

## **REPORT FOR: LICENSING PANEL**

---

**Date of Meeting:** 15 August 2013

**Subject:** Consideration of an objection notice to two Temporary Event Notices submitted in respect of 'The Star Lounge Bar and Restaurant, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA'

**Responsible Officer:** Caroline Bruce – Corporate Director, Environment & Enterprise

**Exempt:** No

**Enclosures:** Temporary Event Notices  
Premises Licence  
Objection Notice from Police

### **Section 1 – Summary**

Two Temporary Event Notices under the Licensing Act 2003 have been submitted to the Licensing Authority (Harrow Council) to permit licensable activities at the 'The Star Lounge Bar & Restaurant, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA'. The events are to take place on Saturday 24<sup>th</sup> August 2013 and Sunday 1<sup>st</sup> September 2013. The Metropolitan Police have submitted an objection notice to the temporary event notices. In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the police, the premises user and the licensing authority agree that a hearing is unnecessary.

## Representations received

From	Relevant Representations details
Metropolitan Police	Objection notice received
Environmental Health Authority	No objection received

## Section 2 – Report

### 2.1 Current situation

2.1.1 There is currently a premises licence (a copy of which is attached) in force at the 'The Star Lounge Bar and Restaurant, 32 Railway Approach, Wealdstone, Harrow, Middlesex, HA3 5AA' that authorises the following licensable activities at the following times:

Live music (e), Recorded music (f), Performance of dances (g), Performance similar to e f g, Provision of facilities music (i), Provision of facilities dance (j), provision of facilities similar i j, sale of retail alcohol:

Monday – Thursday: 12:00 – 00:00  
Friday – Saturday: 12:00 – 02:00  
Sunday: 12:00 – 00:00

Late night refreshment:

Monday – Thursday: 23:00 – 00:00  
Friday – Saturday: 23:00 – 02:00  
Sunday: 23:00 – 00:00

Hours open to public:

Monday – Thursday: 12:00 – 00:30  
Friday – Saturday: 12:00 – 02:30  
Sunday: 12:00 – 00:30

2.1.2 Two temporary event notices have been submitted to the licensing authority by the applicant, Mr Ramesh Bhimji, to authorise licensable activities, namely the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment, at The Star Lounge on Saturday 24th August 2013 and Sunday 1<sup>st</sup> September 2013 from 00:00 – 04:30.

2.1.3 The Metropolitan Police have submitted an objection notice to the temporary event notices on the grounds of crime and disorder. A copy of the objection notice is attached to 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 premises user, 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 premises user 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 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), 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.'*

- The Borough Commander, through the Police Licensing Officer, Mahesh Nandha, has submitted an objection notice against the TENs based on the prevention of crime and disorder objective.

### 2.3 Financial Implications

None

## Section 3 - Statutory Officer Clearance

Name: Kanta Halai	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 7 August 2013		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 7 August 2013		

## Section 4 - Contact Details and Background Papers

**Contact:** P Sivashankar, Licensing Services Manager, ext 6237

**Background Papers:** Licensing Act 2003, Statutory Guidance