

# Licensing Panel AGENDA

**DATE:** Thursday 19 December 2019

**TIME:** 7.30 pm \*

**VENUE:** Committee Room 5, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

\* THERE WILL BE A BRIEFING FOR MEMBERS AT 7PM IN COMMITTEE ROOM 5

## **MEMBERSHIP** (Quorum 3)

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**Chair:** (To be appointed)

### **Councillors:**

Dean Gilligan

Christopher Baxter  
Stephen Wright

### **Reserve Members:**

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

**Contact:** Nikoleta Nikolova, Senior Democratic and Election Services Officer  
Tel: 020 8424 8284 E-mail: [nikoleta.nikolova@harrow.gov.uk](mailto:nikoleta.nikolova@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 11 December 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 FOR A NEW PREMISES LICENCE FOR THAI KITCHEN, 21 HIGH STREET, EDGWARE, HA8 7EE (Pages 7 - 72)**

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**

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**Date:** 19 December 2019

**Subject:** Application for a new premises licence for Thai Kitchen, 21 High Street, Edgware, HA8 7EE

**Responsible Officer:** Paul Walker, Corporate Director – Community Directorate

**Exempt:** No

**Enclosures:** Premises licence application & Plan (appendix 1)  
Location (GIS) Map (appendix 2)  
Representations (appendix 3)  
Agreed conditions (appendix 4)

### **Section 1 – Summary**

An application has been received for a new premises licence for Thai Kitchen, 21 High Street, Edgware, HA8 7EE. Representations have been received from 4 other persons who are members of the public which express concerns about the possible undermining of one or more of the licensing objectives should the licence be granted.

### **Section 2 – Report**

- 2.1 Com Catering Limited have applied to for a new premises licence (appendix 1) for the premises located at 21 High Street, Edgware, Middlesex, HA8 7EE. A location map is available in appendix 2.

2.2 Licensable activities

The applicant has applied for the following licensable activities and timings:

	<i>Proposed hours</i>			
	<i>Recorded Music (f), Anything similar to (e), (f) or (g)</i>	<i>Late night refreshment</i>	<i>Sale by retail of alcohol</i>	<i>Hours open to public</i>
<b>Mon</b>	23:00 – 00:00	23:00 – 00:00	12:00 – 00:00	12:00 – 00:30*
<b>Tue</b>	23:00 – 00:00	23:00 – 00:00	12:00 – 00:00	12:00 – 00:30*
<b>Wed</b>	23:00 – 00:00	23:00 – 00:00	12:00 – 00:00	12:00 – 00:30*
<b>Thu</b>	23:00 – 00:00	23:00 – 00:00	12:00 – 00:00	12:00 – 00:30*
<b>Fri</b>	23:00 – 01:30*	23:00 – 02:00*	12:00 – 01:30*	12:00 – 02:00*
<b>Sat</b>	23:00 – 01:30	23:00 – 02:00*	12:00 – 01:30*	12:00 – 02:00*
<b>Sun</b>	23:00 – 00:00	23:00 – 00:00	10:00 – 00:00	12:00 – 00:30*

\*Indicates licensable activity carries on to the following morning

**Although recorded music to terminate at 21:00 hours each day for outdoor areas, this is not licensable until 23:00 hours. Recorded music for indoor areas is still applicable.**

**Special Extensions:**

**The are no special extension applied for on this application**

2.3 Description of premises

This is a former public house known as The Change of Hart that has been converted into a restaurant with a focus on oriental foods, al-fresco dining and world wines.

2.4 Officers' observations

This premises is located on High Street, Edgware which comprises of a mix of residential and commercial properties.

2.5 The four representations received from other persons concentrate on the undermining of all four licensing objectives. In summary, the representations raise concern about issues surrounding a possible increase anti-social behaviour, noise nuisance and the reduction of the peaceful amenity of the persons that live or work in the area surrounding the premises.

2.6 The police have made a representation which was subsequently withdrawn as the applicant has agreed to all of the conditions that have been suggested by them. A copy of the agreed conditions can be found on appendix 4 of this report.

2.7 Information on public nuisance is available in paragraphs 2.15 – 2.21 of the Statutory Guidance. In particular, paragraph 2.16 states:

*“Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed*



*premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

2.8 History of the premises

This premises was previously known as the Change of Hart public house. This benefited from a premises licence. The licensee's (Spirit Pub Company) surrendered this licence on 21 November 2019.

2.9 Proposed Designated premises supervisor  
Sa'eed Sakib Kazmi

2.10 Details of application

Received: 30 October 2019

Closing date for representations: 27 November 2019

The application has been advertised in accordance with the prescribed regulations

2.11 Representations

Representations have been received from four other persons, these being members of the public.

2.12 Operating schedule and conditions

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.

2.13 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.

2.14 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.

2.15 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance<sup>1</sup> that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives.

2.16 Licensing policy

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
- responsible alcohol sales including provision of customer information and staff training
- membership of the Brent and Harrow Trading Standards Responsible Trading Scheme
- anti-theft provisions (eg time-locked safes, magnetic door locks, regular removal of cash from tills)
- use of information to ban potential causes of alcohol-related crime and disorder, such as liaison with police about street drinkers, use of banning schemes
- restrictions on sales of certain alcohol where appropriate (eg not selling high-strength alcohol where street drinkers may be prevalent)
- position, display and promotion of alcohol
- clear identification of staff authorized to sell alcohol
- age verification policies over and above the mandatory minimum
- procedures to deter and report under-age and proxy alcohol sales

#### 2.17 Legal implications

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.

2.18 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.

2.19 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 grant the licence subject to:

(i) the conditions mentioned in subsection (2) (a) of the Licensing Act 2003 modified to such an extent as the authority considers for the promotion of the licensing objectives, and

(ii) any condition which under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence.

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates.

(c) to refuse to specify a person in the licence as the premises supervisor.

(d) to reject the application.

- 2.22 It should be noted with all options that –
- clear reasons should be given for the decision.
  - As per Section 1.16 of the statutory guidance, 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 or more of the grounds provided in Schedule 5 to the Licensing Act 2003.
- 2.23 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
- 2.24 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)
- 2.25 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.'

## **Financial Implications**

- 2.26 There are no financial implications.

## **Appeals**

- 2.27 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: 11 December 2019		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 11 December 2019		

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

<b>Ward Councillors notified:</b>	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.

# Appendix 1

## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We COM CATERING LTD T/A THAI KITCHEN  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>21 HIGH STREET</u>			
Post town	<u>EDGWARE</u>	Postcode	<u>HA8 7EE</u>
Telephone number at premises (if any)	<u>/</u>		
Non-domestic rateable value of premises	£ <u>50,250</u>		

#### Part 2 – Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part I of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

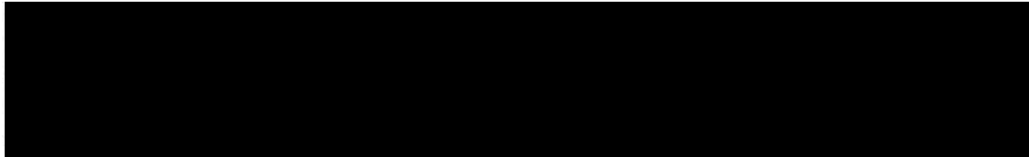
**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	COM CATERING LTD
Address	382-384 STATION ROAD, HARROW, HA1 2DD
Registered number (where applicable)	12069420
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY



**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
[ ][ ] [ ][ ] [ ][ ][ ][ ]

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
[ ][ ] [ ][ ] [ ][ ][ ][ ]

Please give a general description of the premises (please read guidance note 1)  
**(FORMER) PUBLIC HOUSE AND RESTAURANT, SERVING THAI  
~~WINE~~ GARDEN TO REAR OF PREMISES.  
VENUE CONCEPT IS 'THAI KITCHEN' WITH A  
FOCUS ON ORIENTAL FOODS, AL-FRESCO DINING AND  
WORLD WINES.  
NO RECORDED MUSIC IN REAR GARDEN AFTER  
2100 HRS ON ANY DAY.**

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

[ ]

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)



Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

N/A

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

N/A

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Fri			
Sat			
Sun			

N/A

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)	
Thur				
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Fri				
Sat				
Sun				

N/A

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

N/A

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	Outdoors	Both
Day	Start	Finish	RECORDED MUSIC WILL CEASE PLAYING IN REAR OUTDOOR GARDEN AT 2100 EACH DAY.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mon	1200	1200		Please give further details here (please read guidance note 4) RECORDED MUSIC TO BE PLAYED INDOORS SOUND LIMITERS WILL BE INSTALLED. RESTAURANT/BAR AREA TO HAVE AMBIENT MUSIC. * CONTINUED BELOW *		
		00.00				
Tue	1200	1200	State any seasonal variations for the playing of recorded music (please read guidance note 5)			
		00.00				
Wed	1200	1200	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
		00.00				
Thur	1200	1200				
		00.00				
Fri	1200	0130				
Sat	1200	0130				
Sun	1200	1200				
		00.00				

\* CONTINUED ...

THE VENUE WILL BE A RELAXING LOUNGE AND RESTAURANT. ADEQUATE SEATING WILL BE PROVIDED AND PLACED THROUGHOUT THE VENUE SO THAT NO EMPTY SPACE COULD RESEMBLE A DANCEFLOOR.

RECORDED MUSIC IN GARDEN WILL CEASE AT 2100 hrs AS RECOMMENDED BY THE POLICE. THE OUTDOOR AREA WILL BE LANDSCAPED AND SET-UP FOR AL-FRESCO DINING. PLEASE SEE IMAGE IN THE COVER LETTER ATTACHED TO THIS APPLICATION.

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Wed						
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Fri						
Sat			N/A			
Sun						

N/A



H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
			RECORDED MUSIC - INDOORS AND OUTDOORS. FOR OUTDOORS THIS WILL CEASE AT 2100 ON ALL DAYS.		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	1200	<del>0000</del> 0000		Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>	
Tue	1200	<del>0000</del> 0000	Please give further details here (please read guidance note 4)		
Wed	1200	<del>0000</del> 0000	THERE WILL BE NO SALE OF ALCOHOL OUTDOORS AFTER 2300 ON ANY DAY. RECORDED MUSIC OUTDOORS TO CEASE AT 2100.		
Thur	1200	<del>0000</del> 0000	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	1200	0130			
Sat	1200	0130	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	1200	<del>1200</del> 0000			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
			LATE NIGHT REFRESHMENT INCLUDING <del>ALCOHOLIC DRINKS</del> NON-ALCOHOLIC DRINKS, HOT DRINKS AND HOT AND COLD FOOD - CONTINUED	Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) OUTDOOR <del>MUSIC</del> RECORDED MUSIC WILL CEASE AT 2100 (PLEASE SEE BELOW)		
Mon	2300	<del>0000</del> 00:00			
Tue	2300	<del>0000</del> 00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	2300	<del>0000</del> 00:00			
Thur	2300	<del>0000</del> 00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	2300	0200			
Sat	2300	0200			
Sun	2300	<del>0000</del> 00:00			

⊕ CONTINUED...

TO BE PROVIDED INDOORS.  
 OUTDOOR LATE NIGHT REFRESHMENT TO BE LIMITED TO HOT AND COLD FOOD, HOT AND COLD NON-ALCOHOLIC BEVERAGES. ~~(MUSIC WILL CEASE AT 2100 IN THE OUTDOOR AREA)~~

THERE WILL BE ADEQUATE SIGNAGE TO REMIND CUSTOMERS TO KEEP NOISE LEVELS TO A MINIMUM. SOUND WILL ALSO BE LIMITED THROUGH THE USE OF OUR DINING DONES. PLEASE SEE ⊕ IMAGES ATTACHED IN THE COVERING LETTER.

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8) <b>WILL ONLY BE SOLD FOR CONSUMPTION ON THE PREMISES</b>	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	
Mon	1200	00:00		
Tue	1200	00:00		
Wed	1200	00:00		
Thur	1200	00:00		
Fri	1200	01:30		
Sat	1200	01:30		
Sun	1200	00:00		
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) THE TIMINGS REQUESTED FOR THE SALE AND SUPPLY OF ALCOHOL ARE FOR THE INDOORS ONLY. THE OUTDOOR AREA WILL NOT HAVE ALCOHOL SALES AFTER 2300	

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

<b>Name</b>	SAEED SAKIR KAZMI
<b>Date of birth</b>	[REDACTED]
<b>Address</b>	[REDACTED]
<b>Postcode</b>	[REDACTED]
<b>Telephone number (if known)</b>	112 7727
<b>Issuing licensing authority (if known)</b>	BRENT COUNCIL

K

Please highlight any 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 (please read guidance note 9).

THERE WILL BE NO ENTERTAINMENT OR SERVICES THAT MAY GIVE RISE TO CONCERN IN RESPECT OF CHILDREN.

WE WOULD ALSO BE FOLLOWING POLICE RECOMMENDATION OF NO CHILDREN IN RESTAURANT AREA AFTER 2100 UNLESS ACCOMPANIED BY AN ADULT.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	1200	<del>2030</del>		
		00-30		
Tue	1200	<del>2030</del>		
		00-30		
Wed	1200	<del>2030</del>		
		00-30		
Thur	1200	<del>2030</del>		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
		00-30		
Fri	1200	0200		
Sat	1200	0200		
Sun	1200	<del>2030</del>		
		00-30		

## M

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

### a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE WILL ENSURE THAT THE MANAGEMENT TEAM IS STRONG AND HAVE A TEAM OF TRAINED STAFF WHO ARE ABLE TO ASSIST IN THE MANAGEMENT OF THE PREMISES. WE WILL FOLLOW CHALLENGE 25 POLICY, A NO ID/ENTRY POLICY AS RECOMMENDED BY THE POLICE. COMPREHENSIVE CCTV AND SIA DOOR STAFF TO BE EMPLOYED AT WEEKENDS. CHILDREN ALLOWED WITH RESPONSIBLE ADULT. LOGS TO BE KEPT WITH ALL INCIDENTS / REFUSAL OF SALES.

### b) The prevention of crime and disorder

WE WILL PARTICIPATE IN LOCAL PUB WATCH SCHEME AND ENSURE WE REPORT ANY ANTI-SOCIAL BEHAVIOUR AS WELL AS KEEPING INCIDENT LOGS. WE WILL EMPLOY 8 SECURITY STAFF. TRAINING TO BE PROVIDED TO ALL STAFF TO ENSURE THE RESPONSIBLE SALE OF ALCOHOL. CCTV WILL BE IN PLACE INTERNALLY AND EXTERNALLY. WE WILL USE OF NON-GLASS CONTAINERS FOR ALCOHOL RELATED OFFENCES. ANTI-THEFT PROVISIONS WILL BE ONLY IN PLACE THE STYLE AND DESIGN AND LAYOUT OF THE PREMISES WILL ENSURE FOR A SAFE EATING AND DRINKING ENVIRONMENT. WE WILL IMPLEMENT IDENTITY-CHECKING MEASURES.

### c) Public safety

WE WILL ENSURE PREMISES AND SURROUNDING AREAS ARE ADEQUATELY LIT AND CCTV IS COVERING ALL AREAS WHERE POSSIBLE. ALL FITTINGS AND FIXTURES TO BE HIGH QUALITY AND MAINTAINED TO A GOOD ORDER. FOOD AND DRINKS HYGIENE TO BE ADEQUATELY MAINTAINED. FIRST AID ARRANGEMENTS TO BE IN PLACE FOR WORKERS AND CUSTOMERS. THE EMPLOYMENT OF SIA SECURITY ON ANY DAY THE PREMISES IS OPEN AFTER 11:00.

### d) The prevention of public nuisance

WE HAVE REDUCED OUR TRADING HOURS AS PER POLICE RECOMMENDATIONS. WE WILL USE SOUND LIMITERS AND DOORS AND WINDOWS TO BE KEPT CLOSED WHERE APPROPRIATE. CUSTOMERS REMINDED TO ARRIVE AND LEAVE THE PREMISES QUIETLY AND RESPECTFULLY. BINS WILL NOT BE MOVED AFTER 23:00 AND DELIVERIES KEPT BETWEEN STANDARD DAYTIME BUSINESS HOURS. RECORDED MUSIC TO STOP IN GARDEN AT 21:00. PREMISES TO BE SECURED AS TO PREVENT FLY-TIPPERS AND TRAVELLERS TAKING OVER THE SITE AS HAVE DONE PREVIOUSLY.

### e) The protection of children from harm

WE WILL HAVE AGE VERIFICATION POLICY OF CHALLENGE 25. CHILDREN NOT TO BE IN RESTAURANT AREA FROM 21:00 UNLESS ACCOMPANIED BY AN ADULT AS PER POLICE RECOMMENDATION. WE WILL NOT HAVE ANY ADULT AIMED ACTIVITIES ON SITE. THERE WILL BE NO PERFORMERS. WE AIM TO GET MEMBERSHIP OF THE RESPONSIBLE TRADING SCHEME, FOR BROMLEY AND HARLOW.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

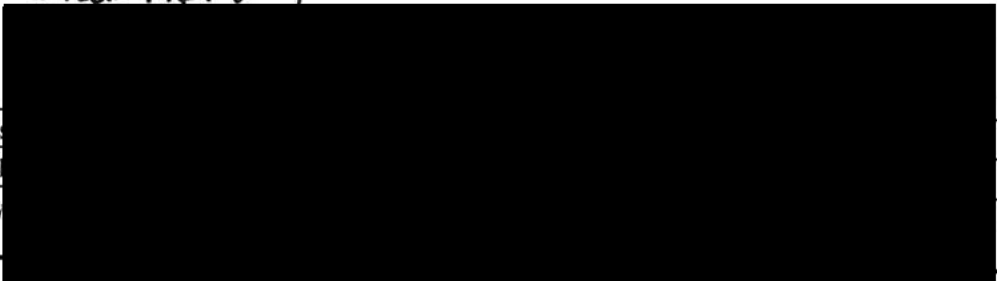
**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or</li> </ul>
--------------------	--

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	 ANWAR CHEIKH ALI
Date	29/10/19
Capacity	DIRECTOR

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
SAEED KAZMI	
	
Post	
Te	
If y	

**Consent of individual to being specified as premises supervisor**

SAEED SAKIB KAZMI

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE

[type of application]

by

COM CATERING LTD

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

21 HIGH STREET, EDGWARE, LONDON HA8 7EE

[name and address of premises to which the application relates]



and any premises licence to be granted or varied in respect of this application made by

COM CATERING LTD

[name of applicant]

concerning the supply of alcohol at

21 HIGH STREET, EDGWARE, HA8 7EE

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

112 7727

[insert personal licence number, if any]

Personal licence issuing authority

LONDON BOROUGH OF BRENT

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

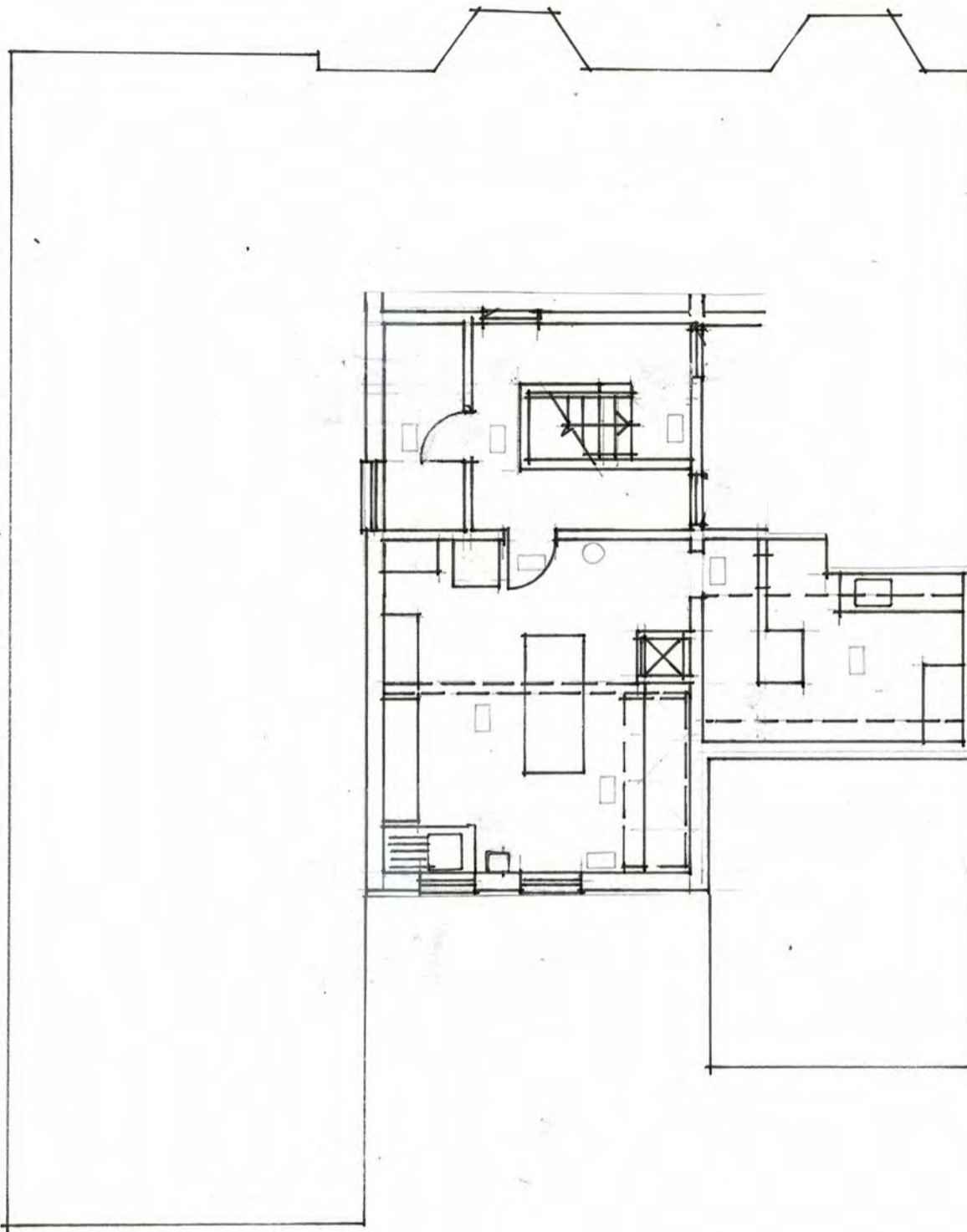


Name (please print)

SAEED SAKIB KAZMI

Date

21/10/19



Proposed Floor Plans (1:100 @ A3)

21 High Street, Edgware HA8 7EE

FE EL EB FE CO2 CC TV

FIRE EXIT  
EMERGENCY LIGHT  
FIRE BLANKET  
FIRE EXTINGUISHER CO2  
CCTV

SD FE FOAM FE WATER FE POWDER

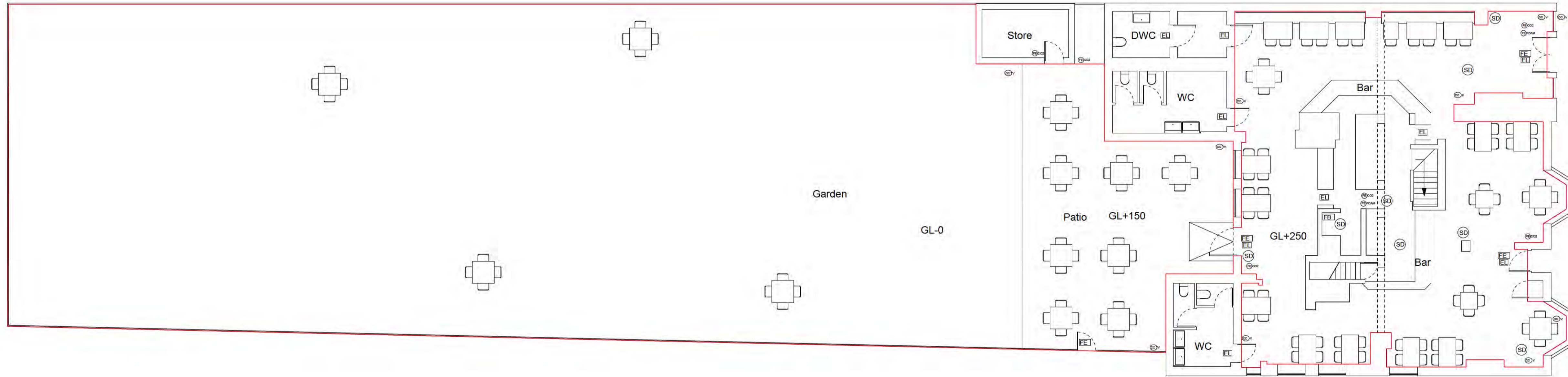
smoke detector & alarm  
FIRE EXTINGUISHER FOAM  
FIRE EXTINGUISHER WATER  
FIRE EXTINGUISHER POWDER

HD SL

rate-of-rise heat detector & alarm  
sound limiter

21 High Street, Edgware HA8 7EE	1:100 @ A3	Project No. 112/HA8
Floor Plans	Drawn	Premises Licence
Revision No. 001	14/09/2019	PremPlan.co.uk 07974 035 035





Edgware Road

Proposed Floor Plans (1:100 @ A1)

21 High Street, Edgware HA8 7EE

FE	FIRE EXIT
EL	EMERGENCY LIGHT
FB	FIRE BLANKET
FE CO2	FIRE EXTINGUISHER CO2
CC TV	CCTV

SD	smoke detector & alarm
FE FOAM	FIRE EXTINGUISHER FOAM
FE WATER	FIRE EXTINGUISHER WATER
FE POWDER	FIRE EXTINGUISHER POWDER

HD	rate-of-rise heat detector & alarm
SL	sound limiter

21 High Street, Edgware HA8 7EE	1:100 @ A1
Floor Plans	Drawn BRC
Revision No. 001	14/09/2019

Project No. 112HA6	Premises Licence
PremPlan.co.uk	07974 035 035



36

Garden

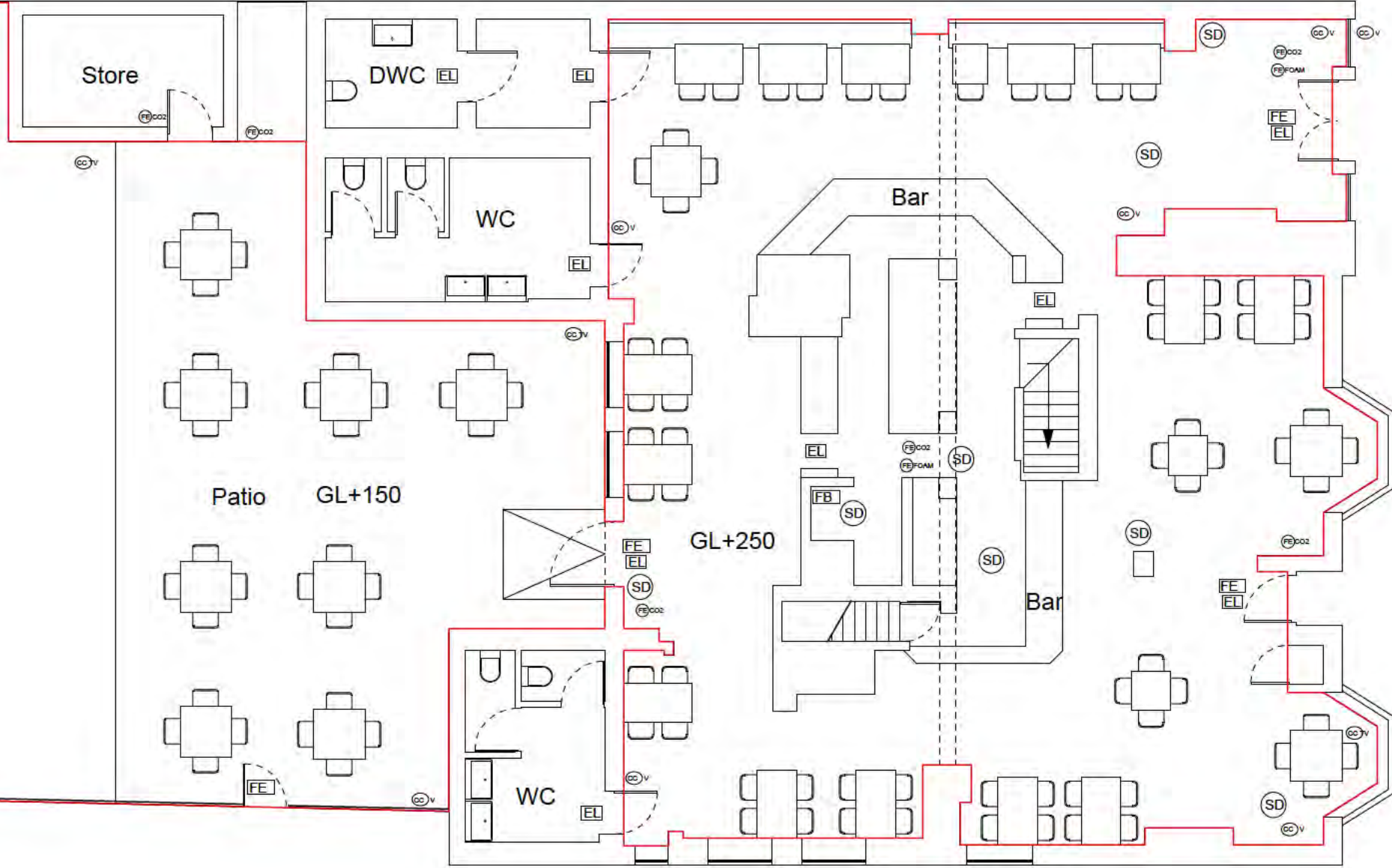
GL-0

Patio

GL+150

GL+250

Edgware Road



Proposed Floor Plans (1:100 @ A3)

21 High Street, Edgware HA8 7EE

FE	FIRE EXIT
EL	EMERGENCY LIGHT
FB	FIRE BLANKET
FE CO2	FIRE EXTINGUISHER CO2
CCTV	CCTV

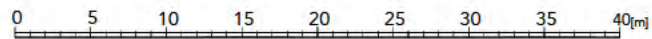
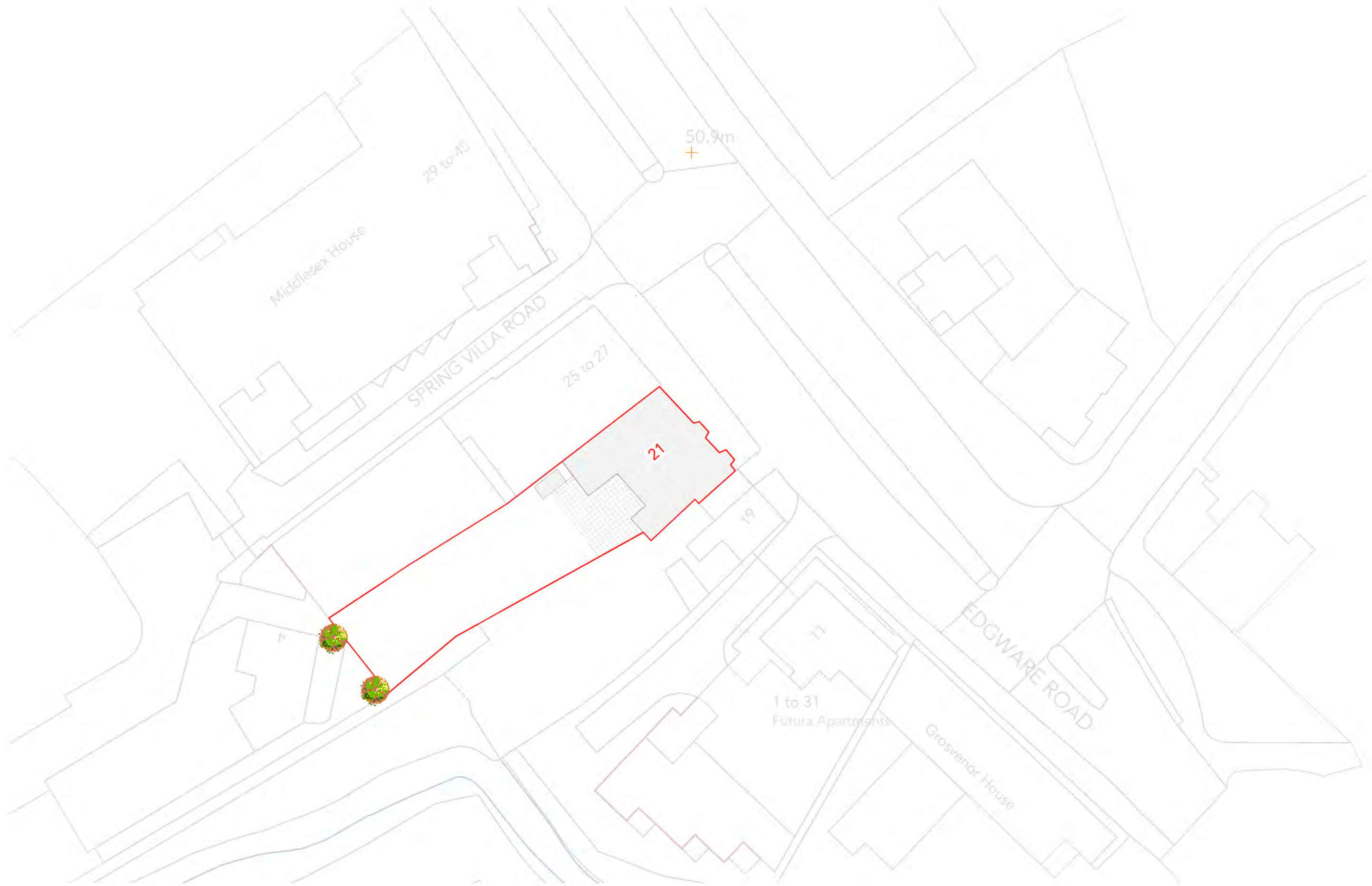
SD	smoke detector & alarm
FE FOAM	FIRE EXTINGUISHER FOAM
FE WATER	FIRE EXTINGUISHER WATER
FE POWDER	FIRE EXTINGUISHER POWDER

HD	rate-of-rise heat detector & alarm
SL	sound limiter

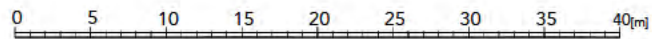
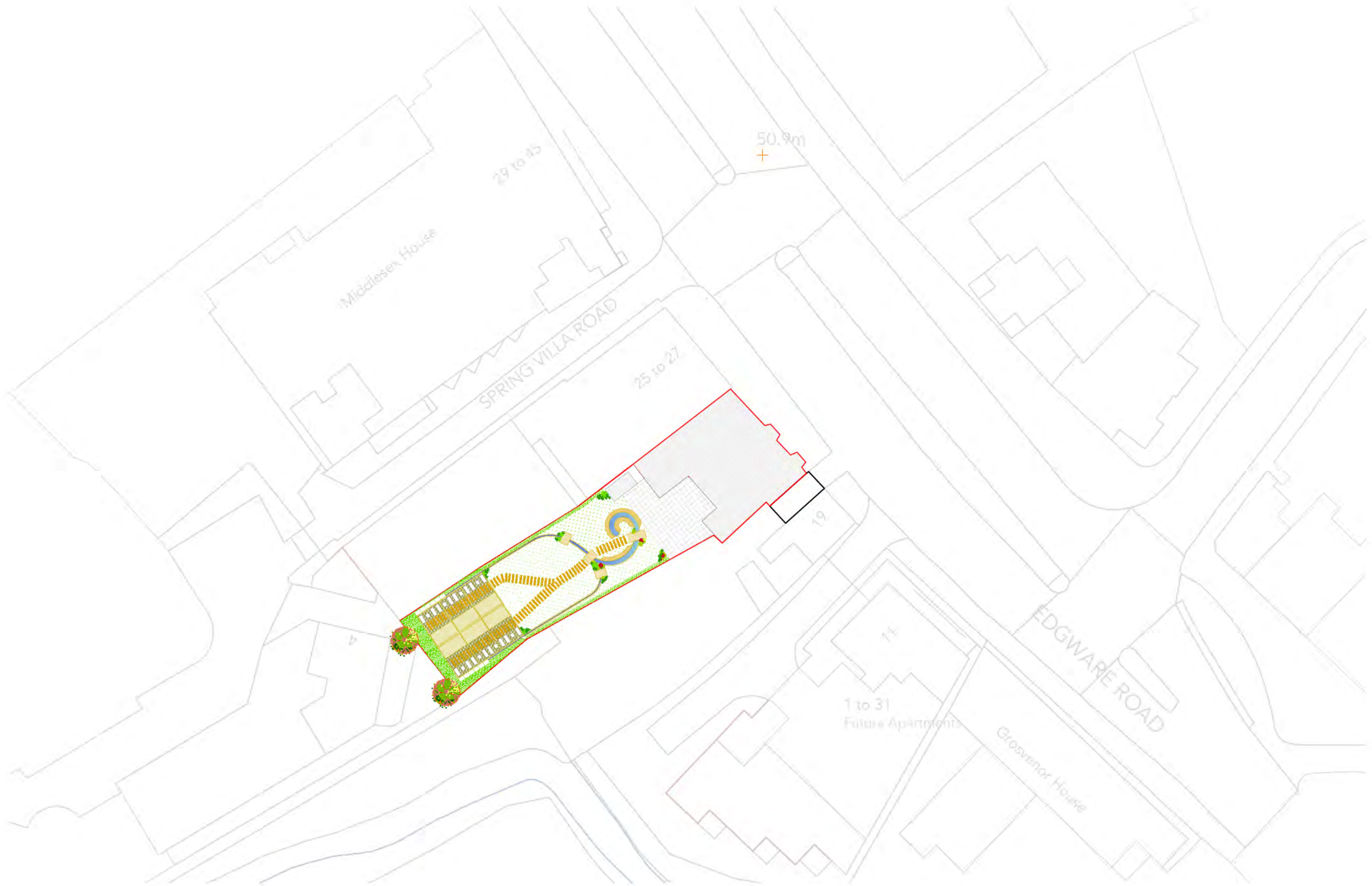
21 High Street, Edgware HA8 7EE	
Floor Plans	1:100 @ A3
Revision No.	001
	14/09/2019

Project No.	112/HA8
Premises Licence	
PremPlan.co.uk	07974 035 035





PROJECT	19-21 High Street HAB 7EE				WORKSTAGE:	INFORMATION	
DRAWN	AP	CHECK	RS	SCALE	1:500@A3	REV	DATE
DWG NO.	ASHS 1001		DATE	May 2019			



PROJECT	19-21 High Street HAB 7EE				WORKSTAGE:	INFORMATION	
DRAWN	AP	CHECK	RS	SCALE	1:500@A3	REV	DATE
DWG NO.	ASHS 1501			DATE	May 2019		

# Appendix 2 - Thai Kitchen



40



Shishukunj Bhavan

THE HANGING OF HARTS





**From:** Helen Young [REDACTED]  
**Sent:** 16 November 2019 15:38  
**To:** license  
**Subject:** Oppose to 21 High street Edgware

Hello,

Please see attached application to reject the licence for 21 High Street in Edgware

Thanks  
Helen

To whom it may concern,

I am contacting with regards to 21 High Street Edgware, HA8 7EE and their intent to turn the currently derelict pub into a Thai Restaurants.

I had a few queries and concerns with regards to the licensing which I would be grateful if I could please receive some further clarity on;

- **Al fresco dining & use of the rear garden:** The application states 'No recorded music in the rear garden after 21:00 hrs'. Based on this, when music is being played up until that time, how much noise will the proposed installation of the 'sound limiters' absorb?  
As I live in the building directly next door and despite having double glazing, I can hear constant traffic which is loud and noisy enough. Therefore, I am naturally conscious of any added disruption this may cause.
- Furthermore, whilst music will cease outdoors at 21:00 - What time will guests be allowed to dine and sit outdoors for? As once again, groups of people laughing and talking etc will lead to noise travelling a long way which is of direct concern to the building next door, with such close proximity.
- **Recorded music indoors 12.00 - 00.00 & 1.30am on weekends:** Again, despite having sound limiters installed - Is it possible to ascertain just how much noise this will absorb? As being a direct neighbour to this establishment, I am entitled to a peaceful night's sleep and overall low disturbances as I do currently and having music playing as well as groups of people talking etc, even if it sounds muffled, for minimum 12 hours a day, 7 days a week, will be incredibly disruptive to my day to day life and overall well-being.
- Furthermore, whilst music will cease at 21:00 outdoors, it will go on until midnight (and later during weekends) indoors which is a huge disruption.
- **'No sale of alcohol outdoors after 2300':** Please could the owners kindly inform whether or not guests will be able to take their existing glasses of alcohol outside (either to the rear or front of the building?) As once again, noise travels incredibly far. A prime example of this would be the nearby building of Shishukunj Bhavan which, despite being further down the street on 25-27 High Street, I can hear loud

instruments being played there all days of the week despite my double glazed windows being closed and also my TV being on loud.

- **'Dining domes':** These which are detailed in the application & cover letter, are merely an image used from an online website of an existing restaurant London Bridge (Link here, for reference <https://www.coppaclub.co.uk/towerbridge/>). Do we have actual plans of what their 'dining domes' will look like? Furthermore, having personally dined in this restaurant in London Bridge, I am aware that first hand, whilst these protect you from the weather, they are **not** soundproof or noise limiters in any capacity.
- **Public safety:**

Car parking space – due to the location of the premises, there is no car parking spaces nearby except for parking on the main road directly across the road. Conscious that this residential area will not lend itself well to a large amount of additional cars. Also concerned about cars blocking the entrance to the Futura Apartments entrance and driveway.

- There is a bus stop very close to the premises meaning many may take this route home or of course, drive home. The noise this will create, whilst people are getting into their cars or waiting for night buses is entirely unacceptable. Local residents are more than entitled to a peaceful night's sleep every day.
- **Prevention of public nuisance:**

Will the buildings' doors and windows be sound proofed? As sound proofing is entirely different to installing ,noise limiters'. I would appreciate further detail and clarity around this please.

- Due to the premises not being large and the tenants' current intent to use the rear garden space, please detail the impact of this on the neighbours? How would they sound proof a larger and entirely outdoor area? Even though it will not be a live band, even sounds from a large group of people talking or clapping etc will still lead to disruption for the neighbours who are immediately next door.

It does not seem reasonable nor considerate of neighbours for a restaurant to intend to operate a business 7 days a week for such long hours consistently, whilst also selling alcohol and also intending to use an entire open and non-private space in the rear for entertainment. Use of the rear space also poses privacy issues for the neighbours who have windows & balconies looking out onto the pub's garden.

Based on the above grounds and the current application's terms detailed as they are, I oppose the license application being granted to Com Catering Ltd t/a Thai Kitchen. An approved license would be entirely detrimental to the surrounding residential area and directly impact many people and families alike and their right to live in a safe and peaceful area. We already have many restaurants in the surrounding area and this area does not require another one that serves alcohol and intends to consistently play any music and attract groups which will be disruptive to the neighbours' overall well-being. Simply stating that the music will not be amplified does in no way prevent the likelihood to repeated disturbances in many different forms.

Ms C Gunn

Harrow community safety service  
PO Box 18  
Civic Centre  
Station Road  
Harrow  
HA1 2UT  
Copy sent via email to: [licencing@harrow.gov.uk](mailto:licencing@harrow.gov.uk)

13<sup>th</sup> November 2019

Dear Sir/Madam

**Re: "Thai Kitchen", 21 High Street, Edgware, Middlesex, HA8 7EE**

I write to object to the licence application for the above premises.

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder. As a resident of a neighbouring property, I am worried by the extended opening hours requested, the use of the rear garden and plans for the provisions for the sale of alcohol until 12am on weekdays and 1.30am on weekends. This is a residential area surrounded by blocks of flats, having a venue here that is permitted to remain open until the early hours of the morning is wholly inappropriate and will blight the lives of local residents who will be forced to endure the noise nuisance from the premises and from patrons leaving late at night.

I will outline the specific provisions that I object to below:

**1. Late night refreshment**

The application states that late night refreshment (both indoor and outdoors) will be provided until 12am on weekdays and 2am at weekends. As a resident of a block located only 20m from the rear garden, I am extremely concerned by the prospect of customers being served outside so late at night. The rear garden is directly overlooked by a number of flats and it is inevitable that noise from the garden will disturb residents. In the past, when the pub was still open, there were consistent issues with excessive noise from patrons both in the garden and subsequently leaving the premises. The noise from the outdoor area caused me difficulty sleeping (often even with ear plugs), prevented me from having my windows open and overall led to a negative effect on my quality of life, as I was unable to enjoy quietly relaxing at home.

The vast majority of pubs and restaurants close their outside areas between 8-10pm for the sake of local residents, whether serving alcohol or not, and so this late opening appears highly irregular. Also, compared to the pub usage which only saw a handful of people standing outside at any time, we would expect the added disruption of the sound of plates and cutlery being cleared and large numbers of people remaining seated and talking loudly for extended periods if these proposals were allowed to go ahead.



I would also question the permanence of the proposed "dining domes" and query whether these would require planning permission, insofar as they appear to be intended as a permanent structure in this use case?

**2. Sale of Alcohol**

I am concerned by the provision for the sale of alcohol until 12am (1.30am at weekends). Firstly, it unclear how the applicants will prevent customers from taking alcohol outside which has been purchased inside the venue after the 11pm cut off stated for the garden area. These licencing hours are also unusually long for a restaurant and will likely lead to customers becoming intoxicated, causing a nuisance both at and after they leave the premises.

I also feel that the 11pm cut off time proposed for the sale of alcohol outside is far too late. Many residents go to bed far earlier than this (particularly those with children and shift workers) and should not have to face being disturbed by the noise from drunken customers filtering into their bedrooms. No convincing noise-limiting devices have been proposed for the outside area and there is no information on how many of the "dining domes" are proposed for the garden.

**3. Recorded Music**

**Indoors until 12am (1.30am on weekends)**

It is not clear how loud the music proposed to be played indoors is. The building, being old, has no sound proofing and so is not designed to contain modern levels of vibration. Anything other than quiet, background music could easily escape from the premises and affect neighbouring properties.

**Outdoors until 9pm**

As above, there are no noise-limiting devices in the rear garden and in order for any music to reach the entire area of the garden speakers would either be required to be placed in multiple locations, or the volume increased to cover the area. It is therefore inevitable that any music played outdoors will travel beyond the garden area and cause a nuisance to neighbouring properties. Considering the "dining domes" mentioned in the application, it is not clear how this will enhance the experience for diners either (i.e. will the music be played inside the domes? If played outside, how loud will it need to be to be heard inside the domes?).

Due to the built-up nature of the area, sound travels and echoes between the buildings as there is little to absorb it and even unamplified music can cause a nuisance as it easily reaches neighbouring properties. During the summer when neighbours have their windows open it is unreasonable that the quiet enjoyment of their homes should be invaded in this way, regardless of the time of day. The previous occupants of the premises (Spirit Pub Co) were not permitted to play music outside, I strongly feel that this is a condition that should remain in place.

**4. Crime and Disorder**

The late serving of alcohol and long opening hours are both factors that are likely to lead to a rise in anti-social behaviour in the area and violence among patrons. While the previous

Ms C Gunn



pub was open, I had to call the police several times due to fights breaking out amongst patrons leaving the premises, and also came home to find a man urinating in the entrance to my building on one occasion.

Due to the irregularity of the night buses and lack of parking, customers are likely to linger in the area after closing time which will lead to an increased likelihood of these issues arising and causing disturbance to residents.

To conclude, the immediate surrounding area is predominantly residential, with a large number of flats having been built here or converted from office blocks in the past 2 years (for example, Middlesex House and Berkeley House); a late-night venue would therefore be out of keeping with the development and character of the locality. We would welcome a restaurant with shorter opening hours and a more considerate use of the outside space, however the application as it stands is likely to cause a decline in the quality of life for nearby residents.

I sincerely hope that my concerns and those of my neighbours and fellow residents will be taken into account when deciding this matter.

Yours faithfully



Charlotte Gunn

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

## Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, **CHARLOTTE GUNN**, make this representation under  
(Insert name of applicant)  
the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
COM CATERING LTD T/A "THAI KITCHEN" 21 HIGH STREET	
Post town EDGWARE	Post code (if known) HA8 7EE

Name of premises licence holder or club holding club premises certificate (if known) N/A
Number of premises licence or club premises certificate (if known) N/A

### Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

Please tick  yes

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname **GUNN**

First names **CHARLOTTE**

I am 18 years old or over

Please tick  yes

Current address

[Redacted address box]

Post Town [Redacted]

Post Code [Redacted]

Daytime contact telephone number

Email address

(optional)

[Redacted telephone and email fields]

**(B) DETAILS OF OTHER APPLICANT**

Name and address ALEX STEER [Redacted address]
Telephone number (if any) [Redacted]
E-mail (optional) [Redacted]

2

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

**This representation relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note1)**

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder. As a resident of a neighbouring property, I am worried by the extended opening hours requested, the use of the rear garden and plans for the provisions for the sale of alcohol until 12am on weekdays and 1.30am on weekends. This is a residential area surrounded by blocks of flats, having a venue here that is permitted to remain open until the early hours of the morning is wholly inappropriate and will blight the lives of local residents who will be forced to endure the noise nuisance from the premises and from patrons leaving late at night.

I will outline the specific provisions that I object to on the basis of the prevention of public nuisance below:

**Late night refreshment**

The application states that late night refreshment (both indoor and outdoors) will be provided until 12am on weekdays and 2am at weekends. As a resident of a block located only 20m from the rear garden, I am extremely concerned by the prospect of customers being served outside so late at night. The rear garden is directly overlooked by a number of flats and it is inevitable that noise from the garden will disturb residents. In the past, when the pub was still open, there were consistent issues with excessive noise from patrons both in the garden and subsequently leaving the premises. The noise from the outdoor area caused me difficulty sleeping (often even with ear plugs), prevented me from having my windows open and overall led to a negative effect on my quality of life, as I was unable to enjoy quietly relaxing at home.

The vast majority of pubs and restaurants close their outside areas between 8-10pm for the sake of local residents, whether serving alcohol or not, and so this late opening appears highly irregular. Also, compared to the pub usage which only saw a handful of people standing outside at any time, we would expect the added disruption of the sound of plates and cutlery being cleared and large numbers of people remaining seated and talking loudly for extended periods if these proposals were allowed to go ahead.

I would also question the permanence of the proposed "dining domes" and query whether these would require planning permission, insofar as they appear to be intended as a permanent structure in this use case?

Continued overleaf...



**Please provide as much information as possible to support the application** (please read guidance note 2)

### **Sale of Alcohol**

I am concerned by the provision for the sale of alcohol until 12am (1.30am at weekends). Firstly, it unclear how the applicants will prevent customers from taking alcohol outside which has been purchased inside the venue after the 11pm cut off stated for the garden area. These licencing hours are also unusually long for a restaurant and will likely lead to customers becoming intoxicated, causing a nuisance both at and after they leave the premises.

I also feel that the 11pm cut off time proposed for the sale of alcohol outside is far too late. Many residents go to bed far earlier than this (particularly those with children and shift workers) and should not have to face being disturbed by the noise from drunken customers filtering into their bedrooms. No convincing noise-limiting devices have been proposed for the outside area and there is no information on how many of the "dining domes" are proposed for the garden.

### **Recorded Music**

#### **Indoors until 12am (1.30am on weekends):**

It is not clear how loud the music proposed to be played indoors is. The building, being old, has no sound proofing and so is not designed to contain modern levels of vibration. Anything other than quiet, background music could easily escape from the premises and affect neighbouring properties.

#### **Outdoors until 9pm:**

As above, there are no noise-limiting devices in the rear garden and in order for any music to reach the entire area of the garden speakers would either be required to be placed in multiple locations, or the volume increased to cover the area. It is therefore inevitable that any music played outdoors will travel beyond the garden area and cause a nuisance to neighbouring properties. Considering the "dining domes" mentioned in the application, it is not clear how this will enhance the experience for diners either (i.e. will the music be played inside the domes? If played outside, how loud will it need to be to be heard inside the domes?).

Due to the built-up nature of the area, sound travels and echoes between the buildings as there is little to absorb it and even unamplified music can cause a nuisance as it easily reaches neighbouring properties. During the summer when neighbours have their windows open it is unreasonable that the quiet enjoyment of their homes should be invaded in this way, regardless of the time of day. The previous occupants of the premises (Spirit Pub Co) were not permitted to play music outside, I strongly feel that this is a condition that should remain in place.

### **Crime and Disorder**

The late serving of alcohol and long opening hours are both factors that are likely to lead to a rise in anti-social behaviour in the area and violence among patrons. While the previous pub was open, I had to call the police several times due to fights breaking out amongst patrons leaving the premises, and also came home to find a man urinating in the entrance to my building on one occasion.

Due to the irregularity of the night buses and lack of parking, customers are likely to linger in the area after closing time which will lead to an increased likelihood of these issues arising and causing disturbance to residents.

To conclude, the immediate surrounding area is predominantly residential, with a large number of flats having been built here or converted from office blocks in the past 2 years (for example, Middlesex House and Berkeley House); a late-night venue would therefore be out of keeping with the development and character of the locality. We would welcome a restaurant with shorter opening hours and a more considerate use of the outside space, however the application as it stands is likely to cause a decline in the quality of life for nearby residents.

Please tick  
yes

Have you made a representation relating to this premises before



If yes please state the date of that representation, Day Month Year

03	10	2019
----	----	------

If you have made representations before relating to this premises please state what they were and when you made them

I OPPOSED TO SIMILAR PLANS SUBMITTED BY THE SAME APPLICANT FOR "LE COMPTOIR" AT THIS PREMISES IN OCTOBER.

THE REPRESENTATION OPPOSED THE LATE OPENING HOURS, PROVISIONS FOR THE SALE OF ALCOHOL AND THE PERFORMANCE OF LIVE MUSIC ON THE GROUNDS OF THE PREVENTION OF PUBLIC NUISANCE AND CRIME AND DISORDER.

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (please read guidance note 4)  
**If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date..... 14/11/2019 .....

Capacity N/A .....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an email address your e mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

## Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, **ALEXANDER STEER**, make this representation under

(Insert name of applicant)

the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

#### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
COM CATERING LTD T/A "THAI KITCHEN" 21 HIGH STREET	
Post town	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)
N/A
Number of premises licence or club premises certificate (if known)
N/A

#### Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

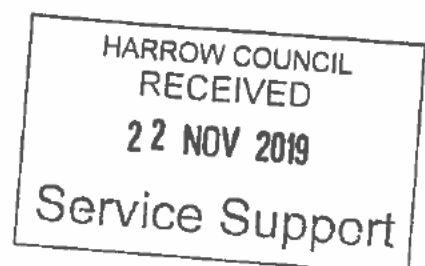
a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

Please tick  yes



2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname **STEER**

First names **ALEXANDER**

I am 18 years old or over

Please tick  yes

Current address

Post Town **[REDACTED]**

Post Code **[REDACTED]**

Daytime contact telephone number

Email address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

2

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

**This representation relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note1)**

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder. In particular, I want to ask the council to consider the following points in regard to the licence application:

- Recorded music played in the outdoor garden area till 9pm each day is not appropriate due to overlooking nature of the residential buildings, the diverse social (i.e. families, elderly people) and professional (i.e. shift workers) background of the occupants and the conclusion of a noise report conducted last year which states that noise mitigation is not possible. It is also unclear how much recorded music played in the outdoor garden area would increase the noise level. A new noise report and review is imminent. Playing recorded music till 9pm each day is not appropriate for such a dense residential area (Futura Apartments (30 flats), Middlesex House (173 flats), Grosvenor House (25 flats) Berkeley House (est 20-30 flats)).
- It is unclear how much recorded music played indoors would increase the noise level in general and if the suggested sound limiters are appropriate to reduce this possible increase in noise. Since the applicant applies for recorded music to be played indoors until 12/1:30am it is imperative that a proper noise study is conducted and the sound limiters are reviewed by the council. It does not seem appropriate for such a residential area that a restaurant should be allowed to play recorded music indoors till 1:30am without delivering a proper noise report and noise mitigation proposal.
- It is unclear how much the proposed outdoor seating (domes) would increase the noise level in general and how flooding risk is taking into account due to the proposed design/surface. It is further unclear how many guests are likely to occupy the outdoor garden area. This is not acceptable since the outdoor garden area is proposed to be kept open until 12/2am. The applicant clearly shows with the proposed opening hours that he/she is not conscientious about the surrounding area. Serving food and drinks inside and outside till 12/2am is not the business concept of a normal restaurant. Stopping serving alcohol outside at 11pm will not mitigate the noise from (already intoxicated) guests until 12/2am. Not to mention the noise when the outside area is cleaned by staff after the restaurant has closed.
- As stated in the licence application the car park is not part of the lease. The parking situation on High Street and the surrounding streets is already dense since it is mostly a residential area. It is therefore most likely that guests will park in spaces which are not designated parking spaces or on private land as already experienced during religious festivals in the mosque or cultural centre on the High Street. This also refers to parking on the dual carriageway and in bus lanes. A potential use of the car park is also not appropriate since it is even closer to Futura Apartments

**Please provide as much information as possible to support the application (please read guidance note 2)**

and not designed for late night parking/ constant traffic. That fly-tipping, travellers and bad street lighting is a problem in this car park/ on the public footpath has been reported several times to the council. It does not need this kind of business concept for the pub to solve it. A barrier can be installed easily to prevent people from occupying this space and fly-tipping.

In conclusion this licence application brings back a concept which was already (unsuccessfully) applied for or withdrawn several times. With now three major residential developments in the surrounding area it is inappropriate. Opening hours till 2am in the morning and using the outside garden area as a huge dining area is not what the premises should be used for. The proposed mitigation measures are vague and the proposed design is not properly supported by documents (i.e. structure, number of guests etc.) and would need planning permission anyway.

I also want to point out that two similar new business concepts for the former pub were either refused by the council (P/2988/18) or withdrawn by the applicant (P/5237/18) after supporting documents stated that the concept is not suitable for an area with overlooking residential buildings due to noise. Both documents are attached to this letter. A summary of the reasons can be found below:

P/2988/18 (refused):

"The proposal, by reason of its siting, excessive size, scale and site coverage, would be detrimental to the character and pattern of development in the locality and would harm the significance of the grade II listed heritage asset..."

"The proposal, by reason of its lack of information regarding potential number of customers, proposed opening hours and potential noise levels, provides insufficient details on whether the proposal would be acceptable in terms of noise impacts..."

"The proposal, by reason of its inadequate Flood Risk Assessment, would exacerbate the risk of flooding within the site or increase the risk and consequences of flooding elsewhere..."

P/5237/18 (withdrawn):

"Mitigation of the noise from the rear garden has been briefly considered but due to the overlooking nature of the worst case receptors likely mitigation has been deemed ineffective."

**Please tick  
yes**

Have you made a representation relating to this premises before

If yes please state the date of that representation, Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

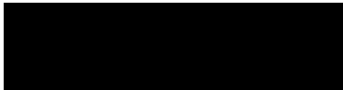


**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (please read guidance note 4)  
**If signing on behalf of the applicant please state in what capacity.**

Signature



Date

20/11/2019

Capacity

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an email address your e mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
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4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
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- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS's and representations on provisional statements. Please check with the Licensing Section.

Mr A Steer



Head of the Community Directorate  
London Borough of Harrow  
Civic Centre  
PO Box 18  
Station Road  
Harrow  
HA1 2UT

Copy sent via email to: [licencing@harrow.gov.uk](mailto:licencing@harrow.gov.uk)

20<sup>th</sup> November 2019

Dear Sir/Madam

**Re: "Thai Kitchen", 21 High Street, Edgware, Middlesex, HA8 7EE**

I write to object to the licence application for the above premises.

My concerns relate to the prevention of public nuisance and the prevention of crime and disorder.

In particular, I want to ask the council to consider the following points concerning the licence application:

- Recorded music played in the outdoor garden area till 9pm each day is not appropriate due to overlooking nature of the residential buildings, the diverse social (i.e. families, elderly people) and professional (i.e. shift workers) background of the occupants and the conclusion of a noise report conducted last year which states that noise mitigation is not possible. It is also unclear how much recorded music played in the outdoor garden area would increase the noise level. A new noise report and review is imminent. Playing recorded music until 9pm each day is not appropriate for such a dense residential area (Futura Apartments (30 flats), Middlesex House (173 flats), Grosvenor House (25 flats) Berkeley House (est 20-30 flats)).
- It is unclear how much recorded music played indoors would increase the noise level in general and if the suggested sound limiters are appropriate to reduce this possible increase in noise. Since the applicant applies for recorded music to be played indoors until 12/1:30am it is imperative that a proper noise study is conducted and the sound limiters are reviewed by the council. It does not seem appropriate for such a residential area that a restaurant should be allowed to play recorded music indoors until 1:30am without delivering a proper noise report and noise mitigation proposal.
- It is unclear how much the proposed outdoor seating (domes) would increase the noise level in general and how flooding risk is taking into account due to the proposed design/surface. It is further unclear how many guests are likely to occupy the outdoor garden area. This is not acceptable since the outdoor garden area is proposed to be kept open until 12/2am. The applicant clearly shows with the proposed opening hours that he/she is not conscientious about the surrounding area. Serving food and drinks inside and outside until 12/2am is not



the business concept of a normal restaurant. Stopping serving alcohol outside at 11pm will not mitigate the noise from (already intoxicated) guests until 12/2am. Not to mention the noise when the outside area is cleaned by staff after the restaurant has closed.

- As stated in the licence application the car park is not part of the lease. The parking situation on High Street and the surrounding streets is already dense since it is mostly a residential area. It is therefore most likely that guests will park in spaces, which are not designated parking spaces, or on private land as already experienced during religious festivals in the mosque or cultural centre on the High Street. This also refers to parking on the dual carriageway and in bus lanes. A potential use of the car park is also not appropriate since it is even closer to Futura Apartments and not designed for late night parking/ constant traffic. That fly-tipping, travellers and bad street lighting is a problem in this car park/ on the public footpath has been reported several times to the council. It does not need this kind of business concept for the pub to solve it. A barrier can be installed easily to prevent people from occupying this space and fly-tipping.

In conclusion this licence application brings back a concept which was already (unsuccessfully) applied for or withdrawn several times. With now three major residential developments in the surrounding area, it is inappropriate. Opening hours until 2am in the morning and using the outside garden area as a huge dining area is not what the premises should be used for. The proposed mitigation measures are vague and the proposed design is not properly supported by documents (i.e. structure, number of guests etc.) and would need planning permission anyway.

I also want to point out that two similar new business concepts for the former pub were either refused by the council (P/2988/18) or withdrawn by the applicant (P/5237/18) after supporting documents stated that the concept is not suitable for an area with overlooking residential buildings due to noise. Both documents are attached to this letter. A summary of the reasons can be found below:

**P/2988/18 (refused):**

*"The proposal, by reason of its siting, excessive size, scale and site coverage, would be detrimental to the character and pattern of development in the locality and would harm the significance of the grade II listed heritage asset..."*

*"The proposal, by reason of its lack of information regarding potential number of customers, proposed opening hours and potential noise levels, provides insufficient details on whether the proposal would be acceptable in terms of noise impacts..."*

*"The proposal, by reason of its inadequate Flood Risk Assessment, would exacerbate the risk of flooding within the site or increase the risk and consequences of flooding elsewhere..."*

**P/5237/18 (withdrawn):**

*"Mitigation of the noise from the rear garden has been briefly considered but due to the overlooking nature of the worst case receptors likely mitigation has been deemed ineffective."*

I sincerely hope that my concerns and those of my neighbours and fellow residents will be taken into account when deciding this matter.

Mr A Steer



Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

## Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I NIKITA DHAKAN make this representation under  
(Insert name of applicant)  
the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

HARROW COUNCIL  
RECEIVED  
22 NOV 2019  
Service Support

### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	<u>COM CATERING LTD 4/A THAI KITCHEN</u> <u>21 HIGH STREET</u>
Post town	<u>EDGWARE</u>
Post code (if known)	<u>HA8 7EF</u>

Name of premises licence holder or club holding club premises certificate (if known)	<u>AS ABOVE</u>
Number of premises licence or club premises certificate (if known)	<u>                    </u>

### Part 2 - Applicant details

I am	Please tick ✓ yes
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input checked="" type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname DHAKAN

First names NIKITA

I am 18 years old or over

Please tick  yes

Current address

[Redacted address box]

Post Town [Redacted]

Post Code [Redacted]

Daytime contact telephone number

Email address (optional)

[Redacted telephone and email information]

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

[Redacted other applicant details]

2

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

**This representation relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

- 
- 
- 
- 

Please state the ground(s) for review (please read guidance note1)

PLEASE SEE ATTACHED DOCUMENT

**Please provide as much information as possible to support the application (please read guidance note 2)**



Please tick  
yes

Have you made a representation relating to this premises before



If yes please state the date of that representation, Day Month Year

08	10	2019
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If you have made representations before relating to this premises please state what they were and when you made them

Please refer to email sent to  
~~the~~ Licensing@harrow.gov.uk on  
Tuesday 8<sup>th</sup> October

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (please read guidance note 4)  
**If signing on behalf of the applicant please state in what capacity.**

Signature   
Date..... 19/11/2019  
Capacity

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an email address your e mail address (optional)**

**Notes for Guidance**

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2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation if available.
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4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
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- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS's and representations on provisional statements. Please check with the Licensing Section.

To whom it may concern,

I am writing with regards to 21 High Street Edgware, HA8 7EE and their intent to turn the currently derelict pub into a Thai Restaurant. My concerns relate to public safety, the prevention of public nuisance and the prevention of crime and disorder.

As a resident of a neighbouring property, I am worried by the extended opening hours requested, the use of the rear garden and plans for the provisions for the sale of alcohol until 12am on weekdays and 1.30am on weekends. As this is a residential area surrounded by blocks of flats, having a venue here that is permitted to remain open until the early hours of the morning, 7 days a week, is entirely inappropriate and will directly and largely impact the lives of local residents who will be forced to endure the noise nuisance from the premises and from patrons leaving late at night.

I have outlined the specific provisions that I object to below:

- **Public safety:**  
Car parking space – due to the location of the premises, there is no car parking spaces nearby except for parking on the main road directly across the road. Conscious that this residential area does not lend itself well to a large amount of additional cars. I am also concerned about cars blocking the entrance to the Futura Apartments entrance and driveway.
  - There is a bus stop very close to the premises meaning many may take this route home or of course, drive home. The noise this will create, whilst people are getting into their cars or waiting for night buses is entirely unacceptable. Local residents are more than entitled to a peaceful night's sleep every day.
- **Prevention of public nuisance:**  
Will the buildings' doors and windows be sound proofed? As sound proofing is entirely different to installing 'noise limiters'. There is currently no detailed clarity around this on the application. This is concerning especially given how old the building is currently and how much all sound and noise travels.
  - Due to the premises not being large and the tenants' current intent to use the rear garden space, please detail the impact of this on the neighbours? How would they sound proof a larger and entirely outdoor area? Even though it will not be a live band, even sounds from a large group of people talking or clapping etc will still lead to disruption for the neighbours who are immediately next door. The vast majority of pubs and restaurants close their outside areas between 8-10pm for the sake of local residents, whether serving alcohol or not, and so this late opening appears highly irregular.
- **Prevention of crime and disorder:** The late serving of alcohol and long opening hours are both direct contributing factors which are very likely to lead to a direct rise in anti-social behaviours in the area. Due to the lack of parking nearby and the irregularity of night

buses, it is likely to customers are likely to linger in the area – not only adding to noise but also causing potential harm to nearby neighbours.

- **Al fresco dining & use of the rear garden:** The application states 'No recorded music in the rear garden after 21:00 hrs'. Based on this, when music is being played up until that time, how much noise will the proposed installation of the 'sound limiters' absorb? As I live in the building directly next door and despite having double glazing, I can hear constant traffic which is loud and noisy enough. Therefore, I am naturally conscious of any added disruption this may cause.
- Furthermore, whilst music will cease outdoors at 21:00 - What time will guests be allowed to dine and sit outdoors for? As once again, groups of people laughing and talking etc will lead to noise travelling a long way which is of direct concern to the building next door, with such close proximity. Especially given the application stating such late trading hours and particularly over the weekends.
- **Prevention of public nuisance / Recorded music indoors 12.00 - 00.00 & 1.30am on weekends:** Again, despite having sound limiters installed - Is it possible to ascertain just how much noise this will absorb? As being a direct neighbour to this establishment, I am entitled to a peaceful night's sleep and overall low disturbances as I do currently and having music playing as well as groups of people talking etc, even if it sounds muffled, for minimum 12 hours a day, 7 days a week, will be incredibly disruptive to my day to day life and overall well-being.
- Furthermore, whilst music will cease at 21:00 outdoors, it will go on until midnight (and later during weekends) indoors which is a huge disruption.
- **'No sale of alcohol outdoors after 2300':** Please could the owners kindly inform whether or not guests will be able to take their existing glasses of alcohol outside (either to the rear or front of the building?) As once again, noise travels incredibly far. A prime example of this would be the nearby building of Shishukunj Bhavan which, despite being further down the street on 25-27 High Street, I can hear loud instruments being played there all days of the week despite my double glazed windows being closed and also my TV being on loud.

Furthermore residents are entitled to a peaceful nights' sleep and I personally go to sleep significantly before 11pm on most nights. I do not believe a new business, which claims to benefit the community, should be open this late 7 days a week and directly disrupt the wellbeing of its' neighbours.

- **'Dining domes':** These which are detailed in the application & cover letter, are merely an image used from an online website of an existing restaurant London Bridge (Link here, for reference <https://www.coppaclub.co.uk/towerbridge/>). Do we have actual plans of what their 'dining domes' will look like? Furthermore, having personally dined in this restaurant in London Bridge, I am aware that first hand, whilst these protect you from the weather, they are not soundproof or noise limiters in any capacity.

It does not seem reasonable nor considerate of neighbours for a restaurant to intend to operate a business 7 days a week for such long hours consistently, whilst also selling alcohol and also

intending to use an entire open and non-private space in the rear for entertainment. Use of the rear space also poses privacy issues for the neighbours who have windows & balconies looking out onto the pub's garden.

Based on the above grounds and the current application's terms detailed as they are, I oppose the license application being granted to Com Catering Ltd t/a Thai Kitchen. An approved license based on the current late hours would be entirely detrimental to the surrounding residential area and directly impact many people and families alike and their right to live in a safe and peaceful area. We already have many restaurants in the surrounding area and this area does not require another one that serves alcohol and intends to consistently play any music and attract groups which will be disruptive to the neighbours' overall well-being. Simply stating that the music will not be amplified does in no way prevent the likelihood to repeated disturbances in many different forms.

I look forward to hearing from you.

Thank you and regards,

Niki Dhakan

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## Appendix 4 – Agreed conditions with Metropolitan Police

The Metropolitan Police submitted a representation which was subsequently withdrawn due to the applicant agreeing to the following conditions to be added to the premises licence should it be granted:

1. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the police. All entry points, exit points and the rear garden area 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 throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises open to the public. The staff member shall be able to show Police data or footage immediately when requested.
3. All staff making sales of alcohol must be a personal licence holder or trained and authorised in writing by the Designated Premises Supervisor. This written authorisation must be available for inspection by Police or authorised officer of the licensing authority.
4. A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale. The log shall be immediately available for inspection at the premises by the police or an authorised officer of the licensing authority.
5. An incident log shall be kept at the premises for at least 12 months, and examined on a regular basis by the DPS. The date and time of each examination will be recorded on the register. The register will be made available on request to an authorised officer of the licensing authority or the Police, which will record the following:
  - a) All crimes reported to the venue, or by the venue to the Police
  - b) All ejections of patrons
  - c) Any complaints received
  - d) Any incidents of disorder
  - e) Any visit by a relevant authority or emergency service.
6. 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)
7. There shall be a no ID no entry policy after 2300 hours
8. Nudity, striptease and other entertainment of an adult nature shall not be permitted on the premises.

9. No children shall be allowed in the bar/lounge area of the premises after 2100 hours. Children may be permitted to enter the restaurant area after this time so long as they are accompanied by a responsible adult.
10. The supply of alcohol in the restaurant area and outdoor/garden area shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal with all service by waiting staff.
11. Those customers who purchase alcoholic beverages (for consumption in the bar/lounge area) without a table meal shall be seated and have access to appetisers and main meals from the restaurant menu.
12. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
13. A minimum of 2 SIA accredited door staff on Fridays and Saturdays from 2100 hours.
14. A register/log containing the names, badge numbers, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.
15. All music played at the venue, shall be set at a background level for ambience only.
16. There shall be no live or recorded music played in the outdoor area of the premises after 1900 hours (Monday – Thursday) and 2100 hours (Friday & Saturday).
17. If dancers are employed, their names, passport or visa details including those of the band members shall be supplied to the police no less than one month before they are due to start performing.
18. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage. No glass drinking vessels are to be used in the outdoor area after 2200 hours.
19. Notices will be clearly displayed at all exits requesting that patrons respect the needs of the local residents and leave the premises and the area quietly.