

APPENDIX A

London Borough of Harrow



LICENSING PANEL THURSDAY 6 FEBRUARY 2003 7.30 PM *

PANEL AGENDA (GENERAL PURPOSES)

COMMITTEE ROOM 5
HARROW CIVIC CENTRE

*THERE WILL BE A BRIEFING FOR MEMBERS AT 6PM IN CR6

MEMBERSHIP (Quorum 3)

Chair:

Councillor O'Dell

Councillors:

Knowles

Branch

Reserve Members:

1. Bluston
2. Burchell
3. Ingram

1. Arnold
2. John Nickolay
3. Mrs Joyce Nickolay

1. Thornton
2. Miss Lyne

Issued by the Committee Services Section,
Law and Administration Division

Contact: Committee Administrator

Michelle Fernandes : Tel No: 020 8424 1542 E-mail: michelle.fernandes@harrow.gov.uk

NOTE FOR THOSE ATTENDING THIS MEETING:

**IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.**

Meeting:	LICENSING PANEL
Date:	6th FEBRUARY 2003
Subject:	APPLICATIONS FOR THE RENEWAL AND VARIATION OF A PUBLIC ENTERTAINMENTS LICENCE THE TRINITY BAR, 378/380 STATION ROAD, HARROW.
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION AND EXISTING LICENCE

1 Summary

- 1.1 This report gives details of applications for the renewal and the variation of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The Panel will be aware that the applications were due to be considered by the Panel on the 19th November 2002, but the applicants requested a postponement of the consideration of their case.
- 1.2 An observation by officers in August 2002 revealed alleged substantial overcrowding at the premises, this with the lack of any response by the applicants brought into question management control at the premises. The applicants refused to give a formal explanation for the alleged circumstances at the time and any measures they had to control the number of patrons on the premises. As a result the applications were reported to the 19th November meeting as officers did not consider it appropriate to exercise delegated powers to renew the annual licence for the premises. The position in the period since November has not changed, an explanation by the applicant is still awaited and the application for renewal is being reported to the Panel for decision.
- 1.3 Additionally an application for a variation of the annual licence to extend the hours of opening on a Sunday and to remove a last entry condition is referred for the determination of the Panel. The Metropolitan Police have objected to the removal of the last entry condition in this application. The Panel should consider first the renewal and then the variation of the licence.

2. Recommendations (for decision by the Panel.)

- 2.1 Members are asked to determine the application in accordance with the guidance in section 9, below.

3. Relevant Previous Decisions

The Panel has met the applicants on a number of occasions, the decisions of relevance to the current application are the following:

25 January 2000 – Granted extension of hours on Thursdays (to 2am), Friday (to 2.30am) and Saturday (to 2.30am); and variation of the last entry condition to midnight.

11 May 2000 – Granted extension of hours on Monday to Wednesday inclusive, to 2am

4. Relevance to Corporate Priorities

While this report is in response to a request for the renewal and variation of a licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits and a prosperous local economy.

5. Background Information to the Renewal

- 5.1 Application has been made for a renewal of the existing Annual Entertainments Licence for the Trinity Bar, Station Road, Harrow. The application is by Mr M G Blake and Mr S V Eyles, who are the proprietors of the business. The premises have been licensed for public entertainments since 1994. The current hours of operation are shown below and the premises have a maximum capacity permitted by the public entertainment licence of 200 persons.
- 5.2 The capacity of premises is calculated taking into account the floor area, the size of fire exits and the toilet facilities for clients. Calculations are based on standards in the Council's Technical Regulations and the Building Regulations. In the case of the Trinity Bar, the factor limiting the capacity to 200 persons is the limited size of the two available fire exits from the premises.
- 5.3 On the 3rd August 2002, at approximately 00.15am two Council officers were conducting a routine during performance visit to the premises. The visit was to check that licensed arrangements at the premises were maintained. The premises appeared crowded to the officers. Mr Martin Blake (one of the licensees) was at the premises and in charge on the night.
- 5.4 After completing the visit of approximately 10 minutes, the officers then counted independently the persons entering and leaving the premises. They reached totals of 271 and 274 persons in the premises at the time of the completion of their visit. The premises were being used for the purposes of the licence at the time. Statements of the officers are at appendix B.
- 5.5 It was evident to officers that there was substantial overcrowding at the premises, by approximately 36%. During the visit officers did not observe any apparent control over

numbers being exercised by the doorman. The doorman allowed persons to enter the premises after the last entry time on the basis they had left the premises earlier. He exercised no control over these persons entering the premises.

In the event of an emergency situation arising at the premises, there are two exits from the premises and overcrowding will delay the evacuation of the premises. Additionally the larger the number of persons trying to escape through an exit, the greater the likelihood of injury.

Following the observation the applicants were asked to attend for a formal interview to explain the circumstances of the observation, but the applicants refused. In the circumstances officers did not consider it appropriate to renew the licence on delegated powers and the application was referred to the Panel meeting on the 19th November. The applicants asked for the decision on the application to be postponed to provide them with more time to prepare their case.

There have been no objections to the renewal either from the Metropolitan Police, or the London Fire and Emergency Planning Authority.

6. Background Information to the Variation

- 6.1 Application has also been made for a variation of the existing Annual Entertainments Licence for the Trinity Bar, by the proprietors of the business. The application seeks, firstly an extension in the hours of operation on Sunday nights and secondly, the removal of the last entry condition on the licence. The following table shows the current hours of opening and the hours in the application.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Existing	2am	2am	2am	2am	2.30am	2.30am	Midnight
In application							12.30am

The last entry condition states:

No new admissions be permitted after midnight.

The premises comprise ground and first floors with a total capacity of 200 persons. Copies of the application and the existing licence are attached at appendix A.

The Chief Planning Officer advises that there are no planning conditions that limit the hours of operation of the premises.

One objection was received to the application, from the Metropolitan Police. The Police do not have concerns over the later opening of the premises on a Sunday, but are concerned over the removal of the last entry condition. They consider there is a risk of the premises attracting persons drinking elsewhere and becoming a focus for disorder and crime. The Police also draw attention to the problems associated with alcohol consumption and to policing difficulties. A copy of the letter of objection is at appendix B.

- 6.6 Past review of the Trinity licence has involved discussion of claims of parity with the Time Nightclub, nearby in Station Road. Both premises have entertainment licences permitting late night operating, however other aspects of the premises differ. The

Trinity Bar opens at 11am and attracts a broad range of lunchtime and evening trade. Time operates solely as a nightclub, opening only at 9pm. For the information of the Panel the hours granted to Time are given below, and a copy of their licence is at appendix B.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Hours granted to Time Night-club	2am	2am	2am	2am	2.30am	2.30am	1am

The last entry condition for Time night club states

There be no admissions to the premises after midnight on Sunday to Thursday and 1am on Friday and Saturday nights.

There have been no objections to the application from the London Fire and Emergency Planning Authority.

As there remains the unresolved objection by the Metropolitan Police, the application is referred to the Panel for determination at an oral hearing in accordance with the Council's Rules. The application is also referred for the decision of the Panel, as the hours in the application are an extension beyond the normal finish hour of 11pm within the Council's Rules of Management. Additionally the condition to be varied was established by the Panel in 25 January 2000.

7. OBJECTIONS TO THE APPLICATION

A copy of the original letter of objection is attached (see Appendix B)

Once the date for the hearing was established the applicant and the objector were invited to provide written statements of the evidence they wished to present at the hearing (see Appendix C).

- 7.3 Regarding the consideration by the Panel of the Renewal application, there is no established procedure for the Panel to follow. Guidance regarding the procedure for the determination of the Variation application is at an Oral Hearing in public, guidance is on Paragraph 27 onwards in the attached document (see Appendix D).

8. The Premises

8.1 Location

The premises are at the end of a terrace of commercial properties at the southern end of Station Road, Harrow. There is no on-site car parking for patrons. Parking is available on the street and in the Council car park in Gayton Road.

8.2 Construction

The premises are of solid construction and meet the requirements of the Council's Technical Regulations regarding construction.

Complaint History

The Panel will be aware of problems of fly-posting in the Borough associated with entertainments at Trinity Bar. Environmental Health has received no other complaints about the premises in the last year.

9. Determination of the Application

- 9.1 Having considered the reports by officers and the representations of the objectors and the applicant, the Panel has to determine the application for the renewal and then the application for the variation of the licence condition.

The Renewal Application

The legislation does not list the grounds on which the Panel can refuse an application for a renewal, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

Options available to the Panel:

- a. To grant the application as it stands for a full 12 months. Any licence granted would be subject to the Council's Rules of Management.
- b. To grant the licence and, in light of the evidence presented at the hearing, from both officers and the applicant, to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises. In circumstances that appear appropriate the Panel may grant the licence for a period less than 12 months.
- c. To refuse to renew the licence.

The Variation Application

- 9.4 Once the Panel has determined the renewal application, consideration is to be given to the application for variation. The legislation does not list the grounds on which the Panel can refuse an application for a variation, but it does differ from renewals in the following respect. The legislation only allows the modification of existing conditions, restrictions, etc., but offers no guidance as to the type of condition that may be imposed. It is clear that any amendments to conditions would have to be practical, enforceable and meet the rules of natural justice.

Options available to the Panel for each aspect of the variation:

- a. To grant the variation as it stands. Any licence granted would be subject to the Council's Rules of Management.
- b. To grant the variation and in light of the evidence presented by both applicant and objector, to amend existing conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises.
- c. To refuse the variation.

- 9.6 It should be noted with options (b) and (c) in paragraphs 9.3 and 9.5 above that;
- if the Panel refuse to either renew the licence, or to vary the licence, alternatively if amendments to conditions are imposed, then clear reasons would have to be given to the applicant, and
 - ii the applicant would have the right of appeal to a Magistrates Court.

10. Consultation

The applications for both the renewal and the variation were advertised in accordance with the Council's rules governing applications. Details of the variation application were attached to the Planning Application lists.

11. Finance Observations

There are no financial implications for the Council relating to the consideration of this application by the Panel.

12. Legal Observations

In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

13. Background Papers

File for the Trinity Bar, Station Road, Harrow.

- 13.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

Author

- 13.1 Andy Appleby, 020 8424 1375

Pels_190.doc

APPENDIX A

Application form and existing licence

#133
S74046

Application to Vary an Annual Public Entertainments Licence

I/We apply to vary a licence for the following premises:

(The application should be made by the occupier of the premises)

1	Name and address of the premises			
	TRINITY, 378-380 STATION RD, HARROW, MIDDX, HA1 2DE			
2	Type(s) of licence and variations being sought			
	PUBLIC ENTERTAINMENTS LICENCE MUSIC & DANCING			
	2 VARIATIONS SOUGHT 1: CHANGE IN SUNDAY LICENCE FROM MIDNIGHT ENDING TO 12.30 AM ENDING			
	2 REMOVAL OF CONDITION ALLOWING NO ENTRY AFTER MIDNIGHT MON - SUN			
3	On which days and to what times will any changes to the licence be desired?			
		Mondays	from:	until:
		Tuesdays	from:	until:
		Wednesdays	from:	until:
		Thursdays	from:	until:
		Fridays	from:	until:
		Saturdays	from:	until:
		Sundays	from: 7pm	until: 12.30AM
	NOTE that public objections are likely to be less if a modest application is made. Extra hours / days could be applied for in subsequent years if desired and it can be demonstrated that public disturbance has been avoided.			
	NOTE: requests for finish times after 11pm will be referred to the Panel for decision even if there are no objections.			
4	Does the current planning permission for the premises impose restrictions on entertainment use or hours of operation.			
	NO			
	Telephone the Council Planning Enquiry desk on 8424 1441 if uncertain. Enclose a copy of permission if possible. NOTE licence will not be processed if relevant planning permission has not yet been obtained			
5	Are you enclosing 2 copies of the floor plans for the premises. This is required if any changes are proposed to layout. (Ideally to a scale of 1:100 or 1:50 and showing emergency lighting and fire equipment)			
	NO			
6	In which edition of the Harrow Times have you arranged for a legal notice advertising this application to appear. This should be within 14 days of this application			
	21ST MARCH 02.			

7	Who should be contacted about the display of the poster on the premises	MR S. V. EYLES
8	Fee enclosed based on 10% of scale fee Cheques should be made payable to London Borough of Harrow Fee is not refundable if licence refused	£133
9	Date of application	18.3.02
10	Signature(s) of applicant(s)	<i>[Handwritten Signature]</i>
11	Name(s) printed	MR S V EYLES
12	Capacity in which you are acting	PROPRIETOR
Where application is made by a limited liability company the secretary or a director should sign. In the case of a partnership each partner should sign. Solicitors and other duly authorised agents may sign instead.		
13	Address to which correspondence relating to this application should be sent	TRINITY, 378-380 STATION RD, HARROW MIDDX HA1 2DE
Telephone 0208 924 9888		
<p>This form should be completed and forwarded to the Chief Environmental Health Officer, London Borough of Harrow, P.O. Box 18, Civic Centre, Station Road, HARROW, Middx, HA1 2UT. Remember to enclose a cheque for the fee shown.</p>		
Send a photocopy of this form to: Chief Inspector A. Fish (FAO Ian Parsons), Harrow Police Station Northolt Road SOUTH HARROW HA2 0DN		Send a photocopy of this form and a full set of plans to: Fire Safety Western Command FAO Paul Newell 61 -63 Staines Road HOUNSLOW TW3 3JQ.
Please tick this box to show that these copies have been sent <input checked="" type="checkbox"/>		
YOUR LICENCE MAY BE DELAYED IF THESE COPIES ARE NOT SENT		
		E_006V

S7568
£1565.00
S. Ser

**Application for renewal of annual licence
for premises to be used for public entertainments**

The Licensee

Martin Blake & Shaun Eyles, Trinity Bar 378/380 Station Road, HARROW HA1 2DE ☎ 424 9888

hereby applies to the Council of the London Borough of Harrow for the premises

Trinity Bar, 378/380 Station Road HARROW HA1 2DE

to be re-licensed on the day following **17 July 2002** for public entertainments under the provisions of the above mentioned Act on the same basis as currently applies i.e.

	Music & Dancing	Music on Sundays	Dancing on Sundays	Extension of hours	Video	Film exhibitions	Plays
Fee £	1,338	Included	0	227	0	0	0

for a maximum patronage of up to **200** on the premises

on the evenings of:

	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.	Sun.
until	02:00	02:00	02:00	02:00	02:30	02:30	Midnight

I / We hereby declare:-

- that the particulars of this application are true to the best of my/our knowledge and belief.

I / We enclose the prescribed renewal application fee of **£1,565**

Cheques should be made payable to "London Borough of Harrow"

CERTIFICATES REQUIRED: Please indicate in the following table the certificates you are forwarding;

Electrical Installation NICEIC	Required <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input checked="" type="checkbox"/>
Emergency Lighting Test Certificate	Required <input checked="" type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input checked="" type="checkbox"/>
Automatic Control of Projector (ACOP)	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Ceiling Certificate	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>
Other:	Required <input type="checkbox"/>	Attached <input type="checkbox"/>	To Follow <input type="checkbox"/>

Agent dealing with licensing administration

Martin Blake & Shaun Eyles, Trinity Bar, 378/380 Station Road, HARROW HA1 2DE

Date

11th July 2002

Signature of agent / applicant(s)

S. Eyles

Full names in capitals

SHAUN VERNON EYLES

Position(s) in business

OWNER

Please photocopy the completed form and send one copy each to:

Superintendent A. Fish, Metropolitan Police Service, Harrow Police Station,
74 Northolt Road, SOUTH HARROW, Middlesex, HA2 0DN

AND TO

LFEPA, London Fire Brigade Western Command - Fire Safety
61 - 63 Staines Road, HOUNSLOW, Middlesex, TW3 3JQ

Please return the original completed form and any enclosures together with the prescribed fee to:-

Licensing Officer, Environmental Health Services, Civic Centre PO Box 18, Station Road, HARROW, Middlesex, HA1 2UT

Failure to return this form with the full fee before the renewal date shown will automatically result in loss of the licence.

ENT. FILE

LONDON GOVERNMENT ACT 1963

The **London Borough of Harrow** under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

Martin Blake & Shaun Eyles

to use the premises known as

TRINITY BAR

378/380 Station Road, Harrow,

for:

Music and Dancing on Weekdays and Sundays

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until	02:00	02:00	02:00	02:00	02:30	02:30	midnight

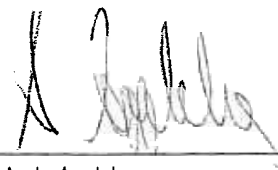
This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment R1" and to the following specific conditions

The maximum number of patrons accommodated at any one time should not exceed **200**

2. No new admissions be permitted after midnight
3. All windows (save for toilet and kitchen windows) to remain closed and HDF noise reduction boards fitted to first floor retail area windows during performances.

Informative:

- (a) that the premises will only open on Monday to Wednesday nights for identifiable functions, and
- (b) to use their endeavours to notify local residents associations in advance of these functions



Signed: Andy Appleby

Date: 25 September 2001

Environmental Health Manager:
Andy Appleby

Contact person: P Sivashankar
Tel: 020 8420 9605



PUBLIC ENTERTAINMENT LICENCE

Licence End:

17 July 2002

Lic No: 3060

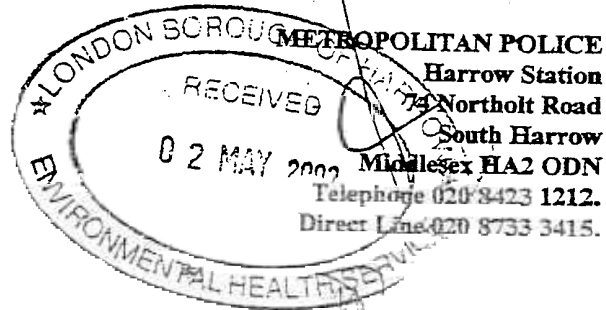
APPENDIX B

Original letter of Objection, Officer Statements and copy of the licence for Time

*Your Reference: EHS/ent/PS
Our Reference: 21/100/02/QA
Date: 29th April 2002



Mr Shankar Sivashankar
Environmental Health Department
PO Box 18
Civic Centre
Harrow
HA1 2UT



Dear Mr. Sivashankar

I write further to my letter of 20th April and with reference to an application being made by:

Mr. Shaun Eyles and Mr Martin Blake of
Trinity Bar , 378/380 Station Road, Harrow, Middlesex HA1 2DE

to apply to the London Borough of Harrow for the removal of the condition allowing no entry after midnight which is currently a condition attached to the Annual Public Entertainment Licence(P.E.L.) for the above premises.

Police are objecting to the removal of this condition on the following grounds

Trinity Bar currently has a S.77 Supper Hours Certificate until 12 Midnight from Monday to Thursday and on Sunday each week. On a Friday and Saturday this has been extended until 1am. It has a P.E. L. until 2am on Monday to Thursday and the application which police do not oppose is for a Sunday to be extended until 0030 hrs (currently midnight). On a Friday and Saturday night the P.E.L. is until 2:30am.

The entertainment conditions for this premises are the most lenient in that other premises have a condition of 'no entry or re-entry after midnight ' as against that for this premises which is purely 'no entry after midnight'.

The current situation has worked very reasonably since the condition was imposed . Those members of the public who wish to use the premises make sure they get to it earlier than midnight and for many this will be the only place they will purchase alcohol. The staff are able to keep check on volume sold to these patrons and the security are aware of potential problems. No queues form beyond midnight to prevent disturbance for residents.

The waiving of the entry condition will mean that any person who has (undoubtedly) already visited previous licensed premises until they have shut will then have the option to move on to this premises and gain entry at a very late hour. Trinity Bar is in the Town Centre. The similar premises in the Town Centre have current conditions preventing entry after 11pm or Midnight and this ensures minimal movement between premises. It prevents drunken or rowdy persons queuing in the street in the hope that they can get into the premises. These circumstances can be the catalyst for serious disorder and breaches of the peace.

The Crime and Disorder Act 1998 places a statutory duty on Police, as well as the Local Authority, to reduce crime and disorder. Its purpose is to improve the quality of life for residents, businesses and visitors of Harrow. The most recent Harrow Crime Audit pointed out that alcohol has a significant impact on levels of crime. Harrow residents cite disorder as one of their most important concerns. Of the four 'hotspots' for offences involving violence one of the main ones is Harrow Town Centre.

Most disorder incidents occur between 10pm and 2am on Friday, Saturday and Sunday nights, suggesting that alcohol is a big factor.

The Home Office released figures in January 2002 which reveal that a 88% of Criminal Damage offences and over 40% of violence against the person offences are estimated to be related to alcohol abuse. In Harrow the focus of alcohol related crime occurs from 10pm to 2am throughout the weekend period and is centred on Harrow and Wealdstone Town Centres.

The London Borough of Harrow Disorder Review of March 2002 is vividly clear as to the location and times of most disturbances in public places and Licensed premises.


Because of this problem a part of the current strategy to reduce the level of disorder and fear of crime includes the strengthening of the police 'Town Team' and continuance of 'Anti-rowdyism patrols' in the Town Centre on Friday and Saturday nights. These are steps needing to be taken to deal with the current situation. A relaxation of conditions which assist in combating alcohol misuse and rowdyism will create further problems and impact further on the over stretched police resources.

There are no extra police resources available beyond those already mentioned to stem the current problem and any further shift of manpower will continue to take these resources away from other crime reduction priorities. The current resources and manning levels are themselves overstretched and cope because of conditions and times imposed on premises.

The public order situation has not improved since this condition was imposed. A licensing strategy is currently being developed as part of the overall Borough strategy to reduce Crime and Disorder. Any removal of a condition which currently assists this aim would be strongly opposed by police.

Please do not hesitate to contact me should you have any further enquiries regarding this matter.

Yours sincerely



Carl Davis
Police Sergeant 12QA
Licensing Department

LONDON BOROUGH OF HARROW - ENVIRONMENTAL HEALTH SERVICES

Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Sections 5A(3)(a) and 5B; Magistrates' Courts Rules 1981, Rule 70

STATEMENT OF WITNESS

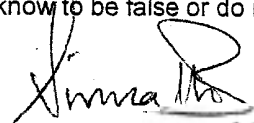
Statement of : (name of witness) **Putrasingam Sivashankar**

Age of witness Over 21

Occupation of witness Licensing Officer

This statement (consisting of 3 page(s) and signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true.

Signature:



Dated this 13 day of Nov 2002

Signature witnessed by:



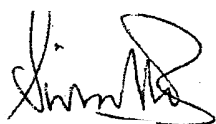
My name is Puthrasingam Sivashankar. I am appointed as the Licensing Officer for the Division and I hold a B Sc. degree in Civil Engineering. I am a corporate member of Society of Entertainment Licensing practitioners and have a Certificate in Entertainment Licensing law. My normal duties include visiting Licensed premises during out of hours to check whether they are operating within their licensed conditions, which are placed to protect public inside the premises and to minimise nuisance to neighbouring residents..

Andrew Wills and I visited Trinity Bar at 00.15 hrs on Saturday 3rd August 2002 early morning to check licensed conditions.

At the bar we were met by one of the security guards, who was in uniform, and we introduced ourselves as Council Officers and showed our ID and asked the doorman to confirm the capacity at that time. He said there were 200 persons in the premises. I asked him to show the counter or any other means of keeping the count to check the method of keeping the count. It is common practice to use a counter, a device used to count persons as they enter/exit the premises, this enables the doorman and management to keep a track of the total number of persons inside the premises at any one time. The security guard said that the counter was not with him.

I then requested access to the premises to check the fire escapes and other approved arrangements. The head doorman, who was wearing a blue cropped trouser a blue shirt and hat, took us inside. The only reason I was able to identify him as the head doorman was I have met him in the past and was able to recognise him. A band was playing on first floor level and a number of people were dancing at that time. The first floor level was very busy.

Signature



Date

13/11/02

LONDON BOROUGH OF HARROW - ENVIRONMENTAL HEALTH SERVICES

Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Sections 5A(3)(a) and 5B; Magistrates' Courts Rules 1981, Rule 70

STATEMENT OF WITNESS continued – Puthrasingam Sivashankar

When we came down, we decided to do a capacity count at the premises. I informed the doorman that we are starting a capacity count at the premises from 0025 hrs. As the premises was very busy and people were dancing and moving around, it was not possible to count the persons from inside without causing a nuisance to the patrons. The only way for us to do a count was to stand outside the main entrance/exit doors and count persons as they left the premises. I stood in front of the main entrance doors and started the count. I also made sure I could see the rear fire exit door as persons were using that door to get in and out without any control.

As the premises have a no new entry condition after midnight, persons admitted during the period of our count are only persons who had already been in the premises and since left the premises and now returning. I gave one of my counters to Andrew Willis so that we can keep independent counts. To arrive at the capacity at 0025hrs we decided to count all persons coming out and persons then going in during the time the premises were open. At the time we started count there were 12 persons outside the premises in the public walkway, some smoking, some finishing off their beers etc.

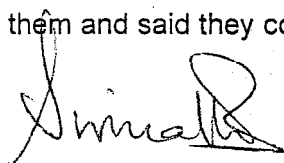
At this point Martin Blake came and met us and I explained to him the reason why we were there and told him that we intend to stay until the premises closed. The head doorman brought a stool to put outside the main doors and sat on it and he closed the front doors and encouraged the persons who were standing outside to leave the area.

Groups of people turned up to enter the premises and they were told by the head doorman they could not get in as it was passed midnight, they seemed surprised to hear this explanation. It appeared to me that this was their usual time of arrival and gained entry in the past. They pleaded with the doorman to allow them in but to no avail and they went away. I did not hear the doorman say that the premises were full. I could also see that people were coming out of the rear fire exit doors and going back in. There was no evident control at this door and they did not seem to count anybody in or out.

Around 1am another group of four people turned up at the premises. The doorman said those people been in before and now they were re-entering. Again, no apparent counting at the doors to determine capacities at any time before persons were allowed in.

Around 1:30am 2 more people turned up in a Mini, when they approached the doorman, Martin Blake went to them and said they couldn't go in. It appeared to me that they were questioning why

Signature



Date

12/11/02

LONDON BOROUGH OF HARROW - ENVIRONMENTAL HEALTH SERVICES

Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Sections 5A(3)(a) and 5B; Magistrates' Courts Rules 1981, Rule 70

STATEMENT OF WITNESS continued – Puthrasingam Sivashankar

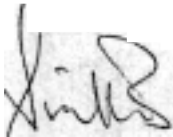
they could not get in and then Martin Blake pointed us to them and said they could not enter. It again appeared to me that those people usually arrived at that time and gained entry.

During the period of 0035 – 02.45 a number of patrons came out and went back in, (to my count 43). Most of the people came out to have a smoke, to have some quite or sit as it appeared too hot in the premises.

We finished the count at 02:45 when the premises were empty and compared our counts. counted 317 out and 43 in giving a total of 274. The premises are licensed for 200 persons only.

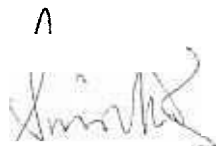
We left the premises at 02.45. We did not see Martin Black at that time. believe he left the premises around 2am.

Signature



13 / 02

Signature

^


Date

3/11/02

LONDON BOROUGH OF HARROW - ENVIRONMENTAL HEALTH SERVICES

Criminal Justice Act 1967, Section 9; Magistrates' Courts Act 1980, Sections 5A(3)(a) and 5B; Magistrates' Courts Rules 1981, Rule 70

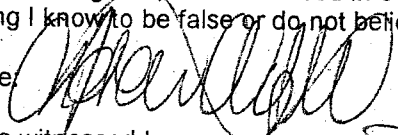
STATEMENT OF WITNESS

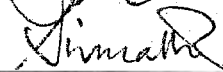
Statement of : (name of witness) **Andrew Willis**

Age Over 21

Occupation Environmental Health Officer

This statement (consisting of 1 page(s) and signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true.

Signature:  Dated this 13 day of November 2002

Signature witnessed by: 

My name is Andrew Peter Willis. I am an Environmental Health Officer employed by the London Borough of Harrow for the Council's Health and Safety and Licensing Team. I hold a BSc (Hons) degree in Environmental Health

4 On the morning of 3rd August 2002 I visited the Trinity Bar with my colleague Mr P. Sivashankar (PS)
5 to undertake a during performance inspection at the premise. We arrived at 00:15am and introduced
6 ourselves to the doormen. PS and myself then entered the bar and walked around the ground and first
7 floors of the premises. The bar seemed very busy. PS then explained to the doormen that we would be
8 staying out side of the bar by the entrance and exit to count the number of customers within the premises
9 when they leave. One of the doormen then called an owner of the bar. A man arrived and spoke to PS. PS
10 explained to me that this man was one of the owners of the Trinity Bar. counted the number of people
11 leaving the bar on a hand held counting device. As Trinity operated a return policy were people could come
12 out of the bar for fresh air and then go back into the bar, I had to count the number of people going back into
13 the bar. There were only a small number of people who left and entered at one time so I was able to count
14 these people on my hand and then tell PS this number. PS would then mark this number in his note book.

15 The bar closed at 02:45am and everyone had been ushered out of the bar by the doormen. then
16 looked at the number on the hand held counter which read 324. I then looked at PS's notebook to see the
17 total number of people that I had counted going back into the property. This number was 53. The total
18 number of people who were in the Trinity bar was therefore 271. The Trinity bar is licensed for 200 people
19 and therefore the Trinity bar was over this condition by 71 people. PS and myself then left the site at
20 approximately 02:50am.

Signature: 
Trinitystatement.doc

Date 13/11/2002
Page. 1

Date: 24 January, 2003

Chief Environmental Health Officer:
Gareth Llywelyn Roberts

Environmental Health Manager:
Andy Appleby

Contact person: P Sivashankar
Tel: 020 8420 9605



PUBLIC ENTERTAINMENT LICENCE

Licence End:

24 July 2003

Lic No: 3049/R

LONDON GOVERNMENT ACT 1963

The **London Borough of Harrow** under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

Sloanes Bar Restaurants Ltd

to use the premises known as

TIME

314 Station Road, Harrow,

for:

Music and Dancing on Weekdays and Sundays

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until	02:00	02:00	02:00	02:00	02:30	02:30	01:00

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment RI" and to the following specific conditions

1. The maximum number of patrons accommodated at any one time should not exceed **200**
2. Any register of club members is to be kept at the premises and be available to the Police and Council officers at all reasonable times.
3. The licensee is to employ a suitable number of trained badged door staff at the premises during all of the times the premises are open and trading. A minimum of 5 door staff is required for Friday and Saturday nights; a minimum of 3 door staff is required on other nights of the week.
4. Full details of the door staff be supplied to the Police and a register of the door staff employed at the premises per day be retained at the premises. The register to be available to the Police and Council officers at all reasonable times.
5. A closed circuit television recording system is to be in operation both inside and outside the premises throughout the trading areas of the premises, during all times the premises are open for trading.
6. The tapes to be stored and monitored in accordance with the current Closed Circuit TV policy of the Metropolitan Police, Harrow.
7. The tapes are to be available for the Police to view at all reasonable times.
8. The closed circuit television system is to be monitored at all times the premises are open for trading by employees of the licensee and not by members of the door security staff.
9. Entry to the premises be restricted to persons at least 18 years old (unless complying with the next condition).
10. Before organising any under 18's events, prior written permission be sought from the Council.
11. There be no admission to the premises after Midnight on Sunday to Thursday and 1am on Friday and Saturday nights.
12. The DJ to request the patrons to leave quietly at the end of the evening
13. The front shutters to be closed at 1am
14. All patrons to leave by the fire exit.

Informative:

The management to organise and run a membership scheme, which encourages patrons to join as club members.

The management to request mini cabs to wait outside Debenhams for patrons.

Signed: Chief Environmental Health Officer.

LICENSING PANEL

6 FEBRUARY 2003

Chair: * Councillor O'Dell

Councillors: * Branch
* Knowles

* Denotes Member present

[Note: Councillor Bluston attended this meeting in a participatory role. Minute 45 also refers.]

PART I - NIL

PART II - MINUTES

39. **Attendance by Reserve Members: RESOLVED:** To note that there were no Reserve Members in attendance at this meeting.

40. **Declarations of Interest: RESOLVED:** To note the following declarations of interests made by Members in relation to the business transacted at this meeting.

Applications for the Renewal and Variation of a Public Entertainments Licence - The Trinity Bar, 378/380 Station Road, Harrow, Middlesex

(i) Councillor Knowles declared a personal interest arising from the fact that he had met one of the licensees, Mr Eyles, some 28 years ago through a temporary job and stated that their relationship was that of an acquaintance.

(ii) Councillor Bluston declared a personal interest arising from the fact that he had met one of the licensees, Mr Eyles twice through Harrow in Business a non profit making company, of which they were both Directors. Councillor Bluston was appointed a Director under Harrow's Constitution.

41. **Arrangement of Agenda: RESOLVED:** That all items on the agenda be considered with the press and public present.

42. **Minutes: RESOLVED:** That the minutes of the meeting held on 28 October 2002 and 19 November 2002 having been circulated, be taken as read and signed as a correct record. The minutes of the meeting held on 4 December 2002 be deferred for signing until printed in the next Council Bound Minute Volume.

43. **Public Questions, Petitions and Deputations: RESOLVED:** To note that there were no public questions, petitions or deputations received, under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

44. **Right of Member to Speak: RESOLVED:** That, in accordance with Committee Procedure Rule 4.1, the following Member who is not a Member of the Licensing Panel, be allowed to speak on the following item on the agenda:

Councillor Howard Bluston - Item 9: Applications for the Renewal and Variation of a Public Entertainments Licence - The Trinity Bar, 378/380 Station Road, Harrow.

45. **Applications for the Renewal and Variation of a Public Entertainments Licence - The Trinity Bar, 378/380 Station Road, Harrow, Middlesex:** The Panel received a report of the Chief Environmental Health Officer detailing an application for the renewal and variation of the existing licence for the Trinity Bar, which was submitted by the proprietors Shaun Eyles and Martin Blake. The premises have been licensed for public entertainments since 1994 and have a maximum capacity of 200 persons.

The premises is located at the end of a terrace of commercial properties at the southern end of Station Road, Harrow. On site parking is not provided, however, there is parking available on the street and nearby Gayton Road Car Park.

On 3 August 2002 two Council Officers who were conducting a routine inspection during hours of operation, reported overcrowding at the premises following a count. The officers observed no form of control over a number of patrons and it was apparent that entry numbers were being exceeded. The licensees, Martin Blake and Stephen Eyles gave no formal explanation for the circumstances. In the light of the severe nature of the

observation the officers did not consider it appropriate to exercise delegated powers to renew the annual licence for the premises because of the alleged breach in conditions.

In addition the Panel were asked to consider an application for a variation of the licence to extend the hours of opening on a Sunday and to remove the last entry condition.

The licensees felt that there were inaccuracies in the officers' statements and report namely, the allegations of overcrowding and late admissions into the bar. Mr Eyles described his business as a well run establishment with no reported incidents of drug abuse or fighting. Sergeant Carl Davis, of the Metropolitan Police, who attended the meeting confirmed that the police were not regularly called to the premises. In response to Member queries, Mr Eyles told the Panel of his client base which mainly comprised of regulars and locals, who recognised him and Mr Blake as the owners and he felt that if there was an issue of overcrowding he was sure that patrons would have approached him to complain. Two security staff attended the meeting and supported Mr Eyles' statement. They explained that patrons sometimes left the premises with a view to returning, in most cases this was to go to a cashpoint or assist a colleague home. These patrons were stamped on the hand and given a pass with a 10 minute deadline to return. Michael O'Kotie, security at the Trinity then demonstrated the use of the numerical clickers to account for patrons entering or leaving the premises.

An issue that had arisen at the last Panel meeting for the Trinity was fly posting in the Borough, associated with events taking place at the Bar. Environmental Health had received no recent complaints of fly posting.

A Member raised the question of fly posting and asked what measures were used to prevent this form of advertising in the Borough. Responding Mr Eyles said that this was included in the documentation pack sent to promoters asking them to refrain from fly posting. He reinforced the Members views that this was a nuisance and that he did his utmost to remind promoters using the Trinity not to fly post.

The officer outlined the background to the Trinity Bar and informed Panel Members that there were no formal objections by the London Fire and Emergency Planning Authority or local residents. However, the Metropolitan Police did object to the removal of the last entry condition with regards to the variation of the licence. They considered this to be an attraction for patrons drinking elsewhere who would then move on to the Trinity, becoming a focus for trouble. In addition, there was also the issue of alcohol consumption and the lack of available resources for policing.

On the balance of probabilities the Panel were satisfied that on 3 August 2002, Trinity were in breach of the licence in that the number of persons inside the premises exceeded 200. For that reason the Panel decided

RESOLVED: That (1) the licence for The Trinity be granted with existing conditions plus the following amended and additional conditions:

CONDITIONS (numbering refers to numbers on the previous licence)

2. No admission or re entry after midnight. (amended)
4. Numerical counters to operate on all doors. (additional)

REASON

To limit the impact of the operation of the premises on the surrounding residential area.

The Chair asked the applicant if he consented to the above conditions to the renewal of the license. Responding, the applicant, Mr Blake stated that he did not consent to the conditions.

RESOLVED: That the application vary the licence;

VARIATION

- (1) to remove condition 2, be refused
- (2) to extend hours to 12.30 am on Sundays, be granted.

REASONS

The reasons for refusal were as given earlier and coupled with the objection by the Police which the Panel felt were valid to protect the amenities of the residents and to fit in with the Police and Boroughs Crime and Reduction Strategy.

The Chair asked the applicant if he consented to the above variations of the licence. Responding, the applicant, Mr Blake stated that he did not consent.

49. Termination of the Meeting: In accordance with the requirements of Committee Procedure Rule 14.2 it was

RESOLVED: (1) at 10.00 pm to continue until 10.30 pm;

(2) at 1.30 pm to continue until 11.00 pm;

(3) at 11.00 pm to continue until 11.15 pm.

(Note: The meeting, having commenced at 7.30 pm, closed at 11.12 pm)

(Signed) PHILIP O'DELL
Chair

APPENDIX C

The statement below is written in response to Mr Andy Appleby's request in his letter of 1st July 2003 that we address in detail how the '*control over entry to the premises would be managed*'.

Control over entry to the premises.

The Trinity is situated on two floors and has one main entrance which consists of a pair of glass fronted doors. There is also an emergency exit on the ground floor which is occasionally used by patrons to exit and/or re-enter the premises. It is also used by staff throughout the evening, for example to place bottles in the nearby bottle bank and to take a short break.

Either Martin Blake, Shaun Eyles or our manager and co-licensee, Christopher Perdue, will usually be on duty each time the bar is open to the public. We attempt to manage the bar in the same manner thereby creating a uniform and established routine. The Head of Security at Trinity is Duewn Pluck (or "Junior" for short). His job is to oversee and supervise the security arrangements at the Trinity. He works most evenings of the week and during our busy periods (usually Thursdays to Sundays) he is assisted by up to four security operatives two of whom will normally work on the ground floor and two on the upper floor. All our operatives are experienced and have undergone appropriate training

Junior starts work at 7pm. On weekend nights he will be joined by two operatives at 8pm (who will usually work on the ground floor and outside the premises) and two more at 9pm (who will usually work on the upper floor). Of the two operatives working on the ground floor, the first will be stationed directly outside the front doors. His job is to greet patrons and to assess their suitability for admission. The second operative (invariably Michael Okotie) will be in charge of operating the count. When he comes on duty he will walk through the bar and count the number of patrons. At that time there will usually only be between twenty and thirty patrons in the bar on the ground floor (at weekends the bar on the upper level does not normally open until 9.30pm). Michael will make the count using a "clicker" which is a numerical hand operated counter. Michael will have two clickers – one to count the number of patrons entering the premises and the other to count the number of patrons leaving. The exact number of patrons inside the premises can be ascertained at any one time

by deducting the number shown on the "out" clicker from the number shown on the "in" clicker. For example, a count of 47 out and 210 in means that there are 163 people in the premises. Another way of checking that the premises are not overcrowded is to add 200 to the number of patrons counted out and compare that figure with the number of patrons counted in. So long as the 'out' figure does not exceed the 'in' figure by more than 200 the premises are within capacity. I should point out that the use of clickers is widespread in the industry and is an efficient and acceptable method of controlling numbers at licensed premises.

After making his initial count Michael will position himself just inside the front doors. In the course of the evening he will then click patrons in or out as appropriate. Both he and the other operative standing outside the main entrance will be assisted in their tasks by the manager on duty and by Junior. Such persons will position themselves outside the main entrance to the bar with their backs against the boundary wall facing the main entrance. This enables them to see both the main entrance and the emergency exit 10 yards to the right of the main entrance as well as providing a commanding view of both Gayton Road (to the right) and Station Road (to the left). This enables them to take a good look at potential patrons approaching from up to fifty yards away and assess their suitability for admission from both directions.

If patrons wish to leave the premises temporarily, for example to visit a local cash machine or to escort a girlfriend to a bus stop or taxi, the practice at the Trinity is to stamp their hand on first exiting the bar. The stamp is applied to the back of the hand and will usually be administered by Michael. To ensure that the re-entry procedure is not abused, patrons are told that they may be absent for no more than ten minutes. Whenever patrons do leave temporarily they are not counted or considered as having left but are still treated as being inside the premises.

Occasionally patrons will exit and/or re-enter through the emergency exit. This is easily monitored from the position taken by the manager on duty and Junior who will, as appropriate, notify the operative working inside the main entrance of the appropriate numbers so that he may adjust the count. Entry (as opposed to re-entry) is never permitted via the emergency exit. This is because the number control is

monitored at the front door and in addition we normally charge for admission and it is therefore important to us for both reasons that all admissions are through the front doors.

Since the Hearing on the 6th February 2003 we have added additional signage to the emergency exit to inhibit movement through this door. Viz. An additional 'Emergency Exit Only' on the inside face and 'No Entry' sign on the outside.

No new admissions are permitted after midnight. With rare exceptions, it is only on Friday and Saturday evenings that the bar is likely to reach its capacity of 200. In the event that it does we initiate a queue (see below). Experience indicates that the numbers start to decline from about 12.20am and from then onwards members of staff will often take short breaks. There is then a final surge of patrons exiting at 2am when as many as a hundred or more people will start leaving at more or less the same time. The premises are almost always empty of patrons by 2.15am or 2.20am at the latest.

The two operatives working on the upper floor report for duty at 9am and the public are usually admitted to that area from 9.30pm. One operative will be positioned at the top of the wider of the two staircases and the other at the opposite end of the upper floor. This ensures that the whole area of the upper floor is kept in view.

The security arrangements at the Trinity are supplemented by an alarm system. There is an alarm on both the inside and outside of the premises which is activated from either the upstairs or the downstairs bar. The alarm consists of a flashing light and a sound emitter. As such it can be seen and/or heard by the security staff both inside and outside the building

The statement below is written in response to Mr Andy Appleby's request in his letter of 1st July 2003 that we address in detail how *'queuing by patrons outside the premises would be managed*

Queuing by patrons outside the premises.

Queues are established for two reasons.

To create an orderly controlled entry procedure to the building

2. When capacity has been reached before the time of any last entry condition which is usually only on Friday and Saturday nights.

In order to assist in the establishment of any necessary queue we place ropes and poles, as would be found in any high street bank, close to the side of the building, leaving the public foot way unobstructed.

Behaviour levels in the queue are the same as those expected within Trinity. Our experience indicates that people queuing behave well since they are in full view of the patrolling security team and management and are actively seeking entry. Anyone who misbehaves or causes a nuisance whilst in the queue is asked to leave.

In the event that the queue has been established because we have reached capacity, patrons are advised that entry will only be available if an existing customer inside the premises leaves. As in a 'one in, one out' procedure. Patrons are further advised that queuing does not guarantee entry if such entry has not been achieved by our last entry condition.

Should the Panel see fit to grant us a 1am curfew, our experience indicates that the necessity for queues is diminished after midnight as our numbers also diminish from about that time. This is mainly due to the fact that patrons who have been with us since earlier in the evening tend to leave around this time. Hence reasonable people approaching the door at that time are likely to be granted swift access.