



LICENSING PANEL

MONDAY 19 MARCH 2007

7.30 PM *

PANEL AGENDA (LICENSING AND GENERAL PURPOSES)

COMMITTEE ROOMS 1&2
HARROW CIVIC CENTRE

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 3

MEMBERSHIP (Quorum 3)

Chairman: (To be appointed)

Councillors:

Robert Benson
John Nickolay

Phillip O'Dell

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

Issued by the Democratic Services Section,
Legal and Governance Services Department

Contact: Paul Tenconi, Democratic Services Officer
Tel: 020 8424 1264 E-mail: paul.tenconi@harrow.gov.uk

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

HARROW COUNCIL

LICENSING PANEL

MONDAY 19 MARCH 2007

AGENDA - PART I

1. **Appointment of Chairman:**

To appoint a Chairman for the purposes of this meeting.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

4. **Minutes:**

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chairman for that meeting;
- (2) printed into the Council Minute Volume, published monthly;
- (3) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chairman and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

5. **Public Questions, Petitions and Deputations:**

To receive any questions, petitions or deputations (if any), under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B) of the Constitution respectively.

[Note: These items are qualified by the requirements of the licensing legislation and will not be applicable to applications on the current agenda.]

- Enc. 6. **Licensing Procedures:** (Pages 1 - 2)
Procedure to be followed at an oral hearing.
- Enc. 7. **Application to vary Premises Licence, Kingsfield Arms:** (Pages 3 - 92)
Report of the Chief Environmental Health Officer.
- Enc. 8. **Application to vary a Club Premises Certificate, Tithe Farm Social Club:**
(Pages 93 - 138)
Report of the Chief Environmental Health Officer.
9. **Any Other Urgent Business:**
Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

This page is intentionally left blank

Licensing Panel – Licensing Act 2003

Procedure A - Oral Hearing in Public

This document provides a summary of the Panel's usual procedure for the conduct of an oral hearing in public.

- 1 Introduction by chair of:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objectors
 - the procedure for the hearing.
2. Presentation of the report by Officers of the Relevant Authority.
3. Presentation by the applicant of their statement. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
4. Questioning of applicant by:
 - each of the objectors
 - the Panel
5. Presentation by the objectors, or their representative of their statements. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
6. Questioning of each objector by:
 - the applicant
 - the Panel
7. Concluding statement(s) by objectors.
8. Concluding statement by applicant.
9. The Panel together with their legal advisor and committee clerk withdraw to consider of the application. Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.
10. The hearing is reconvened for the Panel to announce their decision. Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.

ADJOURNMENT: The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.

This page is intentionally left blank



| | |
|-----------------------------|---|
| Meeting: | Licensing Panel |
| Date: | 19 th March 2007, 19.30hrs. |
| Subject: | Application to vary Premises Licence, Kingsfield Arms |
| Responsible Officer: | Chief Environmental Health Officer |
| Contact Officer: | P Sivashankar, Service Manager, ext 6237 |
| Portfolio Holder: | Councillor Susan Hall |
| Key Decision: | No |
| Status: | Public |
| Enclosures | |

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 to vary a Premises Licence issued under Licensing Act 2003 to 'The Kingsfield Arms,' 111 Bessborough Road, Harrow HA1 3DF, has received representations from Responsible Authorities and Interested Parties. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt by the Licensing Panel.

Representations Received

| From | Relevant Representations details |
|--|---|
| The Planning Authority | No representation received |
| Health & Safety | No representation received |
| Environmental Health Authority (Pollution and environmental enforcement) | Representations received |
| Trading Standards | No representations received |
| The Area Child Protection Service | No representations received |
| LFEPA | No representations received |
| Metropolitan Police | Representation Received |

Representation from interested parties

| From | Relevant Representations details |
|------------------|----------------------------------|
| Interested Party | 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 paragraphs 1 and 4 in Schedule 5 to the Licensing Act 2003, they can appeal to the Magistrates Court; such appeals are by way of rehearing. The Appeal period is 21 days from notification of the decision.

Implications if recommendations rejected

N/A

Section 2: Report

2.1 Brief History

2.1.1 Application has been made by Greene King Retailing Ltd. to vary the premises licence held for the 'Kingsfield Arms,' a public house at 111 Bessborough Road, Harrow HA1 3DF. The premises currently hold a licence for the sale of alcohol for consumption on and off the premises, live and recorded music and indoor sporting events. A copy of the licence with the opening hours is included in this report. Briefly, the premises hold a licence for:

- The sale of alcohol from 11.00 to 23.30 Monday to Thursday and Sunday, and 11.00 to 00.30 Friday and Saturday.
- Indoor sporting events are authorised from 19.00 to 00.00 (12MN) on Monday to Thursday only.
- Live music is from 20.00 to 23.00 on Friday, Saturday and Sunday, as well as 13.00 to 16.00 on Sunday.

- The 'hours open to the public' are 11.00 to 00.30 Monday to Thursday and Sunday, and 11.00 to 01.30 on Saturday and Sunday.

2.1.2 The suggested new operating procedure can be found in the application form. It does not seek to alter any timings or add licensable activities, but to convert the existing outside yard area into a further garden area with new polycarbonate roof. Also, to replace the existing rear door with a fully glazed door, and to replace the existing rear bay window with new clear toughened glass. It also seeks the removal of condition 3 within annex 3, 'external drinking areas to be cleared by 23.00.'

The premise operates as a public house, and is situated in an area of housing in Bessborough Road, at the junction with Kingsfield Road. It has held a Justices' Licence since at least 1948. There are streets containing residential housing nearby. A map showing the area is attached to the report.

The steps to be taken by the licensee to uphold the licensing objectives are attached. The panel may wish to consider if they believe these are adequate.

2.1.3 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 Responsible Authorities (the Police and Environmental Protection) and other interested parties. Copies of these representations are attached to this report.

2.3 Consultation

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

2.4 Financial Implications

None.

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 modify the conditions of the licence.
- b. To reject the whole or part of 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, and the need to do all that it reasonably can to prevent crime and disorder in its area.

The Borough Commander has 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 checked="" type="checkbox"/> | Name: Carol Maduka Date: 9 th March 2007 |
| Monitoring Officer | <input checked="" type="checkbox"/> | Name: David Galpin Date: 9 th March 2007 |

3.1 : Supporting Information/ Background Documents

1. Application
2. Representations and letters of objection to the application
3. Annex 2 Conditions drawn from the Operating Schedule provided by the Applicant
4. Mandatory Conditions that would be attached to the licence if granted

Annex 2 – Conditions consistent with the operating Schedule

General

Nil

The prevention of crime and disorder

The premises shall operate a “challenge 21” policy for sale of alcohol.

The designated premises supervisor, on in their absence a licensee for the premises, is to participate in the Pubwatch scheme for the area that includes the premises.

Public Safety

All door supervisors will wear an identification badge, conspicuously displayed, and carry proof of SIA registration.

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

The maximum capacity of the building shall not exceed 50 persons.

The prevention of public nuisance

All doors and windows shall be kept closed after 2200 during the time regulated entertainment is provided.

No live music after 23.00.

A sound limiter to be installed and kept operational during regulated entertainment, and the limiter to be set to the reasonable request of the Licensing Authority.

Clear signage at all exits requesting patrons to respect the neighbouring residents and to leave quietly

The protection of children from harm

Children are only allowed on the premises between the hours of 1000 and 2000.

No children in the bar during regulated entertainment.

Children must be accompanied by an adult at all times.

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

Background Papers: As stated in para. 3.1

IF APPROPRIATE, does the report include the following considerations?

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

LICENSING ACT 2003

Schedule 12

Part A (Regulation 33,34)

PREMISES LICENCE

HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

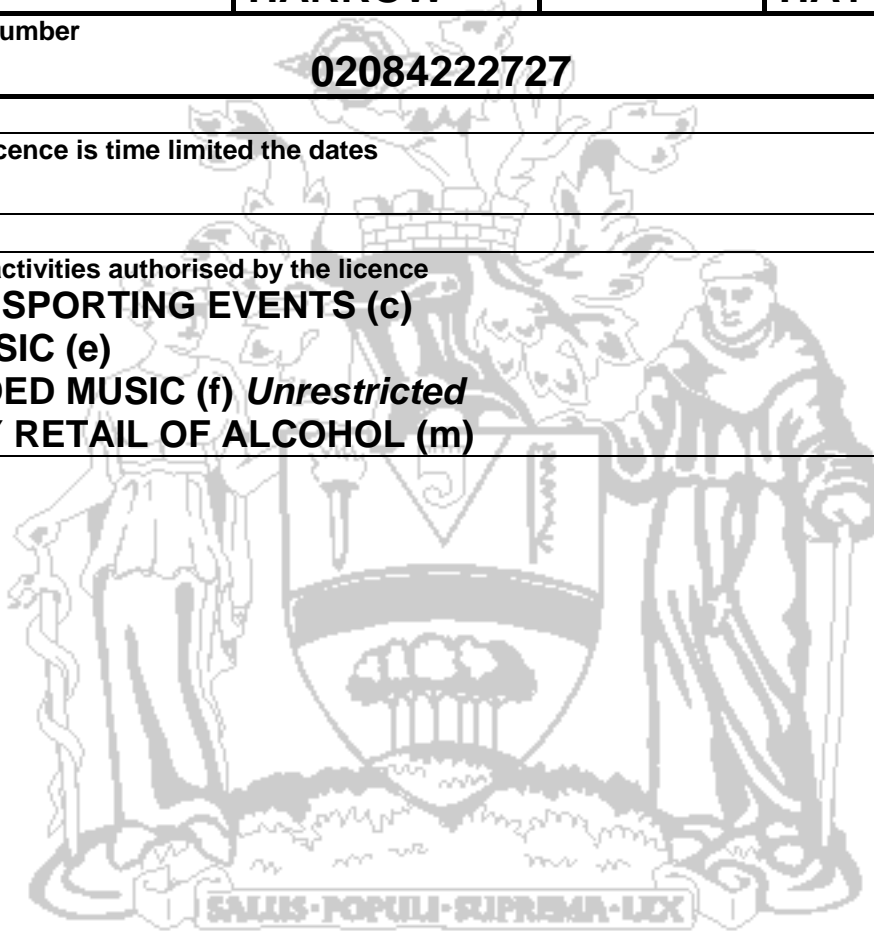
| | |
|-------------------------|---------------------|
| Premises Licence Number | 0610-RRKH-YBR9-NRXJ |
|-------------------------|---------------------|


Part 1 – Premises details **KINGSFIELD ARMS**

| | | | |
|---|---------------|-----------|----------------|
| Postal address of premises, or if none, ordnance survey map reference or description 111 BESSBOROUGH ROAD | | | |
| Post town | HARROW | Post code | HA1 3DF |
| Telephone number 02084222727 | | | |

| |
|---|
| Where the licence is time limited the dates N/A |
|---|

| |
|--|
| Licensable activities authorised by the licence INDOOR SPORTING EVENTS (c) LIVE MUSIC (e) RECORDED MUSIC (f) <i>Unrestricted</i> SALE BY RETAIL OF ALCOHOL (m) |
|--|



| |
|---|
|  |
| Gareth Llywelyn-Roberts Signed: Chief Environmental Health Officer |

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| HOURS OPEN TO PUBLIC (o) | | | | | | | |
|---------------------------------|------------|------------|------------|------------|------------|------------|------------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | 0000-0030 | 0000-0030 | 0000-0030 | 0000-0030 | 0000-0030 | 0000-0130 | 0000-0130 |
| | 1100-0000 | 1100-0000 | 1100-0000 | 1100-0000 | 1100-0000 | 1100-0000 | 1100-0000 |

| INDOOR SPORTING EVENTS (c) | | | | | | | |
|-----------------------------------|------------|------------|------------|------------|------------|------------|------------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | | | | | | | |
| | 1900-0000 | 1900-0000 | 1900-0000 | 1900-0000 | N/A | N/A | N/A |

| LIVE MUSIC (e) | | | | | | | |
|-----------------------|------------|------------|------------|------------|------------|------------|------------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | | | | | | | 1300-1600 |
| | | | | | 2000-2300 | 2000-2300 | 2000-2300 |

| SALE BY RETAIL OF ALCOHOL (m) | | | | | | | |
|--------------------------------------|------------|------------|------------|------------|------------|------------|------------|
| | MON | TUE | WED | THU | FRI | SAT | SUN |
| | | | | | | 0000-0030 | 0000-0030 |
| | 1100-2330 | 1100-2330 | 1100-2330 | 1100-2330 | 1100-0000 | 1100-0000 | 1100-2330 |

- 1. SALE BY RETAIL OF ALCOHOL CAN BE EXTENDED BETWEEN THE TERMINAL HOUR ON NEW YEAR’S EVE AND THE COMMENCEMENT HOUR ON THE FOLLOWING MORNING.**
- 2. LICENSABLE ACTIVITIES CAN BE EXTENDED UNTIL 0100 HOURS INTO THE MORNING WITH 30 MINUTES CLOSING TIME FOLLOWING CHRISTMAS EVE, CHRISTMAS DAY, NEW YEAR’S DAY, GOOD FRIDAY, EASTER SATURDAY, SUNDAY AND MONDAY AND BANK HOLIDAYS.**

FOR CONSUMPTION ON OR OFF THE PREMISES

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**GREENE KING RETAILING LIMITED
LICENSING DEPARTMENT
ABBOT HOUSE
WESTGATE BREWERY
BURY ST EDMUNDS
IP33 1QT**

Registered number of holder, for example company number, charity number (where Applicable)

05265451

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

KARLIE WALLACE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**0610-RRKH-YBR9-NRXJ
LONDON BOROUGH OF HARROW**

State whether access to the premises by children is restricted or prohibited

N/A

ANNEX 1 – MANDATORY CONDITIONS:

1.SUPPLY OF ALCOHOL

(1) 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**

2.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**

(3) 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).

Annex 2 – Conditions consistent with the operating Schedule PREMISES MAY OFFER PRIVATE ENTERTAINMENT ONLY, WITHOUT RESTRICTION

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 15)

Strong management controls and effective training so that all staff are aware of the licensing objectives and in particular ensure: no under age drinking, drunkenness on the premises, drunkenness in public, use of drugs, violent and anti-social behaviour and protect children from harm

b) The prevention of crime and disorder

Responsible management of the premises. Keeping to capacity levels, training and supervision of all staff, adopting best practise guide e.g. adhering to the BBPA, Portman Group on drinks strategy, The National Alcohol Harm Reduction Strategy Tool Kit and other voluntary codes of practise, use of proof of age schemes and / or photo ID driving licences with photographs on music nights, member of the Pub Watch scheme, use of toughened glass and plastic glasses for outdoors, provision of secure deposit boxes for confiscated items, provision of litter bins and other security measures e.g. lighting outside the premises.

c) Public safety

Risk Management assessment checked weekly and effective and responsible management at all times. Provision of door staff and general staff levels to secure safety of the premises and customers. Training and supervision of those employed, adoption of best practices e.g. National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice including the BBPA and Portman Group point of sale promotions, toughened glass throughout and plastic glasses throughout for the outside areas, crowd management training and implementation for all staff, monitoring staff, regular testing and certification if appropriate of all procedures, appliances and systems pertinent to safety

d) The prevention of public nuisance

Responsible management at all times. Training and supervision to prevent incidents of public nuisance. Regular visits to all parts of the premises including the exterior and deliveries etc. outside opening hours, adoption of best practices e.g., Control of noise from pubs and clubs , NAHRS Toolkit and other voluntary codes of practice including the BBPA and Portman Group point of sale promotions. Management of people including staff and traffic arriving and leaving the premises. Liason with public and private transport providers. External lighting and security lighting installed. Collection and management of litter and effective ventilation systems to prevent nuisance from odour.

e) The protection of children from harm

Provision of sufficient staff to secure the protection of children from harm with appropriate training, Adoption of best practice guide(Public Places Charter) Children only on the premises between 10am and 8 pm. No children in bars during entertainment. Children must be accompanied by an adult. Proof of age Scheme and or photo ID driving licences

Annex 3 – Conditions attached after a hearing by the licensing authority.

CONDITION 1. THE MAXIMUM OCCUPANCY OF THE BUILDING AT ANY TIME SHALL NOT EXCEED 50 PERSONS UNTIL SUCH TIME AS AN ALTERNATIVE MEANS OF FIRE ESCAPE IS PROVIDED TO THE SATISFACTION OF THE FIRE AUTHORITY.

CONDITION 2. THE APPLICANT TO CARRY OUT A FIRE RISK ASSESSMENT SPECIFIC TO THE PREMISES TO THE SATISFACTION OF THE FIRE AUTHORITY.

CONDITION 3. EXTERNAL DRINKING AREAS TO BE VACATED AT 2300.

CONDITION 4. NO LIVE MUSIC TO BE PLAYED AT THE PREMISES AFTER 2300.

CONDITION 5. CCTV TO BE INSTALLED OUTSIDE THE PREMISES. EQUIPMENT SHALL BE INSTALLED, OPERATED AND MAINTAINED IN GOOD WORKING ORDER AND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE POLICE OR CRIME PREVENTION OFFICER.

CONDITION 6. AWP MACHINES TO BE EMPTIED EVERY NIGHT OR FITTED WITH A 'BOOT'.

CONDITION 7. PROMINENT, CLEAR AND LEGIBLE NOTICES SHALL BE DISPLAYED AT ALL EXITS, REQUESTING THE PUBLIC TO RESPECT THE NEEDS OF LOCAL RESIDENTS AND TO LEAVE THE PREMISES AND LOCAL AREA QUALITY.

CONDITION 8. DOORS AND WINDOWS SHALL BE KEPT SHUT AFTER 2200 WHEN REGULATED ENTERTAINMENT IS IN OPERATION.

CONDITION 9. AMPLIFIED SOUND EQUIPMENT SHALL BE GOVERNED BY A SOUND LIMITING DEVICE SET AT A LEVEL APPROVED BY THE LICENSING AUTHORITY.

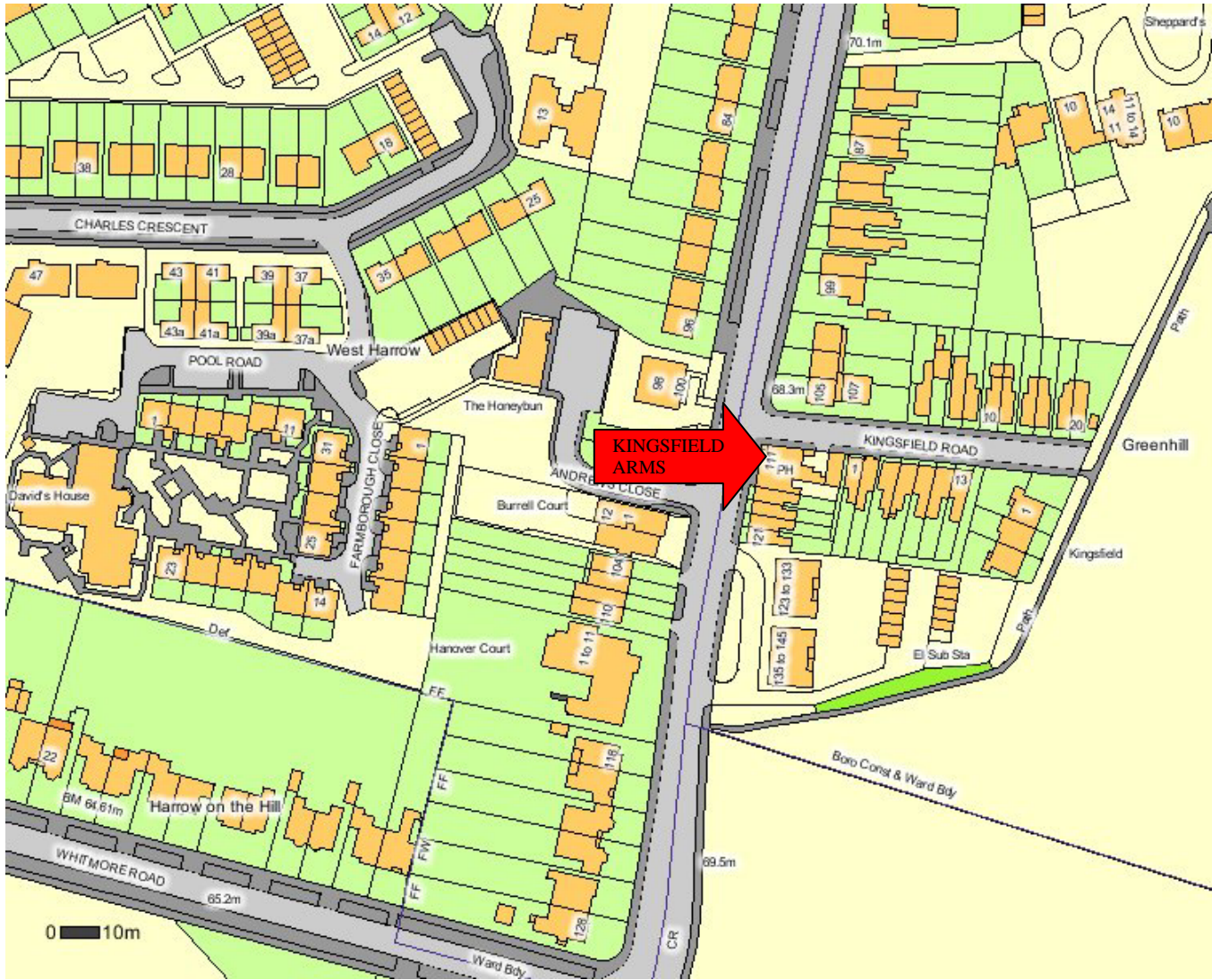
Annex 4 – Plan Ref: 152-SV

DATE OF RE-ISSUE 31 OCTOBER 2006

REASON FOR ISSUE: (DPS VARIATION)

ISSUE NUMBER: 2

DATE OF FIRST GRANT 05 AUGUST 2005



This page is intentionally left blank



| | |
|-----------------------------|---|
| Meeting: | Licensing Panel |
| Date: | 19 th March 2007, 19.30hrs |
| Subject: | Application to vary a Club Premises Certificate, Tithe Farm Social Club |
| Responsible Officer: | Chief Environmental Health Officer |
| Contact Officer: | P Sivashankar, Service Manager, ext 6237 |
| Portfolio Holder: | Councillor Susan Hall |
| Key Decision: | No |
| Status: | Public |
| Enclosures | |

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 to vary a Club Premises Certificate licence issued under the Licensing Act 2003 to the 'Tithe Farm Sports and Social Club,' 151 Rayners Lane, HA2 0XH, has received representations from a Responsible Authority. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt by the Licensing Panel.

Representations Received

| From | Relevant Representations details |
|--|---|
| The Planning Authority | No representation received |
| Health & Safety | No representation received |
| Environmental Health Authority (Pollution and environmental enforcement) | No representation received |
| Trading Standards | No representations received |
| The Area Child Protection Service | No representations received |
| LFEPA | No representations received |
| Metropolitan Police | Representation 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 paragraphs 1 and 4 in Schedule 5 to the Licensing Act 2003, they can appeal to the Magistrates Court. Such appeals are by way of rehearing. The Appeal period is 21 days from notification of the decision.

Implications if recommendations rejected

N/A

Section 2: Report

2.1 Brief History

2.1.1 Application has been made by Mr. Andrew Marshall, the secretary, to vary the Club Premises Certificate held for the 'Tithe Farm Sports and Social Club,' 151 Rayners Lane, South Harrow HA2 0XH. The current certificate allows the sale of alcohol for consumption on and off the premises, performance of plays, indoor sporting events, live and recorded music, performances of dance and anything similar. A copy of the certificate is included in this report.

2.1.2 Briefly, the premises hold a licence for:

- The **sale of alcohol** from 12.00 (MD) to 00.00 (12MN) Monday to Thursday inclusive, until 01.30 Friday and Saturday and until 23.30 on Sunday.
- **Performance of plays** from 19.00 – 23.00 on Thursday, 20.00 – 23.00 Friday and Saturday.

- **Indoor sporting events** from 0900 – 22.00 on all days except Tuesdays and Thursdays, when it ends at 23.00.
- **Live music** is from 20.00 – 00.00 (12MN) on Monday to Thursday inclusive, until 01.00 on Friday and Saturday and until 23.30 on Sunday.
- **Recorded music** from 13.00 – 00.00 (12MN) on Monday to Thursday, 13.00 - 01.00 on Friday, 12.00 (12MD) – 01.00 on Saturday and 12.00 - 23.30 on Sunday.
- **Performances of dance**, 20.00 – 00.00 (12MN) Monday to Thursday, 20.00 – 01.00 Friday and Saturday, 20.00 – 23.30 on Sunday.
- **Anything similar to live and recorded music and performance of dance**, 20.00 – 00.00 (12MN) Monday to Thursday, 20.00 – 01.00 Friday and Saturday and 20.00 – 23.30 on Sunday.

There are no ‘hours open to the public.’

2.1.2 The suggested new operating routine can be found in the application form in sections A (plays) C (Indoor sporting events) E (live music) F (recorded music) G (performance of dance) H (anything similar) I (Provision of facilities for making music) J (facilities for dancing) K (provision of facilities similar to I or J) and L (supply of alcohol to members and guests.) The times suggested are as follows:

| Plays | No change | |
|-----------------------------|----------------------|---------------|
| Indoor sporting | Tuesday and Thursday | 09.00 – 23.30 |
| | Other days | 09.00 – 22.00 |
| Live music | Monday to Sunday | 20.00 – 02.00 |
| Recorded music | Monday to Sunday | 09.00 – 02.00 |
| Performance of dance | Monday to Sunday | 20.00 – 02.00 |
| Anything similar | Monday to Sunday | 20.00 – 02.00 |
| Facilities for making music | Monday to Sunday | 20.00 – 02.00 |
| Facilities for dancing | Monday to Sunday | 20.00 – 02.00 |
| Facilities similar | Monday to Sunday | 20.00 – 02.00 |
| Supply of alcohol | Monday to Sunday | 12.00 – 02.00 |
| Hours open to | Monday to Sunday | 09.00 – 02.00 |

members/guests

The steps taken to promote the licensing objectives are at 'P.' The panel may wish to decide if these steps are adequate. The hours open to members and guests (section 'M') equate to the last serving times, so there is no provision for a 'drinking up' period.

The premise operates as a social members club, and is situated in Rayners Lane between the junctions of Clitheroe Avenue and Maryatt Avenue. It has held a Justices' Licence since at least 2002. There is residential accommodation provided nearby, which is likely to be occupied. A map showing the area is attached to the report.

The steps to be taken by the licensee to uphold the licensing objectives are attached. The panel may wish to consider if these are valid and coherent proposals.

2.1.3 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 one Responsible Authority. A copy of this representation is attached to this report.

2.3 Consultation

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

2.4 Financial Implications

None.

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 modify the conditions of the licence.
- b. To reject the whole or part of 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, and the need to do all that it reasonably can to prevent crime and disorder in its area.

The Borough Commander has 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 checked="" type="checkbox"/> | Name: CAROL MANDUKA Date: 9 TH MARCH 2007 |
| Monitoring Officer | <input checked="" type="checkbox"/> | Name: DAVID GALPIN Date: 9 TH MARCH 2007 |

3.1 : Supporting Information/ Background Documents

1. Application
2. Representation
3. Annex 2 Conditions drawn from the Operating Schedule provided by the Applicant
4. 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

All drinks to be served in plastic glasses.

The prevention of public nuisance

A sound limiter to be kept operational during regulated entertainment, and the limiter to be set to the reasonable request of the Licensing Authority.

The protection of children from harm

Members children under the age of 16 are not allowed onto the premises unless they are accompanied by their parent/guardian whilst on the premises.

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

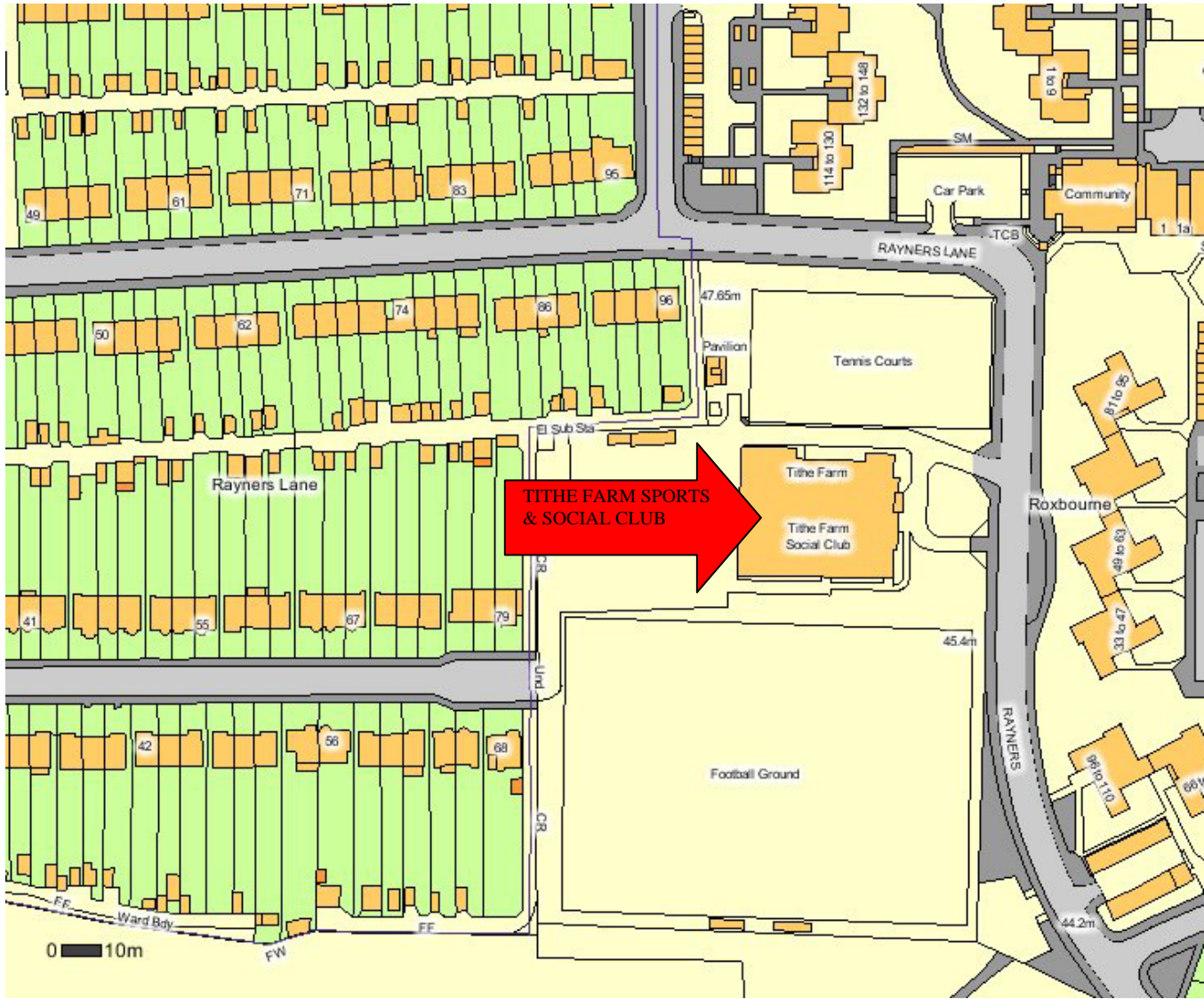
Contact: P. Sivashankar, Licensing Services Manager

Background Papers: As 3.1

IF APPROPRIATE, does the report include the following considerations?

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

This page is intentionally left blank



This page is intentionally left blank