



Report for: Licensing Panel

Date of Meeting:	29 July 2024
Subject:	Consideration of an objection notice to a Temporary Event Notice submitted for Unit 2, Brember Road, South Harrow, Harrow, HA2 8AX
Responsible Officer:	Cathy Knubley Director of Environmental Services
Exempt:	No
Wards affected:	Roxeth
Enclosures:	Appendix 1 Temporary Event Notice Appendix 2 Objection from Environmental Health Appendix 3 Police comments and documents Appendix 4 – Flyer advertising the event.

Section 1 – Summary

A Temporary Event Notice under the Licensing Act 2003 has been submitted to the Licensing Authority (Harrow Council) to permit licensable activities at Unit 2, Brember Road, South Harrow, Harrow, HA2 8AX

Representations received

[Environmental Health objection notice received.](#)

Section 2 – Report

2.1 Current situation

- 2.1.1 A temporary event notice has been submitted to the licensing authority by the applicant, Ms Notoya Ann-Marie Johnson to authorise the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and the provision of late night refreshment for the Premises at Unit 2, Brember Road, South Harrow, Harrow, HA2 8AX (the "Premises") from 2 August 2024 starting at 20:00 hours and terminating on 3 August 2024 04:00 hours. The application states the maximum occupancy during the event will be 150 people. A copy of the application can be found at Appendix 1 of this report.
- 2.1.2 The Environmental Health department has submitted an objection notice to the temporary event notice on the grounds of the prevention of public nuisance. They indicate that this objective may be undermined if the event is allowed to go ahead. A copy of the objection can be found under Appendix 2 of this report. In summary, Brember Road is mainly commercial premises, however, it is surrounded by residential properties, which provide access to the Premises. The objection raises concerns about patrons exiting the Premises and causing a public nuisance whilst leaving the area at such an early hour of the morning.
- 2.1.3 For transparency, although the police have not made any objections, the applicant has answered questions or concerns that the police have raised. Details of this correspondence can be found under Appendix 3 of this report.
- 2.1.4 A copy of the flyer for the proposed event can be found at Appendix 4 of this report.

2.2 Legal Implications

- 2.2.1 Pursuant to the provisions of section 105(2)(a) of the Licensing Act 2003, the Licensing Authority must hold a hearing to consider the objection notice, unless all parties (i.e. - the applicant, the relevant person who gave the objection notice and the licensing authority) agree that a hearing is unnecessary. The hearing must be held in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.2.2 The Licensing Panel is required to give appropriate weight to the objection (including supporting information), 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 licensing objectives.
- 2.2.3 Having considered those relevant matters and the objection notice, the Licensing Panel is required to do one of the following:
 - a. Give the applicant a counter notice (prohibiting the event) if it considers it appropriate for the promotion of a licensing objective(s) to do so, and a notice stating the reasons for its

decision, and give each relevant person (police and environmental health authority) a copy of both these notices;

- b. Decide not to give a counter notice, giving notice of this decision to the premises user and each relevant person (police and environmental health authority).

2.2.4 It should be noted with these options that clear reasons should be given to the parties for the decision to issue or not to issue a counter notice.

2.2.5 In the case of TEN in respect of a premises for which there is already a premises licence (or club premises certificate) in place, the licensing authority can impose conditions from the existing premises licence or club premises certificate if:

- the police or environmental health authority have objected to the TEN(s)
- the objection has not been withdrawn
- the relevant licensing authority has decided under section 105 of the Licensing Act 2003 not to give a counter notice
- it considers that imposing the conditions would be appropriate to promote the licensing objectives
- the conditions would not be inconsistent with the carrying out of the licensable activities under the TEN

Where the licensing authority decides to impose conditions, the Licensing Act 2003 and relevant regulations set out the manner in which these must be notified to the premises user.

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

- 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 as below:

'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.'

3 Financial Implications

3.1 There are no financial implications, other than a small fee income relating to the temporary event notice.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.
No

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Failure to determine the application for a new premises licence would put the Licensing Authority in breach of its obligations under the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.	The Authority must determine this application within the timescales set by prescribed regulations	Green
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Section 3 - Statutory Officer Clearance

[Note: If the report is for information only, it is the author's responsibility to decide whether legal and / or financial / Corporate Director clearances are necessary. If not, the report can be submitted without these consents.]

Statutory Officer: Jessie Man

Signed on behalf of the Chief Financial Officer

Date: 25.07.2024

Statutory Officer: Baljeet Virdee

Signed on behalf of the Monitoring Officer

Date: 25.07.2024

Chief Officer: Cathy Knubley

Signed by the Director of Environmental Services

Date: 25.07.2024

Mandatory Checks

Ward Councillors notified: NO

Section 4 - Contact Details and Background Papers

Contact: Ash Waghela, Enforcement Officer

Ash.waghela@harrow.gov.uk

Background Papers: Background Papers: Licensing Act 2003 Statutory Guidance (issued December 2023).

[Revised guidance issued under section 182 of the Licensing Act 2003 - December 2023.pdf \(publishing.service.gov.uk\)](#)

London Borough of Harrow – Statement of Licensing Policy

[Harrow Council Statement of Licensing Policy 2022](#)