

Meeting:	Licensing Panel
Date:	8 August 2005
Subject:	Application for Late Night Refreshment, Tennessee Fried Chicken, 227 Northolt Road, South Harrow
Responsible Officer:	Chief Environmental Health Officer
Contact Officer:	P Sivashankar, Service Manager, ext 5605
Portfolio Holder:	Councillor Philip O'Dell
Key Decision:	No
Status:	Public

Section 1: Summary

Decision Required

Members are asked to determine the application in accordance with the guidance in Section 2.5.

Reason for report

The application for late night refreshment (NEW) for Tennessee Fried Chicken, Northolt Road, South Harrow has received representations from a Responsible Authority. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt by the Licensing Panel.

Benefits

The hearing provides the applicant, persons making the representations and the Licensing Authority an opportunity to engage in constructive dialogue to determine the application in an open public forum.

Cost of Proposals

None

Risks

If any party is aggrieved with the decision or is believes that a fair hearing is not provided, they can apply to the magistrates Court for a re-hearing.

Implications if recommendations rejected

N/A

Section 2: Report

2.1 Brief History

2.1.1 Application has been made by Mr Kanagaratnam Jeyanathan of 49 Rosebery Avenue, South Harrow, for a Premises Licence for Tennessee Fried Chicken, Northolt Road, South Harrow. A copy of the application is attached to this Report. The premises is a night café, however it has not been licensed by this Division in the past as a night café.

2.1.2 The application seeks the following opening times, and if granted will take effect from 24th November 2005:

PROVISION OF LATE NIGHT REFRESHMENT			HOURS PREMISES ARE OPEN TO THE PUBLIC (O)		
DAY	START	FINISH	DAY	START	FINISH
MON	2300	0200	MON	1000	0200
TUE	2300	0200	TUE	1000	0200
WED	2300	0200	WED	1000	0200
THU	2300	0200	THU	1000	0200
FRI	2300	0300	FRI	1000	0300
SAT	2300	0300	SAT	1000	0300
SUN	2300	0200	SUN	1100	0200

2.1.3 The Premises:

The premises are situated in a predominantly commercial part of Northolt Road, close to the South Harrow Bus and Underground Stations and neighbouring a number of late night take-away premises. There is residential accommodation provided above most of the premises on Northolt Road, which are likely to be occupied by tenants.

2.2 Representations

2.2.1 The application has received 1 representation from Responsible Authorities sighting the prevention of public nuisance. Copies of these letters are attached to this Report.

2.3 Consultation

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

2.4 Financial Implications

None.

2.5 Legal Implications

2.5.1 Having considered the representations of the applicant and the interested party, the Panel has to determine the application for the licence. The legislation does not list the grounds on which the Panel can refuse and/or grant an application for a licence. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice and the promotion of the Four Licensing Objectives.

2.5.2 Options available to the Panel:

a. To grant the application as it stands. Any licence granted would be subject to conditions relating to the Operating Schedule attached to the Application.

b. To grant the Licence in light of any evidence presented at the hearing, from both the interested party and the applicant, subject to –

The conditions mentioned in the operating schedule being modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

Any condition which, must under section 19, 20 or 21 (Mandatory Conditions) of the Licensing Act 2003 be included in the licence, and

To exclude from the scope of the licence any of the licensable activities to which the application relates,

c. To reject the application.

It should be noted with all options that;

i). Clear reasons would have to be given to the applicant and to the interested party if the application were granted, refused or, if additional conditions were imposed; and

ii). The applicant and/or the interested party would have the right of appeal to a Magistrates Court.

2.5.3. In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

2.6 Equalities Impact

N/a

Section 3: Supporting Information/ Background Documents

Application

Representations (letter of objection to the application)

Mandatory Conditions that would be attached to the licence if granted.

Conditions drawn from the Operating Schedule provided by the Applicant-Annex
2

Annex 2 – Conditions consistent with the operating Schedule

General

None offered

The prevention of crime and disorder

The premises is provided with CCTV and operated in line with the Harrow Police's guidelines inside and outside during the premises open to public

Public Safety

None offered

The prevention of public nuisance

Bins provided inside and out side the premises.

The protection of children from harm

None offered