

LICENSING PANEL MINUTES

15 AUGUST 2019

Chair: * Councillor Michael Borio

Councillors: * Maxine Henson * Kanti Rabadia

* Denotes Member present

47. Appointment of Chair

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

48. Declarations of Interest

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

49. Minutes

(See Note at conclusion of these minutes).

50. Licensing Procedures

The Chair asked the Panel Members, officers, Responsible Authority 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

51. Application to vary the premises licence for Diya Food and Wine, 71 Station Road, Harrow, HA1 2TY

In attendance:

Legal Adviser:	Andrew Lucas
Licensing Officer:	Ash Waghela
Relevant Representations:	PC Beresford, Metropolitan Police
Applicant(s):	M Kalia, Applicant P Sivashanker, Applicant's Representative

The Panel carefully considered all the relevant information including:

- Written and oral representations by all the parties
- The Licensing Act 2003
- The Guidance issued under section 182 of the Licensing Act 2003
- Harrow Council's Licensing Policy
- Human Rights Act 1998
- The considerations in s.17 of the Crime and Disorder Act 1998

The Licensing Panel firstly heard from the Harrow Licensing Officer. He explained that Environmental Health had withdrawn their representation, having agreed conditions with the Applicant. This left only the Police's representation against the Application.

The Licensing Panel heard from the Applicant's representative. He explained that the Applicant was now seeking a variation of the premises licence to allow the sale of alcohol until 2.00 am only. However, the Applicant still wished for the premises to be open 24 hours per day and that part of the application remained unchanged.

In making its decision, the Panel carefully considered all the information attached to the meeting agenda and representations by all parties. The Police's representative applied to introduce further evidence but this was not agreed by the Licensee's representative. The Licensing Panel did not therefore read or consider this evidence and it did not form part of their decision making process.

RESOLVED: That the application to vary the premises licence be refused.

Reasons: The Licensing Panel were very concerned that despite only having four conditions to abide by on the current licence, the Applicant had failed to meet them all in full. The Licensing Panel concluded that they did not have any faith in the Applicant being able to abide by the further 11 conditions that had now been agreed to. The Licensing Panel considered that having made this application, the Applicant should have been extra careful to ensure that all

conditions of the existing licence were being complied with. However, this had not happened. The Licensing Panel concluded that varying the premises licence would lead to the licensing objectives being undermined.

The Licensing Panel also placed weight on the submissions made by PC Beresford, namely that extending the licensing hours at other similar premises in neighbouring wards had led to the licensing objectives being undermined. The Licensing Panel noted the issues that the Police had been addressing in Rosslyn Crescent and High Mead and concluded that the premises selling alcohol until later at night would cause the licensing objectives to be undermined by exacerbating those problems.

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 7.35 pm, closed at 8.20 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].