

REPORT FOR: LICENSING PANEL

Date:	24 th July 2013
Subject:	Application to vary a premises licence in respect of The Hive, Camrose Avenue, Edgware, HA8 6AG'
Responsible Officer:	Caroline Bruce – Corporate Director, Environment & Enterprise
Exempt:	No
Enclosures:	Application to vary a premises licence Representations Current Premises Licence Amendment email Location (GIS) Map Premises Plan

Section 1 – Summary

The application to a vary a premises licence issued under the Licensing Act 2003 to 'Football First, The Hive, Camrose Avenue, Edgware, HA8 6AG' has attracted representations from three Responsible Authorities, 65 Other Persons and one representation in the form of a petition containing 648 signatures. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt with by the Licensing Panel.

Representations received

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

Representations from other persons

From	Relevant Representations details
Other persons	Representations Received

Section 2 – Report

Current situation

- 2.1 An application has been made to vary a premises licence in respect of The Hive, Camrose Avenue, Edgware, HA8 6AG ('the Premises').
- 2.2 The Premises currently has the benefit of a Premises Licence which was granted in 2007. Briefly the current premises licence allows the premises to provide, only on the ground and first floors of the East Stand, Regulated Entertainment (indoors only), late night refreshment and the Sale of Alcohol as follows:

Ground floor:

Regulated Entertainment	Monday to Sunday	12.00pm – 03.00am (the following morning)
Late Night Refreshment	Monday to Sunday	11.00pm – 03.30am (the following morning)
Sale of Alcohol	Sunday to Thursday	12.00pm – 01.00am (the following morning)
	Friday and Saturday	12.00pm – 03.00am (the following morning)
Hours Open to Public	Monday to Sunday	24 hours

First Floor:

Regulated Entertainment	Monday to Sunday	12.00pm – 03.00am (the following morning)
Late Night Refreshment	Monday to Sunday	11.00pm – 03.30am (the following morning)
Sale of Alcohol	Monday to Sunday	12.00pm – 03.00am (the following morning)
Hours Open to Public	Monday to Sunday	24 hours

- 2.3 Initially the variation application, submitted by Football First Limited, sought to permit all of the above licensable activities and timings throughout the grounds including the pitch (outdoors) and the other stands, namely the North and South stands and the newly constructed West Stand.
- 2.4 However the variation application has since been amended by the applicant (see attached email confirmation) and now the application seeks the following:

West Stand

Regulated Entertainment	Monday to Sunday	12.00pm – 03.00am (the following morning)
Late Night Refreshment	Monday to Sunday	11.00pm – 03.30am (the following morning)
Sale of Alcohol	Monday to Sunday	12.00pm – 03.00am (the following morning)
Hours Open to Public	Monday to Sunday	24 hours

Outdoor pitch area

Regulated Entertainment Monday to Sunday 12.00pm – 10.30pm

No licensable activities are being sought for the North or South stands

- 2.5 Furthermore the application seeks to remove the existing premises licence conditions and replace with conditions as set out in Section M – Operating Schedule of the application form.
- 2.6 Lastly the application seeks a non-standard timing for New Years Eve in respect of all Regulated Entertainment activities (with the exception of Boxing and Wrestling) and the sale of alcohol to authorise these activities to continue throughout the night of New Years Eve until the commencement of licensable activities the following day.

Representations

- 2.7 The application to vary the premises licence has attracted representations from three Responsible Authorities, namely the Metropolitan Police, the Environmental Health (noise) authority and the Licensing Authority, 65 Other Persons including two elected members, and one representation in the form of a petition containing 648 signatures. These representations primarily raise issues pertaining to the prevention of public nuisance, public safety and the prevention of crime and disorder which the panel should consider when determining the application.
- 2.8 Copies of all the representations received are attached to this report.

Consultation

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

Licensing Policy Implications

- 2.10 In relation to the Council's Licensing policy at paragraphs 8.3 and 8.8, the applicant has addressed how he intends to promote the licensing objectives in Section M, Operating Schedule, of the application.
- 2.11 The Council's Licensing Policy, along with the Regulations requires applicants to provide adequate details so that Responsible Authorities are able to assess the application on its merits. The premises plans provided with the application do not clearly indicate where each licensable activity being sought, will be provided.

Legal Implications

- 2.12 The Licensing Panel is required to hold a hearing to consider the variation application and any 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.

2.13 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.

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

- a. To modify the conditions of the licence
- b. To reject the whole or part of the application

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition(s) added.

2.15 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

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

- 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

2.17 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).

Community Safety

2.18 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.'

The Borough Commander through PC Hartley has made a representation against this application.

Financial Implications

2.19 There are no financial implications.

Risk Management Implications

2.20 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. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Kanta Halai	<input type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 1 st July 2013		
Name: Paresh Mehta	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 9 th July 2013		

Section 4 - Contact Details and Background Papers

Contact: B Forde, Principal Licensing Officer x 6256
Background Papers: Licensing Act 2003, Statutory Guidance