

REPORT FOR: LICENSING PANEL

Date: 31 March 2014

Subject: Application for a variation of the Club Premises Certificate held in respect of “**South Harrow Sports & Social Club**”, Valentine Road, South Harrow, Middlesex, HA2 8EG

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

Exempt: No

Enclosures: Appendix A - Current Premises Certificate
Appendix B - Application to vary a club premises certificate
Appendix C - Location (GIS) Map
Appendix D - Representations

Section 1 – Summary

The application to vary a club premises certificate issued under the Licensing Act 2003 to “South Harrow Sports & Social Club”, Valentine Road, South Harrow, Middlesex, HA2 8EG has attracted representations from other persons (i.e. persons other than responsible authorities). As per the Council’s Licensing Policy and delegation of Licensing functions, 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)	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	No representations received
Primary Care Trust	No representations 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 club premises certificate in respect of “South Harrow Sports & Social Club”, Valentine Road, South Harrow, Middlesex, HA2 8EG (‘the Premises’).
- 2.2 The Premises currently has the benefit of a club premises certificate which was granted in 2005 under the Transitional arrangements. Briefly the current club premises certificate states the following licensable activity and times:

Sale of retail alcohol:

Monday – Saturday	11:00 – 23:00
Sunday	12:00 – 22:30

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.

- 2.3 The application now seeks to extend to times for the current licensable activity – namely the sale of retail alcohol to the following times:

Monday – Thursday	11:00 – 00:00
Friday – Saturday	11:00 – 03:00 (the following morning)
Sunday	12:00 – 22:30

The application also seeks to add the following licensable activities:

Recorded Music:

Monday – Thursday	19:00 – 00:00
Friday – Saturday	19:00 – 03:00 (the following morning)
Sunday	12:00 – 22:30

Live Music:

Friday & Saturday	19:00 – 03:00 (the following morning)
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The application also proposes to add the following times for hours open to public:

Monday – Thursday	11:00 – 00:00
Friday – Saturday	11:00 – 03:00 (the following morning)
Sunday	12:00 – 22:30

- 2.4 The applicant's proposed steps to promote the licensing objectives are listed in Section M of the application. Currently there are no conditions under annex 2 or 3 of the club premises certificate.

Representations

- 2.5 The application to vary the club premises certificate has attracted nine representations from other persons. These representations primarily raise issues pertaining to the four licensing objectives - prevention of public nuisance, public safety, prevention of crime and disorder and the protection of children from harm which the panel should consider when determining the application. The panel cannot consider issues that do not go towards the promotion of the licensing objectives.
- 2.6 Copies of all the representations received are attached to this report.

Consultation

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

Licensing Policy Implications

- 2.8 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.

Legal Implications

- 2.9 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.
- 2.10 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.
- 2.11 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 certificate
 - b. To reject the whole or part of the application

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

2.12 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

2.13 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

2.14 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

2.15 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 has not made a representation against this application.

Financial Implications

2.16 There are no financial implications.

Risk Management Implications

2.17 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: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 17 March 2014		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: March 2014		

Section 4 - Contact Details and Background Papers

Contact: Richard LeBrun, Licensing Services Manager x 6267

Background Papers: Current Licence, Licensing Act 2003, Statutory Guidance