

# REPORT FOR: LICENSING PANEL

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**Date of Meeting:** 29 October 2013

**Subject:** Application for a Review of the Premises Licence held in respect of “Jameson’s Bar”, 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL

**Responsible Officer:** Caroline Bruce – Corporate Director – Environment and Enterprise

**Exempt:** No

**Enclosures:** Premises Licence  
Review Application  
Premises Plan  
Representations  
Location Map

## Section 1 – Summary

An application has been made by the Environmental Health Authority, to review the premises licence for “Jameson’s Bar”, 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL, based on one of the licensing objectives - **the prevention of public nuisance.**

# Representations received

## Representations from Responsible Authorities

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
<b>Environmental Health Authority (Pollution and environmental enforcement)</b>	<b>Review Application Received</b>
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	No representations received
<b>Licensing Authority</b>	<b>Representation received</b>
Primary Care Trust	No representations received

## Representations from interested parties

From	Relevant Representations details
<b>Interested Parties</b>	<b>No representations received</b>

## Section 2 – Report

### 2.1 Brief History

2.1.1. There is a premises licence in force at ‘Jameson’s Bar”, a public house trading at 34 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL. A copy of the premises licence is attached to this report providing details of the licensable activities authorised, the opening times and the conditions attached to the licence.

2.1.2 On 31 August 2013, enforcement notices under the Environmental Protection Act 1990 were served on the occupier and the owner due to Officers from the Environmental Health Department witnessing a Statutory Nuisance on 31 August 2013.

2.1.3 The current licensable activities and hours under the premises licence are:

**Live music (e), Recorded music (f), performance of dances (g), Performance similar to (e), (f), (g), Provision of facilities of music (i), Provision of facilities dance (j), Provision of facilities similar to (i), (j)**

Monday – Thursday

10:00 – 00:00

Friday - Saturday	10:00 – 01:00 (the following morning)
Sunday	12:00 – 00:30 (the following morning)

### **Late night refreshment**

Monday – Thursday	23:00 – 00:00
Friday – Saturday	23:00 – 01:00 (the following morning)
Sunday	23:00 – 00:30 (the following morning)

### **Sale of retail alcohol**

Monday – Thursday	10:00 – 00:00
Friday – Saturday	10:00 – 01:00 (the following morning)
Sunday	12:00 – 00:30 (the following morning)

With respect to the hours open to the public, there are no times listed on the licence as this was originally a ‘grandfather rights’ conversion application.

- 2.1.4 On 11 September 2013 a review application was submitted by the Environmental Health Department at Harrow Council, as the relevant Environmental Health Authority. This review application relates to one of the licensing objectives - the prevention of public nuisance
- 2.1.5 The premises is situated on South Parade, Mollison Way which comprises of a parade of commercial premises with residential properties above the businesses. A location map is attached to this report.

## **2.2 Representations**

The Environmental Health Authority has submitted an application to review the premises licence. A copy of this application is attached to this report. A further responsible authority, namely the Licensing Authority, has submitted a representation supporting the application for review and a copy of this representation is also attached to this report.

## **2.3 Consultation**

The review application was advertised at the council offices and on the premises in accordance with the requirements under the Licensing Act 2003.

## **2.4 Licensing Guidance Implications**

The Home Office has issued Guidance pursuant to section 182 of the Licensing Act 2003 and paragraphs 11.1 – 11.30 of the Guidance covers reviews of (premises) licences.

## **2.5 Legal Implications**

- 2.5.1 The Licensing Panel is required to hold a hearing to consider the review application and any relevant representations. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.5.2 Having considered the application and all relevant representations from all parties, the Panel has to determine the application for the review of the premises licence. The Panel is required to take such of the steps listed below at 2.5.3 (if any), as it considers appropriate for the promotion of the licensing objectives.
- 2.5.3 Where it considers it appropriate for the promotion of the licensing objectives to take a step(s), the options available to the Panel are:
1. To modify the conditions of the Licence;
  2. To exclude a licensable activity from the scope of the licence;
  3. To remove the designated premises supervisor;
  4. To suspend the licence for a period not exceeding 3 months;
  5. To revoke the licence.
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- 2.5.4 If the panel takes a step mentioned in 1 or 2 of paragraph 2.5.3 above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 2.5.5 Any modified conditions should be practical and enforceable.
- 2.5.6 The licensing authority may at any time reject any ground for review specified in an application for review if it is satisfied that either: (a) the ground is not relevant to one or more of the four licensing objectives; or (b) the application is made other than by a responsible authority and the ground is frivolous, vexatious, or a repetition.
- 2.5.7 If any grounds of review are rejected on the basis set out in 2.5.6, the application for review is taken to be rejected to that extent.
- 2.5.8 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.

2.5.9 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).

2.5.10 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.’

## 2.6 Community safety

Refer to the Licensing objectives, and Section 17 Crime and Disorder Act 1998 as noted above. The Borough Commander on behalf of the Metropolitan Police has not submitted a representation.

## 2.7 Financial Implications

No financial implications

## 2.8 Risk Management Implications

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

## **Section 3 - Statutory Officer Clearance**

Name: Jessie Man

on behalf of the  
Chief Financial Officer

Date: 10 October 2013

Name: Paresh Mehta



on behalf of the  
Monitoring Officer

Date: 15 October 2013

## **Section 4 - Contact Details and Background Papers**

**Contact:** Peter Coates, Enforcement Officer, Licensing Services,  
Ext: 2498

### **Background Papers**

Premises Licence  
Review Application  
Premises Plan  
Representations  
Location Map