

Licensing Panel AGENDA

DATE: Wednesday 22 January 2020

TIME: 7.30 pm *

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

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

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Michael Borio
Maxine Henson

Chetna Halai

Reserve Members:

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

Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1542 E-mail: miriam.wearing@harrow.gov.uk

Useful Information

Meeting details:

This meeting is open to the press and public.

Directions to the Civic Centre can be found at:
<http://www.harrow.gov.uk/site/scripts/location.php>.

Filming / recording of meetings

The Council will audio record Public and Councillor Questions. The audio recording will be placed on the Council's website.

Please note that proceedings at this meeting may be photographed, recorded or filmed. If you choose to attend, you will be deemed to have consented to being photographed, recorded and/or filmed.

When present in the meeting room, silent mode should be enabled for all mobile devices.

Meeting access / special requirements.

The Civic Centre is accessible to people with special needs. There are accessible toilets and lifts to meeting rooms. If you have special requirements, please contact the officer listed on the front page of this agenda.

An induction loop system for people with hearing difficulties is available. Please ask at the Security Desk on the Middlesex Floor.

Agenda publication date: Tuesday 14 January 2020

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 REVIEW OF THE PREMISES LICENCE FOR MR SUSHI, 152 STATION ROAD, HARROW, MIDDLESEX, HA1 2RH (Pages 7 - 60)

Report of the Divisional Director Environment

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

7. EXCLUSION OF THE PRESS AND PUBLIC

To resolve that the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Title</u>	<u>Description of Exempt Information</u>
8.	Appendices 1, 1a, 1b and 4 to the Application for	Information under paragraph 7 of Part 1 of Schedule 12A to the Local

	Review of the Premises Licence for Mr Sushi, 152 Station Road, Harrow, Middlesex, HA1 2RH	Government Act 1972 (as amended) in that it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
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AGENDA - PART II

- 8. APPENDICES 1, 1A, 1B AND 4 (Pages 61 - 124)**

Licensing Panel – Licensing Act 2003

Procedure For A Review Hearing - Oral Hearing in Public

*This document provides a summary of the Panel's procedure for the conduct of this oral hearing in public. This procedure is followed during a **REVIEW** procedure.*

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

Agenda Item 4

Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: *Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.*

ADJOURNMENT: *The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.*



REPORT FOR: LICENSING PANEL

Date of Meeting: 22 January 2020

Subject: Application for review of the premises licence for Mr Sushi, 152 Station Road, Harrow, Middlesex, HA1 2RH

Responsible Officer: Michael Butler – Divisional Director Environment

Exempt: No except for appendices 1, 1a, 1b and 4 which are exempt under paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Wards affected: Greenhill

Enclosures: **Appendix 1:** Application for review
Appendix 1a: Home Office – Supporting Witness Statement
Appendix 1b : Home Office – Supporting Witness Statement
Appendix 2: Current premises licence and plan
Appendix 3: Location map and Site Photo
Appendix 4: Representation - Metropolitan Police Service
Appendix 5: Representation - Licensing Authority
Appendix 6: Licensing Inspection Correspondence

Appendix 7: S19 Closure Notice
Appendix 8: Relevant S182 -
Statutory Licensing guidance
Appendix 9: Relevant sections of
licence review guidelines from the
licensing policy

Section 1 – Summary

To determine an application for a review of a Premises Licence in respect of Mr Sushi, 152 Station Road, Harrow, HA1 2RH. The application for review has been submitted by Home Officer (Immigration Enforcement) acting act as responsible authority under the Licensing Act 2003

Section 2 – Application

2.1 Name of the Premises Licence Holder

Li Hua Tian, 410 Ealing Road, Wembley, HA0 1JQ

2.2 Type of application applied for

An application for a review of premises licence for Mr Sushi Restaurant, 152 Station Road, Harrow, HA1 2RH, submitted by Home Office Enforcement acting as a responsible authority under the Licensing Act 2003.

2.3 Description of premises

The premises is located in Station Road Harrow, operating as an eatery / restaurant. The restaurant offers the on sales of alcohol, late night food refreshment and a take away food service.

2.4 A copy of the Review application and supporting information is attached as **Appendix 1**.

2.5 Additional information, supplementary witness statements and photographs from the Home Office Enforcement Team, received during the application consultation period are attached as **Appendix 1a and 1b**.

2.6 An image of the premises and a location map are provided at **Appendix 3**.

2.7 Licensable Activities currently authorised

Activity		Permitted
Sale of Alcohol	Consumption on the premises	X
Late Night Refreshment	Licensable Area	X

Authorised Timings	Licensable Activities	Opening Hours
Monday – Sunday	Sale of Alcohol 10:00-23:30 Late Night Refreshment 23:00-00:00	10:00-00:00

2.8 A copy of the full Premises Licence is attached as **Appendix 2**.

3. Consultation:

3.1 Closing date for review representations

26 December 2019.

3.2 The application was subject to the following advertising:

- published on the Council's website
- a public notice placed at the Harrow Civic Offices
- Responsible Authorities and Ward Members notified of the application

4. Representations:

Representations received

From	Representations details	Grounds for Representation
The Planning Authority	No representations received	
Health & Safety	No representations received	
Environmental Health	No representations received	
Trading Standards	No representations received	
Area Child Protection Service	No representations received	
Metropolitan Police Service	Representation received	Prevention of Crime and Disorder & Public Safety - Appendix 4
Licensing Authority	Representation received	Prevention of Crime and Disorder, Public Safety & Protection of Children from Harm - Appendix 5
London Fire Brigade	No representations received	

There have been two representations in favour of the review. Both representations are from responsible authorities.

- **Appendix 4** for representation from the Metropolitan Police Service
- **Appendix 5** for representation from the London Borough of Harrow as Licensing Authority.

Representations from other persons

No representations have been received from 'other persons'

5. Background Information / Licensing history

5.1 The premises became licensed as a restaurant in June 2011, this was under the former name of Secret Recipe.

5.2 The premises changed its name to Mr Sushi, followed at the same time by a transfer of ownership and change of Designated Premises Supervisor to the current owner and DPS Ms Li Hua Tian. These changes were effective as of August 2014.

6. Officer observations in summary

Since the change of ownership in 2014 licensing officers have not had to visit the premises following complaints, however suspension notices were served in 2017 and 2018 for failure to pay the annual fee in time. Since the submission of the review application in November 2019, the following actions and stepped approach to secure compliance have been taken.

- **28/11/2019** – The Home Office submitted a review of Premises Licence on grounds that the licence holder had failed to meet licensing objectives. For the third time in two years, illegal working had been identified at the premises with 5 persons found to have no permission to work legally in the UK
- **28/11/2019** - Site Visited 28 November 2019 to affix Review Application Public Notice; this notice can be seen in the photograph attached as Appendix 3. Licensing Officer – Charlene Ellis was met by staff member Yousef Mohammedi, Site Manager Mr Long Tian and Licence Holder and DPS Li Hua Tian. There were several evident areas of immediate non-compliance. No Premises Licence or Summary were on display and could not be located at time of visit. Ms Li Hua Tian was unable to produce her Personal Licence.

These are all notable offences under the Licensing Act 2003 subject to a Level 2, £500, penalty fine without reasonable excuse.

- **05/12/2019** - A full licensing inspection was carried out at the premises on 5 December 2019. Licensing Officer Charlene Ellis met with site manager Mr Long Tian. Despite the notice of inspection being given prior to visit, a host of non-compliance issues were found, breaches of multiple licence conditions inclusive of no CCTV, no training logs, no refusal logs, no display of a challenge 21 policy or printed materials and no Premises Licence and Summary were available.

Full instruction was verbally given to Mr Tian to remedy matters at time of inspection, this was followed by written correspondence sent to the licence holder to action and is attached as **Appendix 6**.

A period of 14 days from initial inspection was given to rectify matters with deadline of 19 December 2019.

- **10/12/2019** – A telephone call was taken from Home Officer officials; this was made directly to the Licensing Service, confirming a further visit to the Mr Sushi site was undertaken on 09/12/19 by Immigration Officers William Gillies and Dan Nuttall. Two additional illegal workers were found to be working on site, one of which had been identified at an earlier enforcement visit. Officers supplied statements in respect of this visit; these are attached as **Appendix 1a** and **Appendix 1b**
- **19/12/2019** - A follow up visit to site was undertaken on 19 December 2019 to check compliance with 5/12/2019 actions. Charlene Ellis Licensing Officer and David Norton Environmental Health Officer were in attendance.

A duplicate Premises Licence and Summary had been applied for and was found on site, although this was not displayed prominently as required.

As a result of no further positive action being taken by the premises to rectify non-compliance issues a Section 19 Closure Notice was served on the licence holder Ms Li Hui Tian and Mr Long Tian.

A Section 19 notice informs a person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19 of the Criminal Justice and Police Act 2001

The reasons for the notice were given verbally and written instruction supplied. A copy of the completed S19 Closure Notice is attached as **Appendix 7**.

Officers left the premises with assurances from Mr Long Tian that outstanding matters would be resolved by 23/12/19 and that email confirmation would be provided from the premises.

Unfortunately despite the several attempts to work collectively with the licence holder and site staff, little to none of the required remedial work has been undertaken. Revised practices, procedures and photographic proofs relating to the essential works are still outstanding at time of writing this report (6 January 2020).

7. Statutory 182 guidance

The statutory 182 licensing guidance advises the following in respect of criminal activity that may arise in connection with licensed premises

S11.27 “There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The full section of this and other relevant guidance has been attached to this report. See **Appendix 8**.

8. Licensing policy

Each application for a review will be considered on its own merits and the Panel may depart from the guidelines should they have good reason to do so; any departure should be made with consistency and transparency of decision-making in mind

The full statement of licensing policy is attached to this report at **Appendix 9**.

9. Legal implications

9.1 The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

9.2 An application for review of a premises licence may be made pursuant to S.51 of the Licensing Act 2003.

9.3 The Licensing Panel is required to give appropriate weight to the review application, 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 (if any) that are appropriate to promote the four licensing objectives.

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Members should note that each objective is of equal importance.

9.4 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

Under Paragraph 11.19 of the Revised Guidance under Section 182 of the Licensing Act 2003, the options available to the Licensing Sub-Committee in a Review Application are the following:

- a. **modify the conditions of the premises licence** (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b. **exclude a licensable activity from the scope of the licence**, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- c. **remove the designated premises supervisor**, for example, because they consider that the problems are the result of poor management;
- d. **suspend the licence for a period not exceeding three months;**
and/or
- e. **revoke the licence.**

9.5 If the Panel takes a step mentioned in a or b of paragraph 17 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

It should be noted that –

- a. clear reasons must be given for the decision; and
- b. any additional or modified conditions should be practicable and enforceable.

the applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in schedule 5 to the Licensing Act 2003.

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

- a. common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc.);
- b. provisions of the Human Rights Act 1998;
- c. Considerations in section 17 of the Crime and Disorder Act 1998.

9.7 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

The Panel must also consider section 17 of the Crime and Disorder Act 1998 which 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

There are no financial implications.

Appeals

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: 07/01/2020		

Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 08/01/2020		

Name: Michael Butler	<input checked="" type="checkbox"/>	Divisional Director
Date: 07/01/2020 (Paul Walker)		

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

Contacts:

Case Officer: Charlene Ellis – Licensing Officer Ext: 6684

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

Background Papers:

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Licensing Act 2003:

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

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LICENSING ACT 2003

Schedule 12
Part A (Regulation 33,34)
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000004578/2014/5

Part 1 – Premises details

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

Mr Sushi, 152 Station Road, Harrow, Middlesex,
HA1 2RH

Telephone Number: 020 8427 8926

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale of retail alcohol
Late night refreshment

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)

Premises Licence



Licensable Area
Hours open to public

Sunday	10:00 - 00:00	-
Monday	10:00 - 00:00	-
Tuesday	10:00 - 00:00	-
Wednesday	10:00 - 00:00	-
Thursday	10:00 - 00:00	-
Friday	10:00 - 00:00	-
Saturday	10:00 - 00:00	-

The times the licence authorises the carrying out of licensable activities

Location: Licensable Area

Sale of retail alcohol

Sunday	10:00 - 23:30	-
Monday	10:00 - 23:30	-
Tuesday	10:00 - 23:30	-
Wednesday	10:00 - 23:30	-
Thursday	10:00 - 23:30	-
Friday	10:00 - 23:30	-
Saturday	10:00 - 23:30	-

Location: Licensable Area

Late night refreshment

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

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

Part 2

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

Li Hua Tian

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

N/A

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

Li Hua Tian

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

Brent - 719614

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

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Mandatory Condition order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula—

$P = \frac{D \times V}{100}$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

Mandatory conditions where licence authorises exhibition of films:

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

Annex 2 - Conditions consistent with the operating Schedule

1. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests as documented in the Harrow Police Security Recommendations document. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days if analogue and not less than 14 days if digital, and will be made available to Council officers and Police on request.

2. Staff shall receive regular training a minimum of four times a year to ensure that the prevention of disorder is in sharp focus. Records of the training will be made available to the Licensing Authority or Police upon request.

3. No nuisance to be caused by noise or vibration at the boundary of neighbouring premises.

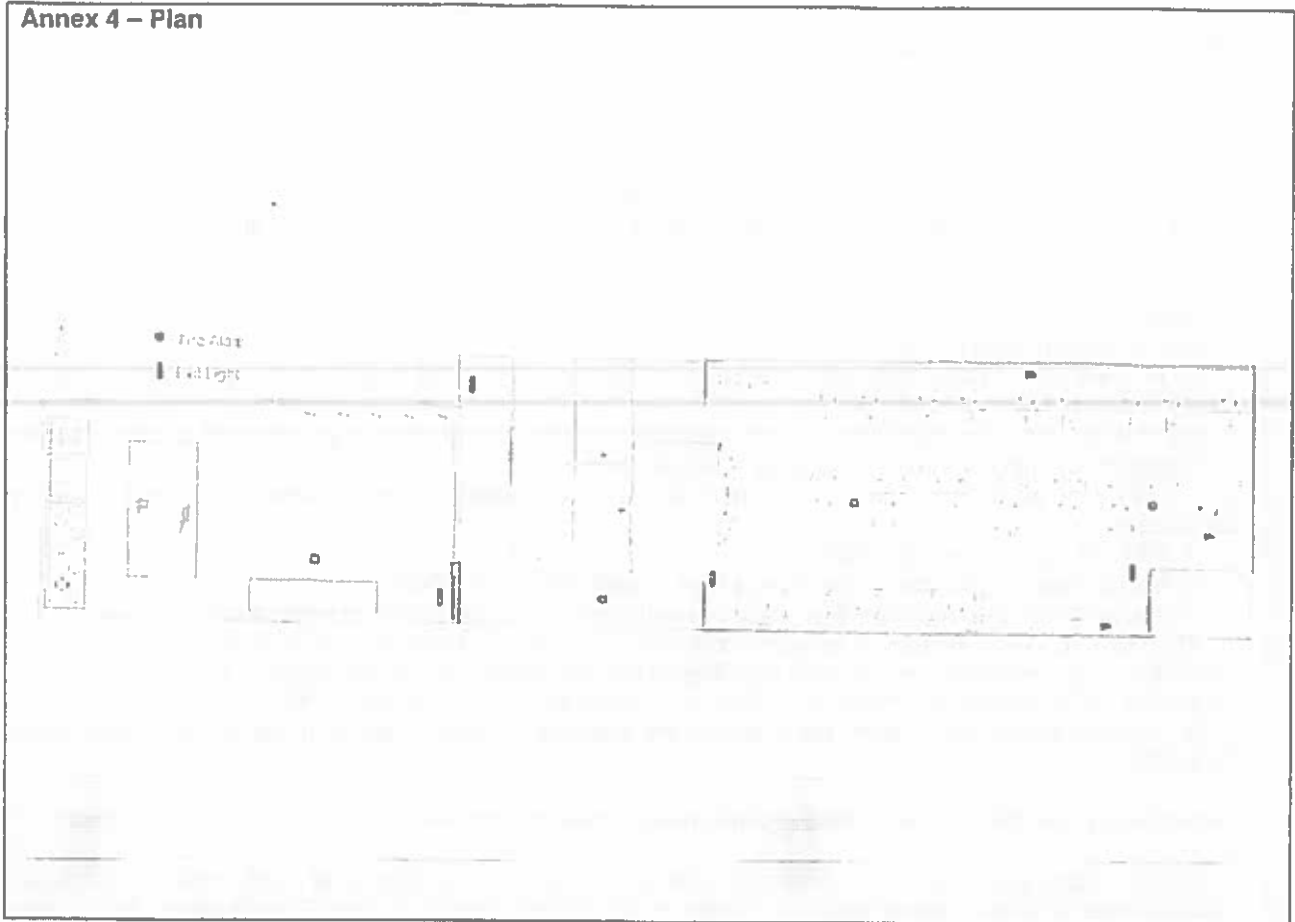
4. A 'Challenge 21' policy will be operated at the premises, whereby any person attempting to purchase alcohol (or other age restricted products) and who appears to be under the age of 21 years, will be asked to provide proof (i.e. passport, driver's licence or some other such accredited form of photo identification) that they over the age of 18 years. Notices will be displayed advising customers that the scheme is in operation. A record of age related refusals of sale will be kept and will be made available to officers of the police or

local authority upon request.

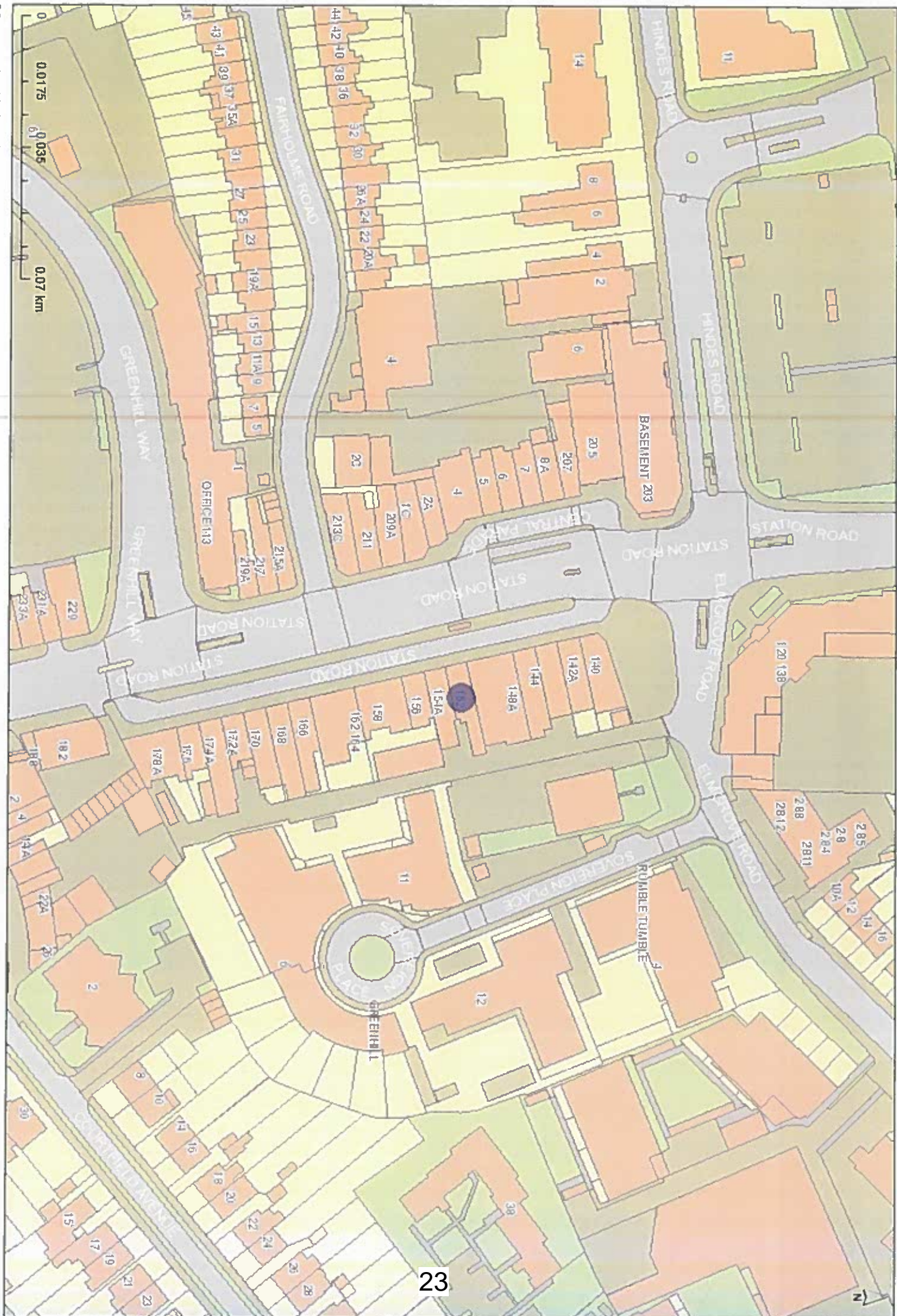
Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plan



Date of original grant: 02/08/2011	Reason for issue: Variation Of DPS
Date of issue: 3rd September 2014	Issue Number: 5



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DIGITAL MAP DATA (C) COLLINS BARHOLM (EW LTD 2020)

MR. SUSHI

Japanese Restaurant
0208 427 892



Licensing Act 2003
Premises Licence and Club Premises Certificate Representation

Please read the following instructions first

Before completing this form please read the guidance notes at the end of this form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure 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.

Using Your Personal Information

Personal information which you supply to us will be used by the licensing team in processing the premises or club premises application. Your personal information will be shared with the applicant/licence holder and may be shared with others involved in the licensing process. In rare circumstances it may be possible for the Licensing Authority to remove your personal data but this is not usual. Please contact a licensing officer if you wish to discuss.

Details of premises or club premises in relation to which an application has been made.

Name of Premises or Club	Mr Sushi
Address of Premises or Club	152 Station Road, Harrow, Middlesex
Post code (if known)	HA1 2RH

Type of Application

Please tick ✓

Premises Licence application	
Variation to a Premises Licence	
Club Premises Certificate application	
Variation of a Club Premises Certificate	
Review of a Premises Licence	x
Review of a Club Premises Certificate	

Representor's Details

I am

Please tick one only ✓

- 1) An individual, body, or, business which is not a responsible authority
- 2) A responsible authority

Details of Representor (do not leave blank)

Name of Individual/Body/Responsible Authority/Business (delete as appropriate)	
Title	Surname or Family Name
Forenames	
Job Title and Name of Business/Body/Responsible Authority (if relevant)	
Licensing Authority - London Borough of Harrow	
Residential address/address of Responsible Authority/Body/Business: (whichever is applicable) Harrow Council, Civic Centre PO Box 18, Station Road, Harrow	
Post code	HA1 2UT
Daytime Telephone	
E-mail address (if applicable)	licensing@harrow.gov.uk

I have viewed the application in full before making this representation ✓

This representation relates to the following licensing objectives(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

If your representation does not relate to one of the above objectives your representation will be invalid. (Ticking one of the above boxes alone does not constitute a valid representation. The grounds of objection must be described further overleaf).

Please state clearly the ground(s) for the representation and what the likely effect of the grant, variation or continuation of the premises licence, or club premises certificate, on the promotion of the licensing objectives will be. You should also state what action you would like to see taken by a licensing sub-committee should a public hearing become necessary. Please use additional blank sheets if necessary

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority, in regard to and support of the premises licence review submitted by the Home Office (Immigration Enforcement Team) for Mr Sushi, 152 Station Road, Harrow, HA1 2RH.

The Licensing Authority has recently become aware of continued Home Office enforcement and the premises lack of compliance with Immigration requirements; thus leading to a negative impact on the Licensing Act 2003 objective of the prevention of Crime and Disorder

In addition to the above, the Councils Licensing Team has sort to actively engage with the premises, with both the Premises Licence Holder Ms Li Hua Tian and Site Manager Mr Long Tian via multiple site visits and subsequent written advice; in order to align site practice with requirements of the existing Premises Licence. However despite these attempts to work collectively the premises has failed to uphold the requirements of their licence.

The premises remains uncompliant with multiple breaches of condition including the carrying on the unauthorised activity of supplying off sales of alcohol and as such is subject to a Section 19 Closure Notice under the Criminal Justice and Police Act 2001. This was served by Licensing Officer Charlene Ellis on 19th December 2019 on Ms Li Hua Tian and Mr Long Tian due to conditions of their existing authorisations not being met and Licensing Act objectives not being upheld.

Despite repeated assurances to undertake immediate remedial action, to date, this has not been completed and matters have not been recified. Lack of adherence to the licence and the repeated employment of persons without the legal permissions to work in the UK, as raised by the Home Office Enforcement Team, raises serious concerns as to the suitability of Li Hua Tian and Long Tian to both manage the premises and uphold the legal responsibilities that are required of a licence holder.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on conviction, by a fine of up to £5,000.

I confirm I have read and understood the guidance notes relating to the completion of this form. I understand this representation may become a public document.

Signed D Gilmour Date 23/12/2019

Print name David Gilmour

Licensing Act 2003 – Premises Licence and Club Premises Certificates Guidance Notes on Making a Representation

Before making a representation we strongly recommend that you view the full application through the Council's 'Online Licensing' facility under the tab 'Current Applications'.

Representations can be made either against or in support of an application. For example with reason, you may wish to object to your local pub extending its licensable hours late into the evening as it could lead to people congregating outside. Or, alternatively, you may feel such an extension would allow for the staggering of customers leaving the premises thereby avoiding potential problems. In both these instances you could make a representation but it **must** demonstrate what the likely effect of the grant, variation or continuation of the premises licence or club premises certificate will be on one or more of the four licensing objectives detailed below:

1. prevention of crime and disorder;
2. public safety;
3. prevention of public nuisance; and/or
4. protection of children from harm.

Please note, with regard to public nuisance, it is probable that a number of individuals would likely need to be affected for a representation to be valid.

Regarding health & safety, the Licensing Authority would not duplicate restrictions which are already in place by way of separate legislation.

Representations **must** be made to the Licensing Authority (the Council) in writing. You are not obliged to use the Council's representation form to make a representation, you may make a representation by letter if you wish however, we recommend the use of this form as it will guide you through the process. If you are completing the form by hand, please print in block capitals.

Once you have completed the form you may wish to keep a copy for use by you at any hearing held by the Council or the Magistrates' Court as a result of this representation.

The representation form must be signed by:

1. an individual making a representation; or
2. a person authorised to do so by a body; or
3. a person authorised to do so by a Responsible Authority.

continued overleaf ...

12th December 2019
Our ref: UL/CSS/CEL/WK/000676948

Community Directorate
Corporate Director
Paul Walker

Ms Li Hua Tian
Mr Sushi
152 Station Road
Harrow
Middlesex
HA1 2RH

Dear Madam

Licensing Act 2003: Breaches of Conditions
Premises: Mr Sushi Mr Sushi, 152 Station Road, Harrow, Middlesex, HA1 2RH

I am writing about a visit to the above premises on 5 December 2019 at 1100hrs, undertaken in the presence of your restaurant manager Mr Long Tian.

During the visit the following breaches were found of the premises licence:

1. Neither the original nor a certified copy of the premises licence was available to view, as required under section 57 of the above Act.
2. A summary of the licence was not on display, as required under section 57 of the above Act.
3. You are currently offering off supplies of alcohol, this is not permitted with your current authorisation and must cease with immediate affect. Knowingly allowing or carrying on unauthorised licensable activities is an offence under Section 136(1) of the above Act

Failing to have the licence on the premises or the summary of the licence on display are both criminal offences, for which the maximum penalty on summary conviction is a fine of £500 for each offence. Carrying on unauthorised licensable activities could carry an additional penalty of 6 months imprisonment and / or unlimited fines.

The following breaches of the licence conditions were also found:

a) Annex 1: Mandatory Condition 4

4. The responsible person must ensure that—(a)where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) ready for sale or supply in a securely it is available in the following measures:
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

b) Annex 2 - Conditions consistent with the operating Schedule:

Condition 1. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests as documented in the Harrow Police Security Recommendations document. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days if analogue and not less than 14 days if digital, and will be made available to Council officers and Police on request.

Condition 2. Staff shall receive regular training a minimum of four times a year to ensure that the prevention of disorder is in sharp focus. Records of the training will be made available to the Licensing Authority or Police upon request.

Condition 4. A 'Challenge 21 policy will be operated at the premises, whereby any person attempting to purchase alcohol (or other age restricted products) and who appears to be under the age of 21 years, will be asked to provide proof (i.e. passport, drivers licence or some other such accredited form of photo identification) that they over the age of 18 years. Notices will be displayed advising customers that the scheme is in operation. A record of age related refusals of sale will be kept and will be made available to officers of the police or local authority upon request.

It is essential that you adhere to all of the conditions that are on your premises licence. Failing to comply with the conditions on your licence is a criminal offence, which can lead to a maximum penalty on conviction of a fine and/or up to 6 months' imprisonment. In addition to your impending review relating to Immigration Offences your licence may also be reviewed with regard to the above breaches, leading to a possible licence revocation, suspension or additional conditions being applied to it.

I would be grateful if you would pass this information to the relevant person(s), Mr Long Tian included, for attention to ensure further breaches do not occur.

I will be revisiting the site on Thursday 19 December at 14:00hrs to ensure all remedial action has been taken and all conditions are being adhered to, I would ask that you are in attendance during this visit. This warning will be kept on file and may be referred to should further enforcement action be required in the future. If you require any further details, please contact the licensing team as shown.

Yours sincerely

C Ellis

Charlene Ellis
Licensing Officer
Environment and Enterprise
Tel:020 8736 6257
Email: licensing@harrow.gov.uk

NB:- A copy of this communication has also been sent to the following person(s)

Metropolitan Police Licensing Team - NWMailbox.LicensingHarrow@met.police.uk

CLOSURE NOTICE

Section 19, Criminal Justice and Police Act 2001 as amended by paragraphs 126 and 127 of Schedule 6 of Licensing Act 2003

COMPLETE IN BLACK INK AND CAPITALS

PREMISES NAME: MR SUSHI, 152 STATION ROAD, HARROW
HA1 2RH

Full address and postcode:

I, an authorised officer of Harrow Council, am satisfied in accordance with section 19(2) of the 2001 Act that the above premises are being used, or have within the previous 24 hours been used, for the unauthorized sale of alcohol on or in the vicinity of the premises *and* there is a reasonable likelihood that the premises will be used again in the future.

My reasons for being so satisfied are that:

- alcohol has been sold by or attempted to be sold by retail otherwise than under an authorisation contrary to section 136 of the Licensing Act 2003 as described in the box below
- alcohol has been sold or attempted to be sold by retail in breach of a condition of an authorisation contrary to section 136 of the Licensing Act 2003 as described in the box below

mandatory licensing condition:
4(iii) sell wine in a glass 125ml (b) measures displayed, listed or printed (c) customer awareness of measures available
Annex 2: City maintained a trading inspection with 100% compliance period of 31 days (images) (2) Staff training + records (1) challenge 2

NOTICE IS GIVEN that Harrow Council may apply to a magistrates' court for a closure order during the period starting 7 days after the date of this notice and ending six months after the date of this notice unless the use of the premises has ceased *and* there is no reasonable likelihood of it reoccurring in the future. The steps that should be taken are suggested in the box below:

cease unauthorised 'off-sales' of alcohol immediately comply with the above listed mandatory condition and more conditions listed with annex (s) of licence W/4548/2014/5

Name of person on whom notice served	LI HUATIAN / Mr Long Tian		
Address of person on whom notice served	LI HUATIAN		
Names of other persons on whom notice was served	Mr Long Tian Restaurant manager		
Authorised officer's name	CHANG EUN		
Signature	Date	Time	Telephone number
	19/12/2019	15:23	0208 736 6252

Enquiries about this notice may be addressed to Licensing, Community & Public Protection,
Civic Centre, Station Road, Harrow HA1 2UT

licensing@harrow.gov.uk

General notes

1. An authorized officer from Harrow Council has decided to issue this closure notice under section 19 of the Criminal Justice and Police Act 2001. The notice alleges that the premises have been operating illegally without the authorizations to sell alcohol in compliance with the Licensing Act 2003 ('the Act'), being a licensable activity within the meaning of the Licensing Act. The notice also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.
2. Copies of this notice will be served on any person occupying another part of the premises; and may be served on any person with control or responsibility for the activities on the premises; or any person with an interest in the premises (such as a landlord or freeholder).

Section 20 of the 2001 Act – Closure Orders

3. The licensing authority may apply to a magistrate's court for a closure order if the unauthorized sale of alcohol is continuing or there is a reasonable likelihood that it will be in the future. An application for closure order may not be made earlier than seven days, or later than six months after, the date of this closure notice.
4. A magistrate's court may issue a summons for anyone who has been served a closure notice to appear before the court for a hearing. The court will consider at the hearing whether to make a closure order.
5. You may appear at the hearing and make representations to the court before a closure order is made.
6. A closure order may require:
 - (a) the premises to be closed to the public immediately and until the licensing authority certifies it may re-open;
 - (b) the use of the premises for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises to be discontinued immediately;
 - (c) the payment in court of a sum of money that will be released until all other requirements of the order are met;
 - (d) such conditions as the court considers appropriate relating to the admission of people to the premises (including access to any other part of the building of which the premises forms part)

Appeals – Section 24 of the 2001 Act

7. An appeal against a decision by the Magistrates' Court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the crown court within 21 days.

Enforcement Powers and Offences – Section 25 of the 2001 Act

8. It is an **offence** for a person, without reasonable excuse, to permit premises to be open in contravention of a closure order made by the magistrates' court. Any person found guilty of such an offence will be liable to a fine, or to imprisonment for a term not exceeding three months, or both.
9. It is also an **offence** for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding level 5 on the standard scale (£5000), or to three months imprisonment, or both.
10. Police Officers and authorised licensing authority officers have the power to enter the said premises at any reasonable time, and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). A constable or licensing authority officer must produce evidence of their authority to enter and also their identity before entering the premises, if asked to do so by the owner (or the occupier or person in charge of the premises).
11. It is an **offence** for a person to intentionally obstruct Police Officers or authorised licensing authority officers from exercising these powers. Any person convicted of obstructing an authorised Local Authority Officer is liable to a fine not exceeding level 5 on the standard scale (£5000).

Revised Guidance issued under section 182 of the Licensing Act 2003

Steps to promote the licensing objectives

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.

Home Office Immigration Enforcement acting as a responsible authority

9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

11. Reviews

The review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.

11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police

Revised Guidance issued under section 182 of the Licensing Act 2003

should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade

Revised Guidance issued under section 182 of the Licensing Act 2003

association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

Revised Guidance issued under section 182 of the Licensing Act 2003

- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs • for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Community Directorate

Statement of Licensing Policy

**Community Directorate
Harrow Council
Civic Centre
Station Road
Harrow
HA1 2XA**

Tel: 020 8863 5611

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1 Introduction

- 1.1 This policy sets out how Harrow Council approaches its role as the Licensing Authority under the Licensing Act 2003 ('the Act.'). It is responsible for premises licences, club premises certificates, temporary events notices, community and ancillary sale notices and personal licences in the Borough in respect of licensable activities:
- the sale and/or supply of alcohol
 - the provision of regulated entertainment
 - late night refreshment.
- 1.2 As the licensing authority the council is under a duty to promote the objectives of the Act, each of which is considered of equal importance:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 1.3 The council recognises that as a licensing authority it may only act within the powers granted under the Act. Where circumstances are appropriate to promote the licensing objectives the licensing authority will amongst other matters take into account:
- matters within the control of the premises licence holder/club premises certificate holders
 - the specific premises and the places used
 - the direct impact of the activity taking place at the licensed premises on people in the vicinity of the premises.

2 Harrow Ambition 2020

- 2.1 The council's Corporate Plan 2016-2019, entitled "Harrow Ambition Plan 2020" sets out the council's vision of "Working together to make a difference for the vulnerable, communities, families and businesses". The council's strategy (priorities) to deliver its vision, between now and 2020 is to:
- build a Better Harrow
 - be more Business-Like and Business Friendly
 - protect the Most Vulnerable and Support Families

The council's vision and the corporate priorities have been taken into account when developing the policy, particularly to "Be more Business-Like and Business Friendly".

2.2 In applying this policy the licensing authority will seek to implement the council's corporate values:

- Be Courageous
- Do it Together and
- Make it Happen

3 Context

3.1 Harrow has recorded a reduction of 23.7% change in crimes since the 2011/12 baseline year and also has recorded reductions against six of the Mayor's Office for Policing and Crime's seven priority crimes of burglary; criminal damage; robbery; theft from motor vehicles; theft from person; theft of motor vehicles with only a slight increase in violence with injury offences (see <https://www.london.gov.uk/What-we-do/mayors-office-policing-and-crime-mopac/data-and-research/crime%20/crime-dashboard>).

3.2 This policy is based on Harrow generally being better than most other English local authorities in terms of the indicators reported in the Local Alcohol Area Profiles published by Public Health England (June 2015 update) (see <http://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/0>).

3.3 Harrow's Health and Wellbeing Strategy 2016-20 makes a commitment to

'Start well, Live well, Work well, Age well' and responsible alcohol consumption and sales are relevant to all these objectives. Healthier high streets are a key component to making Harrow a healthier and happier borough.

3.4 The table below shows the number of licensed premises in the Borough as of April 2016:

<i>Premises type</i>	<i>Number</i>
On-sales of alcohol only (mainly restaurants)	278
On and off-sales of alcohol (mainly pubs and restaurants)	136
Off-sales of alcohol only	293
On-sales of alcohol only (pubs)	56
Regulated entertainment only (no alcohol)	21
Late night refreshment only	34
Cinemas	2
Proprietary clubs	3
Club premises certificates	42

3.5 Licensing is not a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the licensee of the premises concerned. However the licensing authority considers that licensing legislation plays a key role in

seeking to ensure premises are managed well in order to promote the licensing objectives. There are several options available to the licensing authority to assist with this control in areas where licensed premises are contributing or considered responsible for anti-social behaviour and where informal resolution has failed:

- the power of responsible authorities including the licensing authority itself, Members (Councillors) of the licensing authority, residents or businesses to seek a review of the licence or certificate in question
- enforcement action (including prosecution) of any person responsible for providing unlicensed activities or allowing the breach of a condition on a premises licence or club premises certificate
- enforcement action (including prosecution, fixed penalty notices or closure notices) of any personal licence holder or member of staff at such premises who is selling alcohol to a person who is drunk or under age
- the use of closure and other statutory orders under the Licensing Act 2003 and related anti-social behaviour legislation
- Early Morning Alcohol Restriction Orders
- introduction of a Late Night Levy

3.6 Nothing in this policy shall override the right of an applicant to submit a valid application for consideration, or prevent any party from making valid representations about applications.

4 Engagement

4.1 Public engagement is an important element of the Licensing Act. Written representations about licence applications are welcome. Representations that are considered by the licensing authority's officers to be out of time; irrelevant (because they do not address the licensing objectives); vexatious (because they for example repeat matters that have been previously raised unsuccessfully by the same respondent); or frivolous (lacking in seriousness) may be rejected. (Please also see sections 5 and 6 of this policy).

4.2 The licensing authority aims to work with applicants and residents to help licensable activities contribute to the diverse and vibrant commercial and cultural life of the Borough without having an adverse impact on our residents or their amenity. The licensing authority strongly encourages pre-application discussions and will make representations as a licensing authority where it believes it would be appropriate to further the licensing objectives.

5 Partnership working

5.1 This policy relies on strong partnership working, and the licensing authority will work particularly with licence holders, residents, police, Trading Standards, Environmental

Health and Public Health in implementing it. The licensing authority strongly encourages and participates in schemes such as Pubwatch and Best Bar None.

- 5.2 The licensing authority will be mindful of the cost and regulatory burden that imposing conditions and other restrictions places on applicants and licensees. The licensing authority will work (with others where possible) to ensure conditions and restrictions are appropriate to only further the licensing objectives, are proportionate, clearly understandable and enforceable. To this end we have produced a separate non-binding pool of model conditions for reference that will be updated by the licensing authority's officers in the light of operational experience.
- 5.3 Where our discretion is engaged (because representations have been made about an application, the licensing authority will consider each application on its own individual merits including the impact of an application on the local area before making a determination.

6 The licensing objectives

- 6.1 An operating schedule is an important part of a premises licence or club premises certificate addressing how the applicant will promote the licensing objectives. The licensing authority encourages applicants to discuss their operating schedules with our officers before an application is submitted. Although applications may be submitted without completing an operating schedule it is more likely that representations will be made by responsible authorities or others.
- 6.2 The licensing authority may take into account the (non-exhaustive list of) factors below when considering applications, particularly when representations have been raised that are not otherwise withdrawn. The licensing authority's officers will consult with applicants about conditions during the consultation period and consider making representations about these matters where it is appropriate to do so.
- 6.3 These factors may also be taken into account by a Licensing Panel of councillors should representations be raised in relation to these matters.

Objective	Factors to consider
<i>Prevention of crime and disorder</i>	<ul style="list-style-type: none"> • degree of confidence in the management of the premises • location of premises • gang-related activity in the area • participation in local crime prevention schemes (such as Pubwatch or the Harrow Business Improvement District scheme) • 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 • employment of licensed security staff and/or door supervisors

	<ul style="list-style-type: none"> • drug prevention and detection measures • search and detection of weapons • entry control measures (for example membership schemes, ticketing, electronic identity checking, queue controls etc) • suitable and sufficient security plan • effective wind-down and dispersal policies • use of CCTV • 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 • style, design and layout of the premises including provision for the safety of children • use of non-glass containers for alcohol where appropriate • measures to prevent or reduce anti-social behaviour arising from licensable activities • compliance with the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks • trading hours • compliance with other business legislation with criminal penalties such as immigration offences; waste management; and smoking controls under the Health Act 2006
<p><i>Prevention of public nuisance</i></p>	<ul style="list-style-type: none"> • trading hours • noise reduction measures associated with licensable activities, particularly near to residential properties such as noise limiters, acoustic lobbies, double glazing, ventilation systems etc • noise mitigation measures associated with licensable activities, particularly near to residential properties • provision of litter bins and litter patrols • use of low-impact litter materials • measures to control smoking • extent of any external areas such as beer gardens, smoking areas and pavement cafes • effective wind-down and dispersal policies • noise from people arriving at or leaving from the premises and which is related to licensable activities • control of other nuisances relating to licensable activities such as light or odours • management of waste particularly preventing fly-tipping • arrangements in place for hiring licensed premises for private parties especially younger "anniversary birthday" parties • clear identification of staff authorized to sell alcohol

<p><i>Public safety</i></p>	<ul style="list-style-type: none"> • event management plans (and liaison with relevant agencies) for large-scale and/or high risk events • capacity limits other than those assessed purely for fire safety reasons • arrangements to prevent use of premises by extremist or other radical groups and to promote equality • the control of any hazards other than those controlled under the Health & Safety at Work etc Act 1974 • First Aid arrangements for customers above those required for workers under the Health & Safety at Work etc Act 1974 • identifiable high levels of alcohol consumption in the vicinity of the premises that might be increased by the grant of an authorisation
<p><i>Protection of children from harm</i></p>	<ul style="list-style-type: none"> • age verification policies over and above the mandatory minimum • measures to protect children from being exploited or coming to harm • procedures to deter and report under-age and proxy alcohol sales • membership of the Brent and Harrow Trading Standards Responsible Trading Scheme • measures to ensure children are not exposed to age-inappropriate products or activities (eg cigarettes, gaming machines, relevant entertainment or age-inappropriate films) • exclusion or designated areas and/or times for children with or without accompanying adults • measures to protect children as performers at any premises • arrangements in place at events solely aimed at those under 18 years old • procedures for dealing with lost and found children, particularly at open-air events

7 Other legislative responsibilities

7.1 Crime and disorder

The licensing authority is under a duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of its' decisions, and to seek to reduce crime and disorder within the Borough.

7.2 Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. The licensing authority will have particular regard to the following provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right of respect for their home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

7.3 Better regulation

The licensing authority is under a duty to have regard to the statutory Regulators' Code when setting this policy to:

- help those the licensing authority regulates comply with the Act and to grow
- provide straightforward and simple ways to comment on the licensing authority's policy and how we enforce the Act
- base regulatory activities on risk
- share information about compliance and risk with other regulators where possible
- make clear information, guidance and advice available to help licensees meet their responsibilities to comply
- ensure our regulatory approach is transparent.

7.4 Equalities

Harrow's diversity is one of its strengths and the Equality Act 2010 aims to tackle potential discrimination against persons with "protected characteristics". Harrow Council has published its Equal Opportunities Policy that sets out how it aims to reduce inequality issues within the Borough and create a more inclusive community. An Equalities Impact Assessment has been prepared in relation to the statement of licensing policy and is available on request and on our website.

7.5 We aim to ensure that our Statement of Licensing Policy and associated practices do not discriminate against any people with protected characteristics within the community and will pursue any opportunity to promote equality of opportunity and good community relations. To this end we will:

- encourage applications for licences and certificates to be made from the widest range of ethnic and cultural groups
- provide information and documentation in other languages and formats on request so the licensing policy can be conveyed to all members of the community
- conduct an equalities impact assessment during the five year period of the policy to identify the effects the policy may have had for different groups within the community, take appropriate action to prevent direct and indirect discrimination which may have been the result of the policy statement
- conduct a health impact assessment during the first two years of the policy to identify the possible health impacts and so the positive impacts can be maximised and any negative impacts minimised and monitored.

7.6 **Planning permission**

Planning and licensing are distinct regimes and will be properly separated to avoid duplication and inefficiency. Where planning permission has not yet been granted, or there appears likely to be a clear conflict between licensing and planning permissions (eg a difference in permitted hours) an informative will be issued to the premises licence holder to remind them of the need to seek permission or to comply with the current permission as granted.

7.7 **Cultural strategies**

In its role of implementing local authority cultural strategies, the licensing authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. When considering applications for such events and any conditions on licences or certificates, the licensing authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives and the protection of the vulnerable.

7.8 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where only limited disturbance may be caused.

8 Specific circumstances

8.1 The licensing authority considers the following paragraphs to be appropriate to certain specific circumstances:

8.2 Good neighbour principle

The licensing authority expects all premises to promote the licensing objectives, regardless of whether any specific conditions are included on the authorisation. The licensing authority would encourage all premises to adopt the following Good Neighbour principles to:

- let neighbouring properties know about any changes to normal operations that might have an impact on them – such as temporary events notices that will end late at night or events likely to attract more customers than usual
- report to the council incidents of fly-tipping and excessive littering in the immediate vicinity, even if it does not directly affect the licensed premises
- report via the 101 non-emergency telephone line incidences of anti-social behaviour in the immediate vicinity, even if it does not directly affect the licensed premises
- provide a temporary haven for anyone in distress or need of immediate assistance (such as calling the police for someone who has been a victim of crime)
- maintain a litter-free and presentable area around their premises, even if it includes public highway
- help promote responsible alcohol consumption and local health initiatives such as health walks
- allow communal use of toilets where available

8.3 Opening times and shops

In accordance with the Secretary of State's guidance, the presumption will be that shops shall be licensed to sell alcohol during the same times as other goods in that shop, unless it is appropriate not to in order to further the licensing objectives. In some cases it may be appropriate to restrict alcohol sales to certain times and conditions imposed to ensure alcohol are segregated from other goods on sale.

8.4 Restaurants and take-aways

Applications received from premises ostensibly acting as a restaurant will be closely scrutinised. The licensing authority reserves the right to examine the operating emphasis of premises and to take such steps as appropriate to avoid misrepresentation. A restaurant or take-away will normally be expected to offer the condition that alcohol would be served as being ancillary to a meal.

8.5 External drinking areas

Sales of alcohol may only take place where the external area has been included on the plan for the premises. Where appropriate, conditions will be placed on external drinking areas, including beer gardens. The council has a separate policy for licensing furniture on the public highway, which is available on our website.

8.6 **Arrangements for films**

The licensing authority would expect premises where films are shown to have in place measures to prevent children from viewing age-inappropriate films as classified by the British Board of Film Classification (BBFC) or the requirements of the licensing authority.

8.7 The licensing authority reserves the right to classify or reclassify any film to promote the child protection objective. Any classification will be notified to the relevant premises licence holder for advertisement at the premises and where tickets are sold for the performance, and a notice placed on the Council's website.

8.8 Any representation to reclassify a film that has already been classified by the BBFC must be presented with clear and cogent reasons why the licensing authority ought to contradict the professional view of the BBFC.

8.9 **Child protection and safeguarding**

Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows and dance or drama productions. Additional arrangements are required to safeguard them while at licensed premises without an accompanying responsible adult. Where appropriate the licensing authority will expect the licensee to provide evidence of how they intend to provide for the supervision and welfare of children as customers and as performers. Where children are supervised, the licensing authority will expect the operating schedule to demonstrate that staff are appropriately vetted, including via the Disclosure and Barring Service if necessary.

8.10 Where events are taking place that are solely provided for children, for example an under 18s disco, premises licences should include a risk assessment to prevent consumption of alcohol at or near the event; appropriate means for safeguarding children whilst at the event; and adequate arrangements to ensure the safe dispersal of children from the event.

8.11 The licensing authority will generally expect premises applying to open after 11 pm or that may be attractive to children to have in place a policy such as engagement with the Metropolitan Police Service's Operation Makesafe to ensure that staff are aware of the signs of potential child exploitation and how to report concerns about safeguarding.

8.12 **Adult entertainment**

When no entry is made in the application box relating to 'adult entertainment' it will be taken that there is no application for such entertainment and that a condition will be made to this effect. The licensing authority is responsible for licensing premises as sex entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009. The licensing authority has published a policy on the control of sex entertainment venues.

9 Conditions and consultations

- 9.1 In order to achieve the best outcome for promoting the licensing objectives, the licensing authority will liaise with applicants for new or varied premises licences (and club premises certificates) during the consultation process about conditions to be ultimately included on their licence. Where appropriate, the licensing authority will draw the wording for proposed conditions from its pool of model conditions that is available separately, unless the proposed wording on the operating schedule is appropriate, proportionate, clearly understandably and capable of being enforced. This will allow any discrepancies to be addressed during the consultation process, and for the licensing authority to submit a formal representation in the event of unresolved disputes. In accordance with the Secretary of State's guidance the licensing authority would expect applicants to also take into account the impact that their application might have on the local area.

10 Representations

- 10.1 The Licensing Act places duties on persons and organisations to make relevant representations and often in a relatively short timescale. In this context a “relevant representation” has to positively link the issues to the premises (or person) in question and the issues must relate to the statutory objectives.
- 10.2 The licensing authority cannot accept representations that it considers frivolous or vexatious. Additionally, in the case of a review of a licence or certificate, repetitive representations are also invalid. Officers will also be aware of the possibility of review applications being submitted as a consequence of an unsuccessful or rejected representation.
- 10.3 Licensing authority officers will determine whether a representation is irrelevant, frivolous, vexatious or repetitive in accordance with the Licensing Act and Guidance. In cases of doubt the representation will be allowed to stand and to be considered by a Licensing Panel.
- 10.4 Where the licensing authority determines that a representation is invalid it will notify the person of the decision and the reason. Where time exists, the person will be invited to make a further valid representation.
- 10.5 When a representation is made which purports to be on behalf of a group, society or other association, the licensing authority will require reasonable proof to verify that a signatory is genuinely speaking on behalf of the members of that group. This could take the form of minutes to a meeting, a resolution passed or similar documentation. ‘Group’ has a wide meaning and can include a residents’ association or similar.
- 10.6 Petitions will be accepted by the licensing authority. The licensing authority’s approach will be to enquire how the petition was compiled, and whether each signatory signed in full knowledge of the facts of the application in order to assess how much weight to give the petition when determining the application. Names and addresses will be assessed to ensure they appear to be prima facie genuine, and that signatories have not also submitted their own representation independently of the petition.
- 10.7 In the absence of contrary evidence, the organiser(s) of the petition will be deemed to have been the person making the representation. Consequently they will be deemed to have the right to speak at and present evidence to any Licensing Panel and to exercise any right of appeal. They may invite other petitioners to speak and present evidence on their behalf but the other petitioners may not do so on their own behalf. The other petitioners will not be treated as parties to the hearing unless they have submitted their own independent and relevant representations.
- 10.8 The licensing authority will carefully scrutinise representations to ensure signatories have signed in full knowledge of the facts of the application. It is likely that more weight will be given to standard or ‘round robin’ letters than to petitions. Each signatory on a standard or ‘round robin’ letter will be deemed to be a party to the application with their own right to speak and present evidence to any Licensing Panel, and to exercise any right of appeal.

11 Administration, exercise and delegation of functions

11.1 The following table sets out the delegation of decisions and functions to Licensing and General Purposes Committee, the Licensing Panel (sub-committee) and to officers.

11.2 Delegations are without prejudice to officers referring an application to a Licensing Panel; or a Licensing Panel to the Licensing and General Purposes Committee, if considered appropriate in the circumstances of any particular case.

11.3 Officers have delegated authority to classify films in the absence of classifications by the British Board of Film Classification, or to refer films to a Licensing Panel in the case of doubt. Officers will liaise with the chair of the Licensing and General Purposes Committee as to the approach to be taken about films to be re-classified that have already been classified by the BBFC.

DECISION	FULL COMMITTEE	LICENSING PANEL	OFFICERS
Application for personal licence		If a police objection	If no objection is made
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club registration certificate		If a relevant representation is made	If no relevant representation is made
Application for minor variation to premises licence/club registration certificate			All cases
Application to vary designated personal licence holder		If a police representation	All other cases

DECISION	FULL COMMITTEE	LICENSING PANEL	OFFICERS
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious			All cases
Making a representation as a responsible authority			All cases
Determination of an objection notice to a temporary event notice (and Community and Ancillary Sales Notices when introduced)		All cases	
Determination of objection to disapply requirement to have Designated Premises Supervisors in community premises		All cases	
Power to vary time limits under the Licensing Act 2003 (Hearings) Regulations 2005		All cases once a hearing has commenced	All cases before a hearing commences

12 Enforcement protocol

12.1 Licence reviews

To maintain a degree of consistency and transparency in decision-making, the Licensing Panel will be referred to the guidelines in appendix 1 when considering a review of a premises licence or club premises certificate. Each application for a review will be considered on its own merits and the Panel may depart from the guidelines should they have good reason to do so. The licensing authority reserves the right to amend and republish these guidelines in the light of operational experience.

12.2 Other enforcement powers

The licensing authority will work with other enforcement agencies and take a proportionate, risk-led approach to proactive and reactive enforcement.

12.3 Whilst we will investigate complaints about unlicensed activities or licensed premises, the licensing authority will also encourage self-resolution, mediation or referral to other agencies if that is more appropriate.

12.4 Complaints against licensed premises will be investigated promptly, having regard to feasibility. It must be noted that the licensing officers have limited statutory powers and that complete satisfaction to all parties may not be achieved. Regard will be given to all the events and wishes, and a resolution will be sought that is proportionate in the circumstances. The requirements of one individual cannot take precedence over others. Any decision taken on enforcement will be guided by our corporate enforcement policy and will not be driven by the wishes of any individual or group.

12.5 In most cases, advice or a written warning will be given for first and minor breaches. The table below is *indicative* of our approach to ensuring compliance and enforcing the Act in relation to first or single contraventions:

NATURE OF CONTRAVENTION	INDICATIVE RESPONSE(S)
Activities at premises likely to undermine the licensing objectives	<ul style="list-style-type: none"> • Action Plan • Notice under section 19, Criminal Justice & Police Act 2001 • Request to submit minor variation and/or review application
First contravention of administrative issues eg failure to display summary of the licence, a “refusals” book or incident book in breach of a condition	<ul style="list-style-type: none"> • Written warnings
Breach of other condition	<ul style="list-style-type: none"> • Action Plan • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution and/or review application
Conducting unlicensed activities	<ul style="list-style-type: none"> • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution
Failure to maintain safety systems eg CCTV, panic buttons in breach of condition	<ul style="list-style-type: none"> • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution

NATURE OF CONTRAVENTION	INDICATIVE RESPONSE(S)
Management failure leading to serious injury of any person	<ul style="list-style-type: none"> • Action Plan • Caution/prosecution and review application
Providing licensable activities in breach of licensable hours	<ul style="list-style-type: none"> • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution
Sustained disturbance to neighbouring properties in breach of condition	<ul style="list-style-type: none"> • Informal mediation • Action Plan • Caution/prosecution and/or review application
Sustained disturbance to neighbouring properties not in breach of condition	<ul style="list-style-type: none"> • Informal mediation • Action Plan • Review application
Unauthorised alteration to premises layout	<ul style="list-style-type: none"> • Warning and/or request to submit variation application • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution
Underage sales	<ul style="list-style-type: none"> • Warning and/or request to submit variation application to adopt Brent & Harrow Trading Standards' Responsible Trader Manual

NB: Enforcement of underage alcohol off-sales is the responsibility of Brent & Harrow Trading Standards Service who will utilise their own enforcement policy

13 Monitoring and review

- 13.1 In drawing up this policy the licensing authority had regard to the Secretary of State's guidance to licensing authorities (March 2015). We consulted on this policy between 16 September 2016 and 9 December 2016. Comments were invited from the statutory consultees set out in the Licensing Act
- 13.2 This policy was adopted by the licensing authority on 23 February 2017. The licensing authority will keep it under regular review and in any case review it again before February 2022.
- 13.3 Any comments about this policy can be addressed to licensing@harrow.gov.uk.

14 Amendments to this policy

- 14.1 The licensing authority will incorporate legislative changes to this policy as necessary, and consult as required by the Licensing Act on making other amendments to the policy.

APPENDIX 1

Licence review guidelines

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police or licensing authority advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results from poor management • Previous track record • Deliberate or direct involvement in criminality 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional conditions
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition or statutory abatement notice • Previous warnings ignored • Long and prolonged disturbances • Excessive noise during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary proposal/acceptance of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected/involved • Children not allowed on premises as part of operating schedule/conditions 	<ul style="list-style-type: none"> • Conduct occurred with lawful consent of persons with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol

	Aggravating factors	Mitigating factors
Application for review after other enforcement action taken by responsible authorities	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Previous review hearing held resulting in any corrective action • Premises licence holder previously convicted or cautioned for same or similar offences/contraventions • Offences over prolonged period of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard for licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or fixed penalty notice • First offence or warning • First review hearing • Single offence/breach • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
Range of likely responses available to the Licensing Panel	<ul style="list-style-type: none"> • To take no action • To issue a written warning • To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) • Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions • To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate • To suspend the licence for a period not exceeding three months • To revoke the premises licence or withdraw the club premises certificate 	

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