

Meeting:	Licensing Panel
Date:	16 August 2005
Subject:	Application for variation of hours during Transitional period, South Harrow Off Licence, 293 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 a conversion and simultaneous variation for South Harrow Off Licence, 293 Northolt Road, South Harrow has received representations from Responsible Authorities. 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 Sahilan Kanagaratnam and Mr Sujeevan Kanagaratnam of 227 Northolt Road, South Harrow, for a Premises Licence for South Harrow Off Licence, 293 Northolt Road, South Harrow. A copy of the application is attached to this Report. The premises is licensed to sell alcohol OFF the premises.

2.1.2 The application seeks the following changes to the existing Justices Licence (converted) hours, and if granted will take effect from 24<sup>th</sup> November 2005:

SALE BY RETAIL OF ALCOHOL-OFF (M)			HOURS PREMISES ARE OPEN TO THE PUBLIC (O)		
DAY	START	FINISH	DAY	START	FINISH
MON	0900	0100	MON	0900	0100
TUE	0900	0100	TUE	0900	0100
WED	0900	0100	WED	0900	0100
THU	0900	0100	THU	0900	0100
FRI	0900	0100	FRI	0900	0100
SAT	0900	0100	SAT	0900	0100
SUN	0900	0100	SUN	0900	0100

Existing hours as converted Licence shows:

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 0800 to 2300.
- b. On Sundays, other than Christmas Day, 1000. to 2230.
- c. On Christmas Day, 12 noon to 1500. and 1900. to 2230.
- d. On Good Friday, 0800. to 2230.

### 2.1.3 The Premises:

The premises are situated in a predominantly commercial part of Northolt Road in South Harrow. . 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 Metropolitan Police sighting the promotion of all 4 Licensing Objectives. Copy of this representation is 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**

None offered

### **The protection of children from harm**

None offered