

REPORT FOR: LICENSING PANEL

Date:	01 December 2015
Subject:	Application for a new premises licence in respect of 'Mumbai Central, 328 High Road, Harrow, Middlesex, HA3 6HS'
Responsible Officer:	Venetia Reid Baptiste - Divisional Director – Commissioning Services
Exempt:	No
Enclosures:	New Application for a premises licence - Appendix A Plan of the premises – Appendix B Location (GIS) Map – Appendix C Representations – Appendix D Current premises licence – Appendix E

Section 1 – Summary

The application for a new premises licence to be granted under the Licensing Act 2003 in respect of 'Mumbai Central, 328 High Road, Harrow, Middlesex, HA3 6HS', has attracted three representations from other persons. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt with by the Licensing Panel.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	No representations received

Representations from other persons

From	Relevant Representations details
Other persons	Representations Received

Section 2 – Report

Current situation

- 2.1 The applicant Dine India (London) Ltd, has applied for a new premises licence in respect of 'Mumbai Central, 328 High Road, Harrow, Middlesex, HA3 6HS". The application seeks to permit the following licensable activity with the following timings:

Ground Floor:

Hours open to public

Monday - Sunday 08.00 – 01.00 (the following morning)

Sale of retail alcohol and recorded music

Monday – Sunday 10.00 – 00.00

Late night refreshment

Monday – Sunday 23.00 – 00.00

Basement Floor:

Hours open to public:

Monday - Sunday 08:00 – 02.00 (the following morning)

Sale of retail alcohol

Monday - Sunday 10.00 – 01.00 (the following morning)

Late night refreshment

Monday – Sunday 23.00 – 01.30 (the following morning)

Live music, performance of dance, performance of anything similar to live music, recorded music, the performance of dance

Monday – Sunday 12.00 – 01.00 (the following morning)

Recorded music

Monday – Sunday 10.00 – 01.00 (the following morning)

The premises is situated in a busy area of High Road, Wealdstone which consists of commercial premises on the ground floor and residential properties above. A map of the area is attached to this report.

- 2.2 The authority has received three representations from other persons under the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance licensing objectives.
- 2.3 The authority also received a representation from the Environmental Health Department in respect of the use of door supervisors. The use of door supervisors was suggested to alleviate their concerns about the possible undermining of the public safety and public nuisance licensing objectives. As a result, the applicant and Environmental Health reached agreement such that the applicant will accept conditions relating to the use of door supervisors as follows:

Door supervisors will be employed at the premises from 23:00 until the terminal hour the following morning on Friday and Saturday nights at a ratio of 1 door supervisor to every 50 persons on the premises. The car park area will be monitored by the door supervisors to ensure persons who are exiting the venue disperse quickly and quietly so as not to cause a nuisance to nearby residents.

When the basement is booked for events beyond midnight (other than on a Friday and Saturday night), there will be at least two door supervisors employed at the premises from 23:00 until the terminal hour the following morning. The car park area will be monitored by the door supervisors to ensure persons who are exiting the venue disperse quickly and quietly so as not to cause a nuisance to nearby residents.

On the basis of these conditions being agreed, Environmental Health withdrew their representation. The Environmental Health department believe that by having door supervisors present, it will help in upholding the public nuisance and public safety objectives by ensuring that persons leaving the premises at a late hour will disperse quickly and quietly from the area.

- 2.4 This premises already benefits from a premises licence which is attached to this report. If this premises licence is granted, the current licence will be surrendered.

Representations

- 2.5 The application for a new premises licence has attracted three representations from other persons. A copy of each of the representations is attached to this report.

Consultation

- 2.6 The application was advertised in accordance with the Regulations under the Licensing Act 2003.

Licensing Policy Implications

- 2.7 In relation to the Council's Licensing policy at paragraphs 8.3 and 8.8, the applicant has addressed how he intends to promote the licensing objectives.

Legal Implications

- 2.8 The Licensing Panel is required to hold a hearing to consider the any relevant representations made in relation to the premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.9 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps that are appropriate to promote the four licensing objectives.
- 2.10 Having considered those relevant matters, the Licensing Panel is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

The steps are—

(a) To grant the licence subject to—

(i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

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

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

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

(d) to reject the application

For the purposes of 2.10(a) (i) above, the conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

2.11 It should be noted with all options that –

- Clear reasons should be given for the decision.
- Any additional or modified conditions should be practical and enforceable
- The applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003

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

- The common law rules of natural justice
- The provisions of the Human Rights Act 1998
- The considerations in section 17 of the Crime and Disorder Act 1998

- 2.13 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

Community Safety

- 2.14 In relation to section 17 of the Crime and Disorder Act 1998, this states:

'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

Financial Implications

- 2.15 There are no financial implications.

Risk Management Implications

- 2.16 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. The Appeal period is 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: 20 November 2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 20 November 2015		

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Licensing Services Manager, 0208 736 6267

Background Papers: Application, Plan of the premises, Representations, Location (GIS) Map, Statutory Guidance.