

REPORT FOR: LICENSING Panel

Date:	13 November 2019
Subject:	Application for a new premises licence for Imlee Tree, 66-68 Pinner Green, Pinner, Middlesex, HA5 2AB.
Responsible Officer:	Paul Walker, Corporate Director – Community Directorate
Exempt:	No
Enclosures:	Premises licence application & Plan (appendix 1) Location (GIS) Map (appendix 2) Representations (appendix 3)

Section 1 – Summary

An application has been received for a new premises licence for Imlee Tree, 66-68 Pinner Green, Pinner, Middlesex, HA5 2AB. Representations have been received from 13 other persons and 1 responsible authority who express concerns about the possible undermining of one or more of the licensing objectives should the licence be granted.

Section 2 – Report

- 2.1 Satyanam Limited have applied to for a new premises licence (appendix 1) 66-68 . A location map is available in appendix 2.

2.2 Licensable activities

The applicant has applied for the following licensable activities and timings:

	<i>Proposed hours</i>		<i>Sale by retail of alcohol</i>	<i>Hours open to public</i>
	<i>Live music (e), Recorded music (f), Performance of dance (g), anything similar to (e), (f), or (g)</i>	<i>Late night refreshment</i>		
Mon	23:00 – 23:30	23:00 – 23:30	10:00 – 23:30	10:00 – 00:00
Tue	23:00 – 23:30	23:00 – 23:30	10:00 – 23:30	10:00 – 00:00
Wed	23:00 – 23:30	23:00 – 23:30	10:00 – 23:30	10:00 – 00:00
Thu	23:00 – 23:30	23:00 – 23:30	10:00 – 23:30	10:00 – 00:00
Fri	23:00 – 00:30*	23:00 – 00:30*	10:00 – 00:30*	10:00 – 01:00*
Sat	23:00 – 00:30*	23:00 – 00:30*	10:00 – 00:30*	10:00 – 01:00*
Sun	23:00 – 23:30	23:00 – 23:30	10:00 – 23:30	10:00 – 00:00

*Indicates licensable activity carries on to the following morning

Special Extensions:

Continue licensable activities from the terminal hours on New Year’s Eve to the commencement hours on New Year’s Day.

Sunday before a bank holiday Monday, licensable activities terminate at midnight

Diwali – Where Diwali does not fall on a Saturday or Sunday, the terminal hours will be midnight.

2.3 Description of premises

Imlee Tree is a modern Indian style family restaurant situated in a mainly residential area. The premises sit along a parade of other commercial units. There are residential flats above the premises.

2.4 Officers’ observations

The premises is located on Pinner Green. This is effectively a mix of residential and commercial premises.

2.5 The thirteen representations received from other persons concentrate on the undermining of all four licensing objectives. In summary, the representations raise concern about issues surrounding a possible increase in anti-social behaviour, noise nuisance and the reduction of the peaceful amenity of the persons that live or work in the area surrounding the premises. Some representations raise concerns about the level of licensed premises that already exist in the area. Competition should not be a consideration as the London Borough of Harrow does not have a cumulative impact policy.

The police have made a representation and the applicant has agreed to most of the conditions that have been suggested by them. However, as there is still no agreement regarding one suggested condition, the representation remains outstanding. Copies of the representations can be found under Appendix 3 of this report.

2.6 Information on public nuisance is available in paragraphs 2.15 – 2.21 of the Statutory Guidance. In particular, paragraph 2.16 states:

“Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.7 History of the premises

This premises was previously known as Villa Pompei which benefited from a premises licence. The only licensable activity that this licence authorised was the sale of retail alcohol and it was surrendered in December 2018

2.8 Proposed Designated premises supervisor

Mr Sunil Parekh

2.9 Details of application

Received: 24 September 2019

Closing date for representations: 22 October 2019

The application has been advertised in accordance with the prescribed regulations

2.10 Representations

Representations have been received from thirteen other persons and one responsible authority (appendix 3).

2.11 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.

2.12 The Panel’s attention is directed towards paragraphs 8.41 – 8.49 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.

2.13 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.

2.14 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.

¹

2.15 Licensing policy

Paragraph 6.3 of the licensing authority's statement of licensing policy sets out the matters that the Panel may take into account when considering representations (although the Panel is not limited to these matters):

- degree of confidence in the management of the premises
- location of premises
- gang-related activity in the area
- management of waste particularly preventing fly-tipping
- commitment to reporting all crimes and anti-social behaviour associated with premises
- crime prevention audit conducted by police/professional security organisation
- staff training
- responsible alcohol sales including provision of customer information and staff training
- membership of the Brent and Harrow Trading Standards Responsible Trading Scheme
- anti-theft provisions (eg time-locked safes, magnetic door locks, regular removal of cash from tills)
- use of information to ban potential causes of alcohol-related crime and disorder, such as liaison with police about street drinkers, use of banning schemes
- restrictions on sales of certain alcohol where appropriate (eg not selling high-strength alcohol where street drinkers may be prevalent)
- position, display and promotion of alcohol
- clear identification of staff authorized to sell alcohol
- age verification policies over and above the mandatory minimum
- procedures to deter and report under-age and proxy alcohol sales

2.16 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.

2.17 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.

2.18 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;

2.22 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.

2.23 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

2.24 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)

2.25 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

2.26 There are no financial implications.

Appeals

2.27 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 Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 5 November 2019		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 November 2019		

Name: Nick Powell	<input checked="" type="checkbox"/>	Divisional Director
Date: 5 November 2019		

Ward Councillors notified:	Yes
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Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, Ext. 6267

Background Papers: Application form, Statutory Guidance.