

LICENSING PANEL MINUTES

13 NOVEMBER 2019

Chair: * Councillor Maxine Henson

Councillors: * Ramji Chauhan * Dean Gilligan

In attendance: Paul Osborn Minute 71
(Councillors)

* Denotes Member present

67. Appointment of Chair

RESOLVED: That Councillor Maxine Henson be appointed Chair of the Licensing Panel Hearing.

68. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 5 - Application for a new Premises Licence for Imlee Tree, 66-68 Pinner Green, Pinner, Middlesex HA5 2AB

Councillor Paul Osborn declared a non-pecuniary interest in that he was a Ward Councillor for Pinner where the premises were situated. He would remain in the room to represent the objectors.

69. Minutes

(See Note at conclusion of these minutes).

70. Licensing Procedures

The Chair asked the Panel Members, officers, 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

71. Application for a new Premises Licence for Imlee Tree, 66-68 Pinner Green, Pinner, Middlesex HA5 2AB

In attendance:

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| Legal Adviser: | Andrew Lucas, Harrow Council |
| Licensing Officer: | Ash Waghela, Harrow Council |
| Applicant(s): | S Parekh A Parekh V Parekh B Parekh M Parekh |
| Applicants' Representative(s): | P Sivashankar, Compliance Direct Ltd |
| Objector(s): | A Shipperley E Partridge S Partridge D Tucker C O'Brien Keith Flower & Co Solicitors (T Mist) |
| Objectors' Representative: | Councillor Paul Osborn |
| Observers: | A Ellis (Licensing, Harrow Council) M Jones (Environmental Health, Harrow Council) |

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.

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:

- two screenshots from google showing the general location of the Premises and a rear view of the Premises, and a list of six additional conditions proposed by the Objectors;

- the withdrawal by the applicant of the application for regulated entertainment from Sunday - Thursday in light of the concerns raised by residents about noise on weeknights;
- the suitability of Mr S Parekh as the DPS (Designated Premises Supervisor) and his credentials;
- the intended capacity of the Premises which was likely to be 100 customers in the front and 40-50 customers at the rear, the latter of which was dependent on the layout;
- inadequacy of the conditions set out in the operating schedule as alleged by the objectors and the agreement from the applicant to: (a) an additional condition to no noise or vibration emanating from the Premises that could cause a nuisance (b) smoking arrangements at the rear and front of the Premises;
- objections to the hours of opening of the Premises which was situated in a residential area which was different to a town or district centre and that it was not suitable for what was being proposed;
- all relevant objections, including the six additional conditions proposed by the objectors of which a couple had been agreed by the applicant;
- the issue to the timing of the closure of the folding doors to help prevent noise nuisance and whether this was material in the context that the issue had been captured as part of the additional condition on noise and vibration which had been agreed for inclusion by the applicant;
- the co-operation with the requirements of the Police, with the majority of their proposed conditions being included in the operating schedule, and the reduction in the opening hours and the hours of licensable activities applied for.

RESOLVED: That the application for a new premises licence for Imlee Tree, 66-68 Pinner Green, Pinner, Middlesex, HA5 2AB, be granted for the hours sought, as set out in the report and reproduced below, subject to the following additional conditions:

Hours Open to the Public and for Licensable Activities

Hours open to the Public

Sunday – Thursday 10:00 – 00:00

Friday – Saturday 10:00 – 01:00 (the following day)

Sale by retail of alcohol

Sunday – Thursday 10:00 – 23:30

Friday – Saturday 10:00 – 00:30 (the following day)

Late night refreshment

Sunday – Thursday 23:00 – 23:30

Friday – Saturday 23:00 – 00:30 (the following day)

Live music (e), Recorded music (f), Performance of dance (g), anything similar to (e), (f) or (g)

Friday – Saturday 23:00 – 00:30 (the following day)

[Seasonal variations permitted as applied for.]

Special Extensions:

Continue licensable activities from the terminal hours on New Year's Eve to the commencement hours on New Year's Day.

Sunday before a bank holiday Monday, licensable activities to terminate at midnight.

Diwali – Where Diwali did not fall on a Saturday or Sunday, the terminal hours would be midnight.

Additional Conditions (to form Annex 3 of the Licence):

- 1) no noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gave rise to a nuisance;
- 2) a sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an Environmental Health Officer to ensure that no noise nuisance was caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an Environmental Health Officer or Licensing Authority authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Environmental Health Officer;
- 3) no more than five customers be permitted to smoke at the front of the Premises at any one time and no more than five customers be permitted to smoke at the rear of the Premises at any one time (a maximum of 10 customers in total).

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

The Sub-Committee reminded the Objectors that there was a mechanism for the review of a premises licence which could be invoked by any person, or a responsible authority, at any time because of any matter arising at the premises in connection with any of the four licensing objectives – prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm.

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 8.55 pm).

(Signed) COUNCILLOR MAXINE HENSON
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].