

Licensing Panel

Minutes

23 February 2022

Present:

Chair: Councillor Dean Gilligan

Councillors: Richard Almond Maxine Henson

108. Appointment of Chair

RESOLVED: That Councillor Dean Gilligan be appointed Chair of the Licensing Panel Hearing.

109. Declarations of Interest

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

110. Minutes

(See Note at conclusion of these minutes).

111. 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

112. Fusion 381, 381 Uxbridge Road, Pinner, Middlesex, HA5 4JN

In attendance:

Legal Adviser:	Paresh Mehta, Harrow Council
Licensing Officer:	Ash Wagela, Harrow Council

Relevant Representations:	Manpreet Singh Kapoor Maneesh Uberoi
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The Licensing panel carefully considered all the relevant information including:

- Written and oral representations 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
- Human Rights Act 1998

The Licensing panel hearing was held remotely via an online platform. The sub-committee were present throughout and were able to see and hear all representations made.

In making its decision, the Licensing panel carefully considered the application and written representations, as set out within the report and the verbal representations made at the hearing.

The application was for a new premises licence for a restaurant in Hatch End at the site of a former bank. The panel heard how the applicant had previous experience of running a similar premises in a neighbouring borough and that he had obtained planning permission to convert and use this current premises as a restaurant. In addition, he had also obtained planning permission to extend the property to the rear, something which he plans to do in the future.

The applicant (and his agent) explained to the panel that the premises could currently take around 65 covers in total at any one time, and that alcohol would only be served to customers eating at the restaurant also, such that customers could not come in to just have a drink. In addition, the applicant explained that he had installed sound proofing in parts of the building as well as a sound limiter that had been set at a level agreed with an Environmental Services officer. He also confirmed that he had agreed with the Metropolitan Police to reduce the hours initially sought, and to add certain conditions to the licence.

Questions were asked of the applicant by the panel and the one person who made a representation, Mrs Patel, about music and dancing at the venue, as well as the plan for the terrace area outside. The applicant confirmed that there was no intention to have dancing at the venue and that space would not allow for this. He also confirmed that music would be background music and that he may have a violinist or saxophonist playing, but occasionally there may be a DJ. All music would be amplified through the sound limiter and so controlled to a maximum level. The applicant also explained that he would not have any bands playing in the venue. He also confirmed that they would not be keeping windows or doors open as the premises had air conditioning. In relation to the external terrace area, he stated that this was purely accessible for the lady that lives in the flat above the premises and would not be open to the public and was part of the fire exit route.

Clarification was sought with the applicant about the regulated entertainment application for both indoors and outdoors, and he clarified that it was meant to be indoors only and so was happy to amend his application accordingly.

Following some concerns about dispersal of customers leaving the premises, the applicant explained that he would have a dispersal policy in place, and that on Friday and Saturday nights he would also have security if needed who would also help to disperse customers away quickly. The applicant was happy to have a condition added to the licence to provide the dispersal policy to the local authority and Metropolitan Police. He also confirmed that he would manage customers who may wish to smoke (at the front of the premises only) and would also provide ashtrays so that cigarette butts were not thrown on to the pavement.

It was noted that the original application allowed for a 'drinking up' time of 30 minutes before the terminal hour for closure of the premises to the public but the amended timings agreed with the police did not, and it was highlighted that this could cause a difficulty for customers buying an alcoholic drink very close to the closing time. Whilst the applicant explained that he would deal with this by giving a 15-minute reminder to customers, he was agreeable to reducing the hours for supply of alcohol by 15 minutes from the times agreed with the Police.

It should be noted that following changes to regulated entertainment in 2015, certain regulated entertainment are exempt from needing to be licenced and in this present case, for live music, a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500 is exempt, and for recorded music, no licence permission is required for any playing of recorded music between 08.00 and 23.00 on any day on a premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500. As these exemptions apply in this case, the times noted above for licensed regulated entertainment start at 23.00 hours.

In light of the clarification provided at the meeting, the amendments to the original application agreed with the Police, and the additional measures agreed to at the hearing (noted above), the Licensing Panel resolved to grant the licence with the hours and conditions stated above.

The Licensing panel believes that with the amendments made and the explanations provided, the measures taken above are appropriate and proportionate in the circumstances to promote all the licensing objectives.

The panel also noted that Mrs Patel seemed more satisfied about the application at the conclusion of the meeting than at the start, and whilst noting that she would monitor how the premises operates in due course, the panel also reminded Mrs Patel that she or anyone else could bring a review of the premises licence in the future if needed.

RESOLVED: To grant the premises licence subject to the following:

Hours Open to the Public and hours for Licensable Activities:

	Supply of alcohol	Live Music, Recorded Music, (indoors only)	Late night refreshment	Hours open to public
Monday	11.00 – 23.45	23.00 – 00.00	23:00 – 00:00	11.00 – 00.00
Tuesday	11.00 – 23.45	23.00 – 00.00	23:00 – 00:00	11.00 – 00.00
Wednesday	11.00 – 23.45	23.00 – 00.00	23:00 – 00:00	11.00 – 00.00
Thursday	11.00 – 23.45	23.00 – 00.00	23:00 – 00:00	11.00 – 00.00
Friday	11:00 – 00:45*	23:00 – 01:00*	23:00 – 01:00*	11:00 – 01:00*
Saturday	11:00 – 00:45*	23:00 – 01:00*	23:00 – 01:00*	11:00 – 01:00*
Sunday	11.00 – 23.45	23.00 – 00.00	23:00 – 00:00	11.00 – 00.00

* Continues into the following day

Conditions

Conditions agreed with the Metropolitan Police will be applied to the licence, as well as conditions that will be extrapolated from the Applicant's operating schedule (adjusted with regard to those agreed with the police).

In addition, the following condition will also be added to the licence:

- *The licence holder will ensure that there is a dispersal policy in place for the premises, and that this shall be made available to officers of the local authority and the metropolitan police.*

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 6.33 pm, closed at 7.33 pm).

(Signed) Councillor Dean Gilligan
Chair