

REPORT FOR: LICENSING PANEL

Date of Meeting: 17 April 2014

Subject: Consideration of an objection notice to a Temporary Event Notice 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: Appendix A – Temporary Event Notice
Appendix B – Premises Licence
Appendix C – Noise Report
Appendix D – Objection Notice

Section 1 – Summary

A Temporary Event Notice under the Licensing Act 2003 has 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 event is to take place on Monday 5th May 2014.. The Environmental Health Department has submitted an objection notice to the temporary event notice. In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the responsible authority, premises user and licensing authority agree that a hearing is unnecessary.

Representations received

| From | Relevant Representations details |
|--------------------------------|----------------------------------|
| Metropolitan Police | No representation received |
| Environmental Health Authority | Objection notice 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 and their timings:

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 A temporary event notice has been submitted to the licensing authority by the applicant, 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 Monday 5 May 2014 from 00:00 – 03:00.

2.1.3 The Environmental Health Department has submitted an objection notice to the temporary event notice on the grounds of public nuisance. 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 chief officer of police 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 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 crime prevention licensing objective.
- 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 if it considers it necessary for the promotion of the crime prevention objective to do so and a notice stating the reasons for its decision, and give a copy of these notices to the relevant chief officer of Police;
 - b. Decide not to give a counter notice, giving notice of this decision to the premises user and the relevant chief officer of Police.
- 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 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.'

2.3 Financial Implications

None

Section 3 - Statutory Officer Clearance

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|---------------------|-------------------------------------|--|
| Name: Jessie Man | <input checked="" type="checkbox"/> | on behalf of the* Chief Financial Officer |
| Date: 09 April 2014 | | |
| Name: Bob Huffam | <input checked="" type="checkbox"/> | on behalf of the* Monitoring Officer |
| Date: 09 April 2014 | | |

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Licensing Services Manager, ext 6267

Background Papers: Licensing Act 2003, Statutory Guidance