

REPORT FOR: LICENSING Panel

Date:	2 August 2017
Subject:	Application to vary a premises licence for Kohinur Restaurant and Bar, 14A Broadwalk, Pinner Road, Harrow, Middlesex HA2 6ED
Responsible Officer:	Simon Baxter - Divisional Director – Community Directorate
Exempt:	No
Enclosures:	Current premises licence (appendix 1) Location (GIS) Map (appendix 2) Image of premises (appendix 3) Representations (appendix 4) Summary of proposed times and conditions (appendix 5) Operating schedule (appendix 6)

Section 1 – Summary

An application has been received to vary the premises licence for Kohinur Restaurant and Bar, 14A Broadwalk, Pinner Road, Harrow, Middlesex HA2 6ED to allow licensable activities until 1 am on Thursday, Friday, Saturday and Sunday mornings. Representations have been received from Environmental Health and two residents.

Section 2 – Report

- 2.1 Mrs Ramila Vekaria has applied to vary the premises licence (appendix 1) for Kohinur Restaurant and Bar, 14A Broadwalk, Pinner Road, Harrow, Middlesex HA2 6ED. A location map and image of the premises are set out at appendices 1 and 2.
- 2.2 Licensable activities
The applicant has applied to vary the licence according to the following:

2.3

	Current licence			Hours applied for		
	<i>Sale of alcohol</i>	<i>live and recorded music, performance of dance</i>	<i>Hours open to the public</i>	<i>Sale of alcohol, live and recorded music, performance of dance</i>	<i>Late night refreshment</i>	<i>Hours open to the public</i>
Mon	1000 – 2300	None	1000 – 2330	1000 – 0000	2300 – 0000	1000 – 0000
Tue	1000 – 2300	None	1000 – 2330	1000 – 0000	2300 – 0000	1000 – 0000
Wed	1000 – 2300	None	1000 – 2330	1000 – 0100 *	2300 – 0100 *	1000 – 0100 *
Thu	1000 – 2300	None	1000 – 2330	1000 – 0100 *	2300 – 0100 *	1000 – 0100 *
Fri	1000 – 2300	None	1000 – 2330	1000 – 0100 *	2300 – 0100 *	1000 – 0100 *
Sat	1000 – 2300	1800 – 2300	1000 – 2330	1000 – 0100 *	2300 – 0100 *	1000 – 0100 *
Sun	1000 – 2300	1800 - 2300	1000 – 2330	1000 – 0100 *	2300 – 0100 *	1000 – 0100 *

* = Next day

2.4 Description of premises

The premises have been previously described as a restaurant with bar facilities.

2.5 From officers' observations the premises operates as an restaurant and bar. Live music is provided at the premises. It is a single-room restaurant, with a bar and a small stage. The premises can probably accommodate 75 - 100 people.

2.6 The premises are located on the A404 Pinner Road. The premises are located on the ground floor of a shopping parade with retail uses either side; residential accommodation is above those premises and directly across the road. There is a licensed restaurant nearby at 28 Broadwalk and a pub at 25 Broadwalk. A late-night takeaway next door operates until similar hours as the applicant's current hours. The rear of the premises leads out onto a private service area and then onto North Harrow public car park.

2.5 History of the premises

The premises have been licensed since at least 1999 under previous legislation. The previous premises licence held the licence from 2 December 2015 until 8 June 2017 when it was transferred to the current premises licence holder.

2.6 Designated premises supervisor

Mrs Ramila Vekaria

2.7 Details of application

Received: 16 June 2017

Newspaper advertisement: 29 June 2017 (Harrow Times)

Closing date for representations: 16 July 2017

2.8 Representations

Representations have been received from Environmental Health and two other persons not being responsible authorities (appendix 4).

2.9 Operating schedule and conditions

Members will be aware that an operating schedule forms part of the licensing process.

This document outlines what activities are proposed, the opening hours, and how the activities will be managed particularly in respect of the licensing objectives.

- 2.10 The Panel's attention is directed towards paragraphs 8.33 – 8.39 of the statutory guidance issued under the Act that sets out matters that ought to be considered by an applicant when drafting their operating schedule.
- 2.11 The most critical part of the operating schedule are the steps taken by the applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be transferred into conditions on the licence. The Panel's discretion is engaged in the light of relevant representations to impose conditions that are appropriate to promote the licensing objectives. Conditions should be tailored to the size, type, location, characteristics and activities at the premises, and the Panel should be aware of any indirect costs that may arise from the imposition of conditions.
- 2.12 Appendix 5 sets out for the Panel's consideration a summary of proposed hours and the conditions transferred from the operating schedule (which is at appendix 6). The wording of the conditions is taken from the licensing authority's pool of model conditions that is publicly accessible on the council's website.
- 2.13 The operating schedule also contains proposals in relation to fire safety measures which by virtue of the Regulatory Reform (Fire Safety) Order 2005 SI 2005 No 1541 cannot be included as conditions. There are also proposals to replicate existing legislation (for example relating to food safety standards) which should not be included in accordance with paragraph 1.16 of the statutory guidance.
- 2.14 Members should be aware that the premises are entitled to provide live amplified and unamplified music between 0800 hours and 2300 hours each day, by virtue of the Legislative Reform (Entertainment Licensing) Order 2014 SI 2014 No 3253. No conditions can be imposed in relation to live amplified and unamplified music between those times other than following a review of the premises licence.
- 2.15 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance¹ that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives. However the conditions in appendix 5 were proposed by the applicant.
- 2.16 The Panel has the discretion to add to or modify these conditions in light of the representations where it is appropriate to do so to promote the licensing objectives.
- 2.17 Licensing policy
There are no issues arising from this application in relation to the licensing authority's statement of licensing policy.
- 2.18 Legal implications
The Licensing Panel is required to hold a hearing to consider 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.

¹ https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf

- 2.19 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.
- 2.20 The Licensing Panel will be aware that it is unable to reduce the existing hours of the premises licence as shown at appendix 3).
- 2.21 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 modify the conditions of the licence;
- (b) to reject the whole or part of the application;

The conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

- 2.21 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.

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

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

- 2.23 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)

- 2.24 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

2.25 There are no financial implications.

Appeals

2.26 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 Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 20.07.17		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 18.07.17		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer extension 7667

Background Papers: Application form, Statutory Guidance.