

# REPORT FOR: LICENSING PANEL

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**Date of Meeting:** 14 July 2014

**Subject:** Application for a Review of the Premises Licence held in respect of “Masons Arms Public House”, 75 High Street, HA8 7DD

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

**Exempt:** No

**Enclosures:** Appendix A - Premises Licence  
Appendix B - GIS Map  
Appendix B - Review Application  
Appendix C - Premises Plan  
Appendices D1-D 5 Representations

## Section 1 – Summary

An application has been made by the Metropolitan Police, to review the premises licence for “Masons Arms Public House”, 75 High Street, Edgware, Middlesex, HA8 7DD, based on three of the licensing objectives: the prevention of crime and disorder, public safety and 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
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
<b>Metropolitan Police</b>	<b>Review Application Received</b>
Licensing Authority	No representations received
Primary Care Trust	No representations received

### Representations from interested parties

From	Relevant Representations details
<b>Other persons</b>	<b>No representations received</b>

## Section 2 – Report

### 2.1 Brief History

- 2.1.1. There is a premises licence in force at ‘Masons Arms’, a public house trading at 75 High Street, Edgware, Middlesex, HA8 7DD. 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 Due to the high level of complaints that have been received by the police over the past 18 months, the police have found it necessary to submit an application for a review of the premises licence.
- 2.1.3 The current licensable activities and hours permitted under the premises licence are:

**Sale of retail alcohol (m), Exhibition of films (b), Performance similar to (e – Live music), (f – Recorded music), and (g – Performance of dance)**

Monday – Thursday	07:00 – 01:00 (the following morning)
Friday - Saturday	07:00 – 02:00 (the following morning)
Sunday	11:00 – 00:30 (the following morning)

### **Live Music (e), Recorded music (f)**

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

### **Late night refreshment (l)**

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

### **Hours open to public**

Monday – Thursday	07:00 – 01:00 (the following morning)
Friday – Saturday	07:00 – 02:00 (the following morning)
Sunday	11:00 – 00:30 (the following morning)

- 2.1.4 On 10 June 2014 a review application was submitted by the Metropolitan Police, a responsible authority. This review application relates to three of the licensing objectives – the prevention of crime and disorder, public safety, and the prevention of public nuisance
- 2.1.5 The premises is situated on the corner of High Street, Edgware, and Whitchurch Lane. The flat directly above the premises is a house in multiple occupation. The location of the premises 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 Metropolitan Police have submitted an application to review the premises licence. A copy of this application is 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 or representation 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 (or representation) 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 submitted an application for review of the premises licence.

## **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	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 25 June 2014		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 26 June 2014		

### **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  
Additional information provided by Licensee

Licensing Act 2003  
Licensing Act 2003 – Guidance issued June 2013