

<b>Meeting:</b>	Licensing Panel
<b>Date:</b>	11 <sup>th</sup> April 2007, 7.30pm CR 1+2
<b>Subject:</b>	Application for a new Premises Licence for 'Ishq' a premises at 217 – 219 High Road, Harrow Weald, HA3 5EE.
<b>Responsible Officer:</b>	Chief Environmental Health Officer
<b>Contact Officer:</b>	P Sivashankar, Service Manager, ext 6237
<b>Portfolio Holder:</b>	Councillor Susan Hall
<b>Key Decision:</b>	No
<b>Status:</b>	Public
<b>Enclosures</b>	

## Section 1: Summary

### Decision Required

Members are asked to determine the application in accordance with the guidance in Section 2.5.

### Reason for report

The application for a new Premises Licence for 'Ishq,' 217-9 High Road, Harrow Weald, has received representations from two teams within one of the Responsible Authorities. As per the Council's Licensing Policy and Delegation of Licensing Functions, all applications with unresolved representations are to be determined by the Licensing Panel.

### Representations Received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Env. Health Authority (Pollution and environmental enforcement) (Food)	<b>Representation Received</b> <b>Representation Received</b>
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	No representations received

## Representation from interested parties

From	Relevant Representations details
Interested Party	No representations received

## Benefits

The hearing provides the applicant, persons making the representations and the Licensing Authority an opportunity to engage in constructive dialogue to determine the application in an open public forum.

## Cost of Proposals

None

## Risks

If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a magistrates' court. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

## Implications if recommendations rejected

As above

## Section 2: Report

### 2.1 Brief History

2.1.1 Application has been made by Mr. Hamid Farooqi for a Premises Licence for the 'Ishq,' a restaurant type premises situated at 217-9 High Road, Harrow Weald, HA3 5EE. This is a new application; the premises have not held a relevant licence before.

2.1.2 The suggested new operating routine can be found in the application form in sections B (Films) E (live music) F (recorded music) G (performance of dance) J (provision of facilities for dancing) L (Late Night Refreshment) and M (supply of alcohol.) The times suggested are as follows:

Films	Monday to Sunday	11.00 – 02.00
Live music	Monday to Sunday	18.00 – 02.00
Recorded music	Monday to Sunday	11.00 – 02.00
Performance of dance	Monday to Sunday	11.00 – 02.00

Prov. of facilities for dancing	Monday to Sunday	<b>Not noted</b>
LNR	Monday to Sunday	11.00 – 02.00
Supply of alcohol	Monday to Sunday	11.00 – 02.00

2.1.3 The hours open to the public (Section O) reflect the above times, thus not allowing any 'drinking up' and dispersal time. The steps taken to promote the licensing objectives are at 'P.' The panel may wish to decide if these steps are adequate. The panel may also note that box J (provision of facilities for dancing) is ticked on page 5 but no entry is made on the main form. There is no explanation for this other than oversight.

#### 2.1.4 The Premises:

The premises are situated in a parade of shops in the High Road Harrow Weald, near the junction with Whitefriars Road. It has residential accommodation situated above and nearby.

#### 2.1.5 Policy Implications

In relation to the Council's policy at paragraph 8.3 and 8.8, the applicant has addressed how they intend to promote the licensing objectives; however members may consider attaching additional conditions.

#### 2.2 Representations

2.2.1 The application has received representations from two teams within one of the Responsible Authorities, (Environmental Health and Food.) Copies of these representations are attached to this Report.

#### 2.3 Consultation

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

#### 2.4 Financial Implications

N/A

#### 2.5 Legal Implications

2.5.1 The Licensing Panel is required to hold a hearing to consider the relevant representations unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.5.2 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 necessary to promote the four licensing objectives.

2.5.3 Having considered those relevant matters, the Licensing Panel is required to take such of following steps (if any) as it considers necessary for the promotion of the four licensing objectives –

a. To grant the licence subject to:

- (i) The conditions mentioned in Annex 2 modified to such extent as the authority considers necessary 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

2.5.4 It should be noted with all options that –

a. Clear reasons would have to be given to the applicant and to the interested party if the application were granted, refused or, if additional conditions were imposed.

b. Any additional conditions should be practical and enforceable.

c. 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.

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

a. The common law rules of natural justice.

b. The provisions of the Human Rights Act 1998.

c. The considerations in section 17 of the Crime and Disorder Act 1998 (see below).

2.5.6 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 and Freedoms. 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).

2.6 Equalities Impact

N/A

2.7 Section 17 Crime and Disorder Act 1998 Considerations

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.

The Borough Commander has not made a representation through Sgt. Davis, Police Licensing Officer on the Crime Prevention objective, outlining measures to prevent crime and disorder.

**SECTION 3 - STATUTORY OFFICER CLEARANCE**

Chief Finance Officer	<input type="checkbox"/>	Name:.....Carol Maduka
		Date: ..... 29 <sup>th</sup> March 2007
Monitoring Officer	<input type="checkbox"/>	Name: .....David Galpin
		Date: ..... 29 <sup>th</sup> March 2007

**3.1: Supporting Information/ Background Documents**

Application  
Representation  
Conditions drawn from the Operating Schedule provided by the Applicant-  
Annex 2  
Mandatory Conditions that would be attached to the licence if granted.

**Annex 2 – Conditions consistent with the operating Schedule**

**General**

**The prevention of crime and disorder**

*The CCTV system to be maintained and operated in good order and to the satisfaction of Met Police Crime Prevention Officer's reasonable requests. The medium upon which the images are recorded will be clearly identifiable, stored securely, retained for a period of not less than 31 days, and it will be made available to Council and Police Officers on request*

## **Public Safety**

*A monitored central station alarm is required and must be installed by either a NACOSS or SSAIB affiliated installer.*

*The monitored security system must be equipped with a signal terminating at a recognised Alarm Receiving Centre (ARC) and must comply with current version of the EN50131-1 standard and be eligible for a police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.*

## **The prevention of public nuisance**

## **The protection of children from harm**

*There are to be no children under the age of 16 on the premises unless accompanied by an adult. .*

## **MANDATORY CONDITIONS**

### **19 Mandatory conditions where licence authorises supply of alcohol**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **20 Mandatory condition: exhibition of films**

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,  
Admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section-  
"Children" means persons aged under 18; and  
"Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

## **21 Mandatory condition: door supervision**

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
  - (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) In respect of premises in relation to-
    - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-

- (a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

**Contact:** P. Sivashankar, Licensing Services manager. x6237

**Background Papers:** As 3.1

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	NO
2.	Corporate Priorities	NO
3.	Manifesto Pledge Reference Number	N/A