

Licensing Panel AGENDA

DATE: Thursday 15 August 2019

TIME: 7.30 pm *

VENUE: Committee Room 6, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00PM IN COMMITTEE ROOM 6.

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Michael Borio
Maxine Henson

Kanti Rabadia

Reserve Members:

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

Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1542 E-mail: miriam.wearing@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: Wednesday 7 August 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. APPLICATION TO VARY THE PREMISES LICENCE FOR DIYA FOOD AND WINE, 71 STATION ROAD, HARROW, HA1 2TY (Pages 7 - 36)

Report of the Corporate Director, Community

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 A - Oral Hearing in Public

This document provides a summary of the Panel's usual procedure for the conduct of an oral hearing in public.

*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. **Presentation** by the applicant 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 **applicant** by:
 - the objector(s)
 - the Panel
- v. **Presentation** by the **objector(s)**, 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 **objector(s)** by:
 - the applicant
 - the Panel
- vii. **Concluding statement(s)** by the objector(s).
- viii. **Concluding statement** by the applicant.
- 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. 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: 15 August 2019

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

Responsible Officer: Paul Walker, Corporate Director – Community Directorate

Exempt: No

Wards affected: Marlborough

Enclosures: Variation application (appendix 1)
Premises licence and plan (appendix 2)
Location map (appendix 3)
Representations (appendix 4)

Section 1 – Summary

An application has been received to vary the premises licence for Diya Food and Wine, 71 Station Road, Harrow, HA1 2TY. Representations have been received from 2 responsible authorities who express concerns about the possible undermining of one or more of the licensing objectives should the licence be varied as sought.

Representations received

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

Representations from other persons

None

Section 2 – Report

1. Kalia Limited have applied to vary the premises licence (appendix 1) for Diya Food and Wine, 71 Station Road, Harrow, HA1 2TY. A location map and image of the premises is available in appendix 3
2. The purpose of the variation seeks to increase the hours for the sale of alcohol to twenty four hours a day, seven days a week.
3. Description of the premises
4. Diya Food and Wine (formally known as Food City) is situated on Station Road Harrow which is a busy shopping parade. The parade is a mix of residential and commercial premises. The premises is a two storey building. The retail shop on is on the ground floor and a residential premises is on the first floor.
5. Details of application
6. Received: 20 June 2019
7. Closing date for representations: 18 July 2019
8. The application has been advertised in accordance with the prescribed regulations
9. Licensing Officer's observations
10. The premises licence was originally granted in October 2008. Applications to transfer and to vary the Designated Premises Supervisor (DPS) were received on 6 March 2013. The premises

licence was transferred to Kalia Limited and the DPS varied to Munish Kumar Kalia.

11. Two representations have been received in respect of the variation application, both from responsible authorities. The police recommend that the application be refused as they have concerns that should the application be granted, it would undermine the prevention of crime and disorder objective. They also indicate that the other three licensing objectives would be affected.
12. The police representation alleges that non-compliance with the current licence conditions were found on a visit to the premises on the 2 July 2019.
13. The representation from Environmental Health is based on the public safety objective. This suggests that if the application is granted then additional conditions should be added to the premises licence to further uphold the objective(s).
14. Operating schedule and conditions
15. Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, and how the activities will be managed particularly in respect of the licensing objectives.
16. The Panel's attention is directed towards paragraphs 8.41 – 8.49 of the statutory guidance issued under the Act that sets out matters that ought to be considered by an applicant when drafting their operating schedule.
17. The most critical part of the operating schedule are the steps taken by the applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be transferred into conditions on the licence. The Panel's discretion is engaged in the light of relevant representations to impose conditions that are appropriate to promote the licensing objectives. Conditions should be tailored to the size, type, location, characteristics and activities at the premises, and the Panel should be aware of any indirect costs that may arise from the imposition of conditions.
18. When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives.
19. The Panel has the discretion to add to or modify these conditions in light of the representations where it is appropriate to do so to promote the licensing objectives.

20. Licensing policy

21. Paragraph 6.3 of the licensing authority's statement of licensing policy sets out the matters that the Panel may take into account when considering representations (although the Panel is not limited to these matters):

- degree of confidence in the management of the premises
- location of premises
- gang-related activity in the area
- management of waste particularly preventing fly-tipping
- commitment to reporting all crimes and anti-social behaviour associated with premises
- crime prevention audit conducted by police/professional security organisation
- staff training
- anti-theft provisions (eg time-locked safes, magnetic door locks, regular removal of cash from tills)
- suitable and sufficient security plan
- effective wind-down and dispersal policies
- use of CCTV
- noise mitigation measures associated with licensable activities, particularly near to residential properties
- provision of litter bins and litter patrols
- use of low-impact litter materials
- noise from people arriving at or leaving from the premises and which is related to licensable activities
- control of other nuisances relating to licensable activities such as light or odours
- measures to protect children from being exploited or coming to harm

22. Legal implications

23. The Licensing Panel is required to hold a hearing to consider any relevant representations made in relation to the premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

24. The Licensing Panel is required to give appropriate weight to the 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 that are appropriate to promote the four licensing objectives.

25. Having considered those relevant matters, the Licensing Panel is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

- The steps are—
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;

26. It should be noted with all options that –

- clear reasons should be given for the decision.
- any additional or modified conditions should be practical and enforceable
- the applicant 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.

27. In addition to determining the application in accordance with the legislation, Members must have regard to the –

- common law rules of natural justice
- provisions of the Human Rights Act 1998
- considerations in section 17 of the Crime and Disorder Act 1998

28. By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property)

29. In relation to section 17 of the Crime and Disorder Act 1998, this states:

- '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.'

30. Financial Implications

31. There are no financial implications.

32. Appeals

33. 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 Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 5 August 2019		

Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 6 August 2019		

Name: Paul Walker	<input checked="" type="checkbox"/>	Corporate Director
Date: 5 August 2019		

Ward Councillors notified:	YES
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Section 4 - Contact Details and Background Papers

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

Background Papers: Application form, Statutory Guidance.



Harrow
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@harrow.gov.uk
 Telephone: 020 8901 2600

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

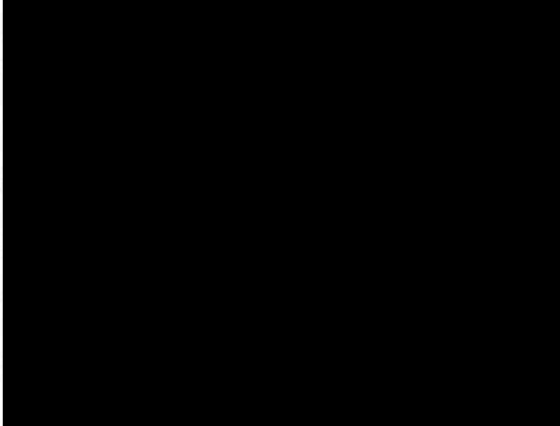
Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

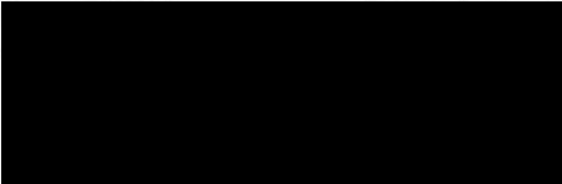
Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

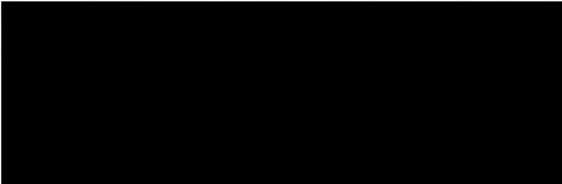


Agent Details

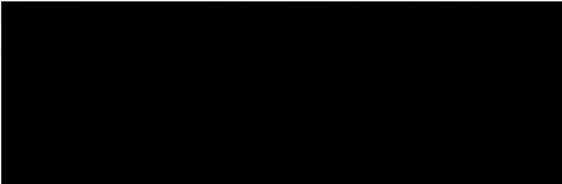
* First name

* Family name

* E-mail 

Main telephone number 

Include country code.

Other telephone number 

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

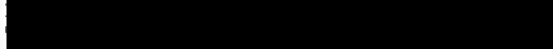
Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number 

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country



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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number



Continued from previous page...

Non-domestic rateable value of premises (£)

12,750

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VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes

No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

General Grocer with OFF sales. Currently licensed for sale of alcohol between 0700 and 2300. This variation is to open for sale of alcohol for 24 hours.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

na

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

na

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

na

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

na

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

na

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

none

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises is a small grocer and OFF licence on the busy station road next to safari Cinema and located in a parade of shops. The shop has been operating with a benefit of a premises licence to sell alcohol between 0700 and 2300 for more than 10 years and now looking to expand their opening hours to meet customer demand.

b) The prevention of crime and disorder

The existing conditions relating to CCTV ramins.
A minimum of 2 staff will be present during the varied hours (between 2300 and 0700).

c) Public safety

d) The prevention of public nuisance

Notices will be displayed reminding customers to be mindful of neighbours.

e) The protection of children from harm

A challenge 21 policy is in place, and will continue to be operated.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)



Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/harrow/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

LICENSING ACT 2003

APPENDIX 2

Schedule 12
Part A (Regulation 33,34)

HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number:

LN/000001106/2013/2 & 3

Part 1 – Premises details

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

Food City, 71 Station Road, Harrow, Middlesex, HA1 2TY

Telephone Number

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale of retail alcohol

Signed by Finlay Flett

Head of Community Safety Services

Premises Licence



Licensable area
Hours open to public

Sunday	07:00 - 23:30	-
Monday	07:00 - 23:30	-
Tuesday	07:00 - 23:30	-
Wednesday	07:00 - 23:30	-
Thursday	07:00 - 23:30	-
Friday	07:00 - 23:30	-
Saturday	07:00 - 23:30	-

The times the licence authorises the carrying out of licensable activities

Location: Licensable area

Sale of retail alcohol

Sunday	07:00 - 23:30	-
Monday	07:00 - 23:30	-
Tuesday	07:00 - 23:30	-
Wednesday	07:00 - 23:30	-
Thursday	07:00 - 23:30	-
Friday	07:00 - 23:30	-
Saturday	07:00 - 23:30	-

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

Sale by retail off premises

Part 2

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

Kalia Limited

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

07949104

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

Munish Kumar Kalia

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:
HARROW COUNCIL - LN/000006174/2013

State whether access to the premises by children is restricted or prohibited: **N/A**

Annex 1 – Mandatory Conditions

****PLEASE NOTE: MANDATORY CONDITIONS IN GREY DO NOT APPLY****

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

Mandatory Conditions Order 2010

1.—(1) The responsible person shall take all reasonable steps to ensure that staff at 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or displays in the vicinity of, the premises which can reasonably be considered to condone, encourage or advertise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided as requested by customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

5. The responsible person shall 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 a separate receptacle for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml

(b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV will be installed, maintained and operated according to the specification of the Metropolitan Police Crime Prevention Officer: images will be securely stored, kept for a minimum of 31 days and be made available to officers of the police or local authority upon

request.

2. A monitored central station alarm will be installed and operated to the specification of the Metropolitan Police Crime Prevention Officer.

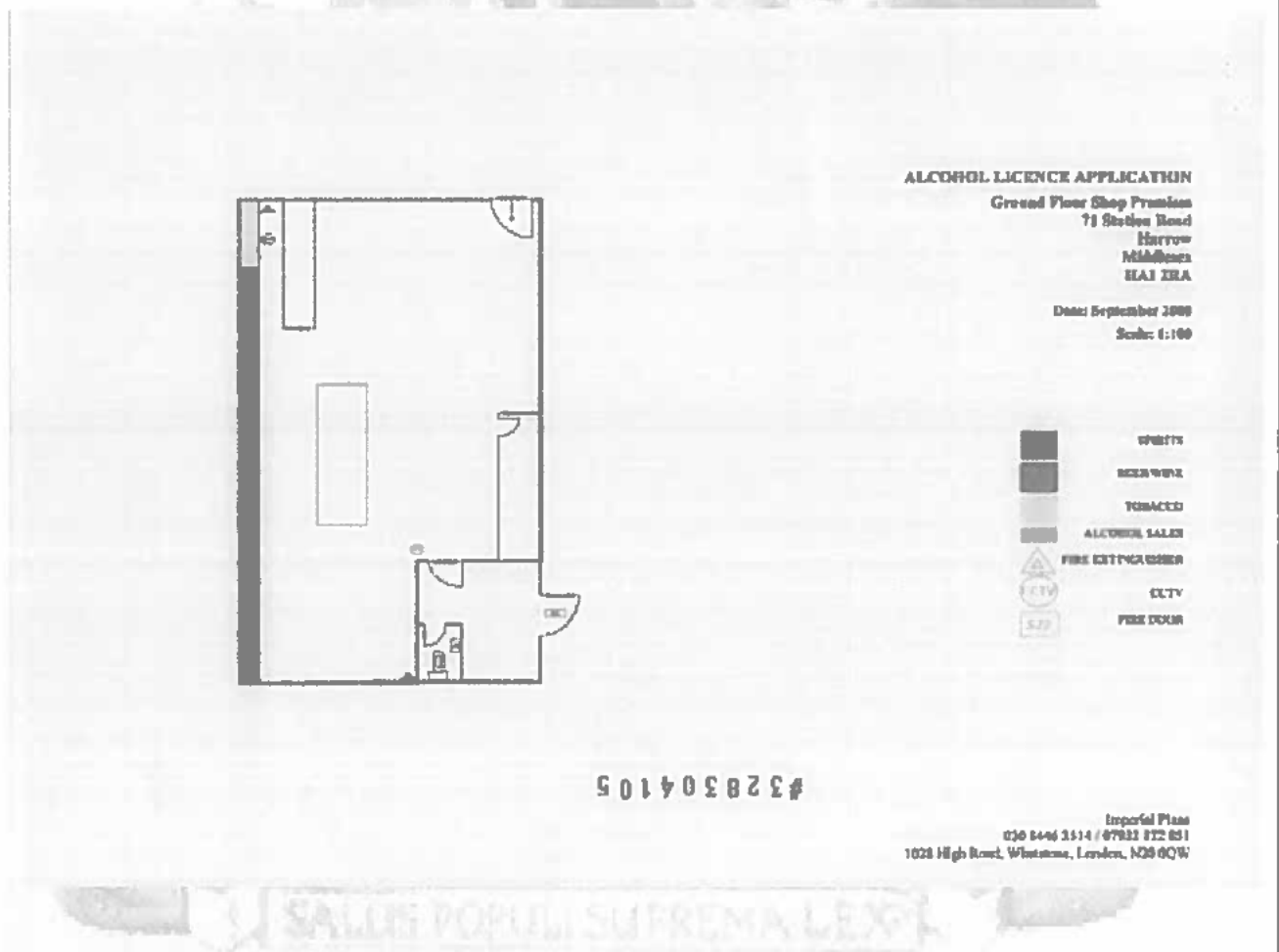
3. Fire safety equipment is installed and will be maintained to local fire authority specification.

4. A 'Challenge 21' policy will be operated at the premises, whereby any person attempting to purchase alcohol (or other age restricted product) will be asked to provide proof (i.e. passport, driver's licence or some other such form of accredited photo identification) that they are over the age of 18 years.

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

N/A

Annex 4 – Plan



Date of original grant: 17/10/2008

Reason for issue: Applicant Transfer and Variation Of DPS

Date of issue: 6th March 2013

Issue Number: 2 & 3

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Appendix 3 - Location Map Diya Food and Wine



Legend

Points

-  Override 1

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APPENDIX 4



**METROPOLITAN
POLICE**

TOTAL POLICING

With compliments

LICENSING OFFICE
SOUTH HARROW POLICE STATION

London Borough of Harrow
Licensing Team
Central Depot
Forward Drive
HA3 8NT

Date: 4th July 2019

Our ref:

CC: London Borough of Harrow

Police Make Representations to the following application made under

Section(s)	34					Licensing Act 2003
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Application Given To Police On: 20th June 2019

Premises: Food City, 71 Station Road, Harrow, HA1 2TY

Representations

a) plays (box A)	
b) films (box B)	
c) indoor sporting events (box C)	
d) boxing or wrestling entertainment (box D)	
e) live music (box E)	
f) recorded music (box F)	
g) performances of dance (box G)	
h) anything of a similar description to that falling within (e), (f) or (g) (box H)	
i) making music (box I)	
j) dancing (box J)	
k) entertainment of a similar description to that falling within (i) or (j) (box K)	
l) late night refreshment (box L)	
m) alcohol sale by retail (box M)	X
n) adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (box N)	

o) Hours premises are open to the public (box O)	
--	--

The Police concerns are primarily related to the prevention of crime and disorder, although the 3 other licensing objectives are likely to be affected if these premises are allowed to sell alcohol 24 hours a day.

The premises is situated in Marlborough ward, on busy main road between the areas of Wealdstone and Harrow Town Centre. Both areas suffer anti-social behaviour and crime, with street drinking being a particular issue.

Since the end of 2018, the licensing team and ASB teams have been working closely with the neighbourhood policing teams to tackle alcohol related anti-social behaviour, with regular visits to off licences being conducted. The purpose of these visits is to check compliance and remind premises licence holders of their responsibilities to promote the licensing objectives. Neighbourhood policing teams put considerable effort into enforcing the Public Spaces Protection Order in Harrow, which includes stopping drinking on the street. The police are concerned that the availability of alcohol 24 hours a day, will further exacerbate the issue of street drinking and undermine the efforts of the neighbourhood policing teams.

Premises that operate 24 hours a day attract higher than average incidents of crime and disorder, and although the venue already has a premises licence, there is not enough information in the application to indicate what additional measures the applicant will take if granted a 24 hour licence.

A compliance visit was conducted at the premises on Tuesday 2nd July 2019, whereby the DPS Mr Kalia was spoken to. The premises currently has a licence comprising of only four conditions. One of those conditions is:

CCTV will be installed, maintained and operated according to the specification of the Metropolitan Police Crime

Prevention Officer: images will be securely stored, kept for a minimum of 31 days and be made available to officers of the police or local authority upon request.

When asked to playback some footage from 31 days prior, it was found that the system had only stored images for 20 days. Mr Kalia was unaware of this fault in the system and was unsure for how long it had been that way.

A further walk around of the shop revealed that the fire exit towards the back, was covered by metal railings and completely padlocked. I informed Mr Kalia that a fire exit should be accessible and kept clear for the safety of the public and his staff in the event of an emergency. The current set up presents a clear danger should there be fire at the premises. It appeared to me that the metal railings had been there for some time and were not a temporary measure.

The above may only be minor breaches/offences, however it is a concern that the premises licence holder and DPS are unable to comply with even the most simple of conditions. It does not instil confidence that the licensing objectives would be promoted if the applicant were to be given the privilege of a 24 hour licence.

For these reasons, the police respectfully request that the application is not granted.

Kind Regards

PC Frankie Downes 1529NW

Ash Waghela

From: Rinal Patel
Sent: 18 July 2019 11:18
To: Ash Waghela
Subject: Licensing Act 2003 - Diya Food and Wine, 71 Station Road, Harrow, Middlesex, HA1 2TY

Good morning,

I would like to make a representation in response to the application made by Diya Food & Wine seeking 24 hour operation on the grounds of public safety. My concern is that if the application is granted, 24 hours sale of alcohol will lead to an increase in crime and disorder in the area of the premises therefore having an impact to public safety. I would like the following conditions to be attached to the license if the application is granted:

- The condition relating to CCTV to be amended to - The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the police. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer in accordance with the Data Protection Act 1998 throughout the preceding 31 day period. A CCTV monitor screen shall be displayed in full view of customers.
- 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
- 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.
- (1) The Designated Premises Supervisor shall be responsible for maintaining a record for at least 12 months of "Significant Incidents" that occur on the Premises whilst licensable activities are being provided.
- (2) " Significant Incidents" to be recorded include (but are not limited to):
 - (a) failures of or faults with the electronic identification system
 - (b) failures of or faults with the CCTV system
 - (c) refusals of alcohol sales
 - (d) calls to the police arising from illegal drugs on the Premises
 - (e) other matters that may affect the licensing objectives
 - (f) assaults or other injuries whether or not police or medical assistance is required
 - (g) CCTV and electronic identification system records supplied to Police and Licensing Authority officers
 - (h) seizures of false identification
 - (i) records of reasonable requests from authorised officers in accordance with condition [110].
- Customers will not be permitted to drink outside the premises save for in any seated area authorised under a pavement licence.
- There must be at least 2 members of staff present at the premises between the hours of 11pm and 7am .
- There must be at least one member of staff present at the premises at all times who holds a personal licence.

Kind regards,

Rinal Patel
Environmental Health Officer
Commercial Safety Team
Community Directorate

