incidents set out in the application had taken place at early hours in the morning and that they had often resulted in the Police being called to the premises;
- the premises were located in a mainly residential area;
- the financial viability of the premises was not a concern for the Panel under the licensing objectives;
- the credibility of those managing the premises due to the contradicting and inconsistent answers given to questions.

RESOLVED: That a premises licence for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ not be revoked but that there be reduced hours for opening to the public and reduced hours for licensable activities, amended conditions and additional conditions as set out below:

Hours open to the public

Friday - Saturday – 08:00 - 00:00

Late night refreshment

Friday - Saturday – 23:00 – 23:30

All other licensable activities

Friday - Saturday – 08:00 – 23:30.

AMENDED CONDITIONS:

The existing conditions in Annex 2 and Annex 3 of the Licence be amended as follows:

Annex 2

The words ‘upon entry’ be removed from condition 1.

Conditions 3, 4, 5 and 6 be removed.

Annex 3

Condition 3 be removed.

ADDITIONAL CONDITIONS:

The addition of the following conditions to the licence:

1. at least one First Aider trained to deal with problems associated with alcohol and drugs or anything else that might arise that required their assistance to be on duty when the premises were open for licensable activities. An adequate and appropriate supply of First Aid equipment and materials must be available on the premises. Records must be maintained in relation to the supply of any First Aid treatment. These

records must be produced immediately on request to officers of the Metropolitan Police or the licencing authority;

2. the CCTV system be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests. The medium upon which the images were recorded to be clearly identifiable, stored securely and retained for a period of not less than 31 days. They be made available to officers of the Metropolitan Police or the licencing authority immediately upon request;
3. such footage must be provided in an immediately viewable format and must include any software, etc., which was required to view the footage. Any discs, portable drives or other storage media onto which the footage was transferred must be provided by the premises;
4. a member of staff who was trained to operate the system and supply the footage must be present at the premises at all times when licensable activities were taking place;
5. the Designated Premises Supervisor (DPS) or authorised person by him must ensure that the CCTV system was checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date;
6. the Designated Premises Supervisor (DPS) shall ensure that there were at least 2 door supervisors on a Friday and Saturday night. If the number of patrons exceeded 50, a ratio of at least 1 door supervisor was to be employed for every 25 patrons;
7. the Designated Premises Supervisor (DPS) shall be responsible for implementing a dispersal management plan agreed (and revised from time to time) with the Metropolitan Police Licensing Officer and the Licensing Authority. They would also ensure that licensed door supervisors remained on duty outside the premises for at least 30 minutes after the premises had closed to assist with dispersal of persons from the premises and in the vicinity of the premises. The door supervisors to remain on duty until patrons had been adequately dispersed to ensure that the licensing objectives were not undermined;
8. the Designated Premises Supervisor (DPS) shall maintain a register/log of licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, contact details including addresses and phone numbers and the times they were on duty. A copy should be available immediately upon request to officers of the Metropolitan Police or the licencing authority;
9. all licensed door supervisors must wear high-visibility clothing of a style and type agreed with a Metropolitan Police Officer or Local Authority Licensing Officer when working at entrances or exits to the premises;

10. the premises must employ the Scannet electronic identification system (or an alternative electronic identification system if agreed in writing with a Metropolitan Police Officer or Local Authority 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 a Police Officer or Local Authority Licensing Officer;
11. any faults with the electronic identification system shall be repaired as soon as possible and in any case within five working days after which time, if the system was still inoperative, no licensable activities should take place until the fault was rectified or an alternative system agreed with a Metropolitan Police or Local Authority Licensing Officer;
12. the Designated Premises Supervisor (DPS) must ensure that all data recorded on the Scannet (or alternative electronic identification) system was kept for at least 31 days and not deleted during that period;
13. data recorded by the Scannet (or alternative electronic identification) system shall be made immediately available upon request by the Metropolitan Police providing that such request was in connection with the prevention or detection of crime;
14. no more than 6 customers were permitted in the designated smoking area at any one time after 21:00 hours. This was to be monitored when in use by a Designated Premises Supervisor (DPS) with new plans for the premises to be provided highlighting the smoking area;
15. no customers shall be permitted to take food or drink into the smoking area after 22:00 hours;
16. there shall be a personal licence holder on duty on the premises after 21:00 hours on Friday and Saturday when the premises were open to the public;
17. notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly;
18. a direct telephone number and e-mail address for the manager at the premises shall be publicly available at all times the premises were open. This telephone number and e-mail address was to be made available to residents;
19. the number of patrons permitted in the premises at any one time shall not exceed a capacity assessed as part of a fire risk assessment, and such number shall be prominently displayed by each entrance to the premises. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities was in place and the results were securely recorded in a log-book for a period of at least 12 months;
20. all staff must undertake training with respect to the Licensing Act 2003 with respect to the effects of alcohol and, in addition, the refusal of

alcohol to people already under the influence. All training should be recorded and staff updated as required. Logs of training were to be provided immediately on request to an officer of the Metropolitan Police or the licencing authority;

21. a detailed log shall be kept of all the incidents regarding the refusal of sale of alcohol. The refusal log was to be provided immediately on request to an officer of the Metropolitan Police or the licencing authority;
22. 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, once licensable activities had ceased;
23. appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be set so that the volume of any amplified sound emanating from the premises did not cause a nuisance to the nearest noise sensitive premises. A Compliance Certificate must be supplied to the licensing authority for the installation of the unit before any regulated entertainment was carried out stating the operating parameters of the unit. The installation must be carried out by a competent/qualified person and submitted to the licensing authority for approval. The compliance certificate should contain the following: min. 5 minute LAEQ Frequency analysis between 200Hz - 35Hz. The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit). The Designated Premises Supervisor (DPS) must ensure that any amplified sound from the premises did not cause a public nuisance by ensuring that amplified sound was inaudible at the boundary of any properties where the occupiers were likely to be sensitive to noise;
24. to obtain a written report from an acoustic engineer who was a member of the Institute of Acoustics. The report should identify the type of entertainment to be carried out and recommend any active or passive measures required to prevent airborne or structural noise and vibration transmission from adversely affecting local residents. A copy of the report shall be provided to the Environmental Health Domestic (EHD) Team. All recommended works shall be completed to the satisfaction of the EHD Team within six months from the date of the acoustic engineer's report;
25. the Designated Premises Supervisor (DPS) or his/her representative shall conduct regular assessments of the noise coming from the premises on each occasion there was regulated entertainment, and shall take steps to reduce the level of noise where it was likely to cause a disturbance to local residents. A written record shall be kept in a log book and shall include the time and date of the checks, the person making them and the findings, including any remedial action. This log was to be provided immediately on request to an officer of the Metropolitan Police or the licencing authority;

26. no sales of full bottles of spirits to patrons was to be made. Alcohol was to be sold as measures only.

REASONS: As detailed in the Decision Notice sent to all interested parties, namely the licensing conditions above.

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 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

(Note: The meeting, having commenced at 7.35 pm, closed at 9.30 pm).

(Signed) COUNCILLOR MICHAEL BORIO
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].