

Licensing Panel

Minutes

6 September 2021

Present:

Chair: Councillor Primesh Patel

Councillors: Michael Borio Ramji Chauhan

103. Appointment of Chair

RESOLVED: That Councillor Primesh Patel be appointed Chair of the Licensing Panel Hearing.

104. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by members.

105. Minutes

(See Note at conclusion of these minutes).

106. Licensing Procedures

The Chair asked the Panel Members, officer/s, Responsible Authority/ies and other attendees at the meeting to introduce themselves and then outlined the procedure for the conduct of an oral hearing, which was set out in the agenda.

Resolved Items

107. The Man of Aran, 424-426 Alexandra Avenue, Harrow, Middlesex, HA2 9TW.

In attendance:

Legal Adviser: Baljeet Virdee, Harrow Council

Licensing Officers: Emma Phasey, Harrow Council
Relevant Representations: Richard Baker
Roy Light

The Panel carefully considered all the relevant information including:

- All written and oral representations made by all the parties.
- The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives.
- The Guidance issued under section 182 of the Licensing Act 2003.
- Harrow Council's Licensing Policy.
- The Human Rights Act 1998.

The Panel hearing was held remotely and via an online platform. The Panel were present throughout and were able to see and hear all representations made.

- 1) This was an application to vary a premises licence for the Premises known as the Man of Aran, 424-426 Alexandra Avenue, Harrow, Middlesex H82 90W (the "**Premises**") in order to amend the licensable hours for the sale of alcohol for consumption on the premises, as well as the provision of late-night refreshment and the opening hours of the Premises. The Applicant also sought to update and amend the conditions on the licence and the Premises Plan.
- 2) The existing licensable hours for the provision of sale of alcohol and the provision of live music and recorded music are 10:30 – 23:00 hours Monday to Saturday and 10:30 to 22:30 on Sunday. The opening hours the Premises are 10:30 to 20 minutes after the end of licensing hours. There is also a seasonal variation to allow extended hours on New Year's Eve.
- 3) The Applicant sought to amend these hours so that the sale of alcohol for consumption on the Premises and the hours the Premises were open to the public were extended to 10:00 to 01:00 Monday to Sunday and the provision of late-night refreshment would be 2300 to 01:00 Monday to Sunday. The Applicant also sought to remove the condition in Annex 2 of the premises licence and delete condition 3 of Annex 3 of the licence. Both conditions related to the presence of young children on the Premises without adult supervision. The full wording of these conditions, the existing licence and the application to vary the same are in the agenda papers.
- 4) Following consultation with the Police the Applicant agreed amended hours of licensable activity and amended conditions, such that the opening hours for the Premises and the hours for the supply of alcohol for consumption on the Premises would be amended to 10:00 to 00:00 Sunday to Thursday and from 10:00 to 01:00 on Friday and Saturday. The amended hours for the provision of late-night refreshment would be 2300 to 00:00 Sunday to Thursday, and 23:00 to 01:00 hours on

Friday and Saturday. The agreed conditions largely mirror and amalgamate the conditions proposed by the Applicant in the application. The Applicant's original proposed conditions and the conditions agreed with the Police are set out in Appendix 5 and Appendix 6 to the agenda.

- 5) In response to the application there was a petition by eight people who were residents living above the Premises and who objected to the application on the basis of the prevention of crime and disorder and prevention of public nuisance. Specifically, they referred to a history of late-night related disturbances, loud noises, anti-social behaviour and drunken behaviour by customers of the Premises, which also involved people using the stairs to their building to go to the toilet and take drugs, amongst other things. They mentioned that the Premises had played rock music that could be heard within their flats and that sometimes the music would continue after the end of the Premises' usual licensing hours. Their written representations were set out in full, in Appendix 4 of the agenda. Of the objectors, only Mr Giammuso attended the hearing.
- 6) The Panel was informed the Applicant had taken over the Premises in May 2021 and their plan was to change the business to a fine dining restaurant and wine bar, which they believed would attract a different clientele. They considered that their business model and the way in which they would run the Premises was completely different to the existing use as a pub, and that they had installed a new DPS, Mr Satis Vijayendran, who was also a Director of the Applicant company.
- 7) Mr Vijayendran was present, along with the Applicant's advocate, Mr Roy Light, and their Agent, Mr Baker. Mr Light clarified that the Applicant was not seeking to remove the existing condition regarding the hours during which recorded or live music could be played even though such music was no longer licensable during the hours of 08:00 to 23:00 hours if alcohol is being served under a licence. This was so the Premises could continue to provide live and recorded music without also supplying alcohol at the same time should they wish to do so in the future.
- 8) The Panel was pointed to the amended plan of the Premises at page 34 of the agenda and the Panel was informed this was largely the same as the existing plan although it showed the position of the tables in the main dining room / bar area along with certain other structural changes.
- 9) The Panel was also informed that building works were being carried out to convert the Premises to a fine dining restaurant and wine bar but that these works had not yet been completed for a variety of reasons and therefore in the meantime the Premises had continued to be run as a pub. Whilst this was the case, it was stated that since the Applicant took over the Premises in May 2021 there had been no

reported issues.

- 10) The Applicant was also asked whether they had any security at the Premises to which the Panel was informed a contract had been signed with a security company and that security staff were available from time to time, such as when the Premises was open during the recent Euro 2020 football tournament.
- 11) Mr Giammuso informed the Panel that there were 20 flats in the building above the Premises and there were another 20 flats opposite the Premises and explained the various problems that had been experienced by him and other residents by the Premises. This included lots of shouting and congregation of people after leaving the Premises, fights and other altercations and people urinating and using drugs by the stairs leading up to their flats. Mr Giammuso mentioned the Premises was initially a Post Office and was converted into a pub and that there had not initially been any issues with the Premises after that conversion, but that in recent years there had been a number of problems, highlighted in his written and verbal representations. He also stated that he had not experienced any issues with the Premises since May 2021, when the Applicant had taken over the Premises.
- 12) The Panel considered all the issues and representations which included those raised by the objectors, to which the Panel had no reason to disbelieve. However, Mr Giammuso stated that there was a period of time when the Premises had operated as a pub and there were no issues whatsoever, and that there had been no issues since May 2021 even though the Premises continued to be operated as a pub. The Panel noted and acknowledged the fact that there had been various COVID measures in place since May 2021 and that the Premises may not have been operating at full capacity, but this, along with the lack of any representation from the Police, indicated there had been a reduction in public nuisance and crime and disorder since the Applicant took over the Premises. The Panel was also informed that the Applicant had installed an acoustic ceiling in the Premises which may also have helped to reduce any noise issues affecting the flats above.
- 13) This suggested to the Panel that the issues raised by the objectors were more likely to be historic in nature and more likely to be due to the way the Premises was previously managed and operated under its previous owner(s) rather than an inherent feature of the Premises.
- 14) The Applicant's stated intention was for the Premises to be converted into a fine dining restaurant and wine bar, which had been a different business model to that of a pub where the primary intention is usually to drink alcohol, and the conditions agreed with the Police included provisions that would mitigate against potential issues that could arise through the consumption of alcohol and customers staying late at the Premises. In particular, these included a condition for alcohol only to

be served by staff and only to customers who were seated. After 23:00 the Premises would be closed to new customers and alcohol would only be served ancillary to a meal. There was some discussion as to what constituted a “meal” which was still unclear, but the Applicant stated that he considered this to be a main meal rather than a small side dish.

- 15) The agreed conditions also included provisions regarding the installation and use of CCTV, the Challenge 25 scheme, training of staff involved in selling alcohol, a refusals book and notices asking customers to leave the area quietly.
- 16) Of the Applicant’s original proposed conditions, the Panel noted that these included conditions 14 and 19 (as shown in Appendix 6 to the agenda) restricting the times during which rubbish could be placed in outside bins and for children only to be permitted to remain on the Premises after 21:00 if accompanied by an adult. The Applicant wanted to remove and replace the condition in Annex 2 of the licence and to remove condition 3 in Annex 3 of the licence on the basis that as a restaurant and wine bar if parents wanted to bring their children to the Premises before 21:00 it would be possible that they could still be eating after 21:00 and therefore they should be allowed to finish their meals.
- 17) Having considered all of the matters, the Panel considered the amended hours and conditions agreed with the Police in Appendix 5, together with conditions 14 and 19 in Appendix 6, which appeared to address issues regarding the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.
- 18) Accordingly, the Panel had decided that the application to vary the premises licence should be granted in accordance with the hours and conditions set out below.
- 19) The Panel also mentioned that it noted the Applicant stated they would be happy to speak to the objectors and the Panel encouraged the Applicant to engage to not just the objectors but with all the residents above the Premises in for future issues to be avoided and, if any issues should arise, to help to resolve these as quickly as possible.

RESOLVED: To vary the premises licence as follows:

- A) The plan to the premises licence is updated with the new Premises Plan enclosed with the application.
- B) The standard hours of licensable activity for the sale of alcohol for consumption on the Premises, the opening hours for the Premises and the provision for late night refreshment is amended as follows.

Sale of alcohol for consumption on the premises

Sunday to Thursday: 10:00 – 00:00

Friday and Saturday: 10:00 – 01:00* (the next day)

Provision of late-night refreshment

Sunday to Thursday: 23:00 – 00:00

Friday and Saturday: 23:00 – 01:00* (the next day)

Hours open to the public

Sunday to Thursday: 10:00 – 00:00

Friday and Saturday: 10:00 – 01:00* (the next day)

- C) The condition in Annex 2 of the existing premises licence is deleted and replaced with the following conditions:
1. CCTV shall be installed to Home Office Guidance standards, covering all entrances and exits, capturing clear facial images. This system shall be maintained & recordings shall be kept for 31 days and shall be made available to police and licensing officers immediately upon request. A member of staff fully conversant with the use and operation of the CCTV system and how to provide footage to police or local authority requests shall be present throughout the permitted hours for sale of alcohol. Suitable CCTV signage regarding the use of CCTV must be displayed.
 2. A sign stating “No proof of age - No sale” shall be displayed at the point of sale
 3. A “Challenge 25” policy shall be adopted and adhered to. Signage to be displayed at point of sale.
 4. An incident/refusal book shall be kept at the premises, and made available for inspection on request to an authorised officer of Harrow Council or the Police; Which will record the details (including day, date, time, summary of incident) of any of the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received
 - d) any faults in the CCTV system
 - e) any refusal of the sale of alcohol
 - f) any visit by a relevant authority or emergency service.
 5. Any staff directly involved in selling alcohol to consumers, staff who provide training, and all managers, will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on

the premises and made available for inspection by police and relevant authorities upon request.

6. Any staff directly involved in selling alcohol must be authorised to do so in writing by the DPS. A record of the authorisation for each member of staff will be kept on the premises and made available for inspection by police and relevant authorities upon request.
7. Promotions that encourage irresponsible drinking shall not be permitted.
8. Notices asking customers to leave quietly shall be displayed at the exit.
9. Entry to the premises by new patrons will cease at 23:00 hours.
10. The sale of alcohol will be to seated customers / table service only and made by waiting staff. Alcohol served after 23:00 hours must be ancillary to a meal.
11. Children will only be permitted to remain in the restaurant area of the premises after 21.00 hours if they are accompanied by at least one responsible adult
12. No Rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours the following morning.

D) Condition 3 in Annex 3 of the premises licence is deleted.

REASONS: As detailed in the Decision Notice sent to all interested parties and set out in brief in the preamble above.

(Note: The meeting, having commenced at 6.30 pm, closed at 7.51 pm).

(Signed) Councillor Primesh Patel
Chair