

# REPORT FOR: LICENSING PANEL

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<b>Date:</b>	14 December 2015
<b>Subject:</b>	Application for a new premises licence in respect of 'Low Cost Romanian Foods Limited, 211 High Road, Harrow, HA3 5EE'
<b>Responsible Officer:</b>	Venetia Reid Baptiste - Divisional Director – Commissioning Services
<b>Exempt:</b>	No
<b>Enclosures:</b>	New Application for premises licence (Annex 1A) Plan of the premises (Annex 1B) Location (GIS) Map (Annex 2A) Representations & Petition (Annexes 3A-3F)

## Section 1 – Summary

The application for a new premises licence under the Licensing Act 2003 in respect of 'Low Cost Romanian Foods Limited, 211 High Road, Harrow, Middlesex, HA3 5EE', has attracted three representations from other persons and a petition with 44 signatures. As per the Council's Licensing Policy and delegation of Licensing functions, all 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

## Representations from other persons

From	Relevant Representations details
Other persons	Representations Received

### Section 2 – Report

#### Current situation

- 2.1 The applicant Low Cost Romanian Foods Limited, has applied for a new premises licence in respect of 'Low Cost Romanian Foods Limited, 211 High Road, Harrow, Middlesex, HA3 5EE'. The application seeks to permit the following licensable activity with the following timings:

Sale of retail alcohol  
Monday - Friday                      06:30 – 22:30  
Saturday – Sunday                    08:00 – 20:00

Hours open to Public  
Monday - Friday                      06:30 – 22:30  
Saturday – Sunday                    08:00 – 20:00

The premises is situated in a busy area of the High Road which consists of a parade of commercial premises on the ground floor and residential properties above and nearby. A map of the area is attached to this report.

- 2.2 The authority has received three representations from other persons and a petition containing forty four signatures referring to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance licensing objectives.
- 2.3 The Licensing Authority had also made a representation and proposed conditions that it believed would promote all four licensing objectives but as the applicant agreed to these conditions being included on the licence, the representation was withdrawn. The agreed conditions are attached to this report.

#### Representations

- 2.4 The application for a new premises licence has attracted three representations from other persons and a petition containing forty four signatures. A copy of each of the representations and the petition is attached to this report. The persons who have signed the petition are able to attend and speak at the hearing.

#### Consultation

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

## **Licensing Policy Implications**

- 2.6 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**

- 2.7 The Licensing Panel is required to hold a hearing to consider any relevant representations made in relation to the premises licence application unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.8 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.
- 2.9 Having considered those relevant matters, the Licensing Panel is required to take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

The steps are—

(a) To grant the licence subject to—

(i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application

For the purposes of 2.9(a) (i) above, the conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

- 2.10 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.

- 2.11 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
- 2.12 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**

- 2.13 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...’

### **Financial Implications**

- 2.14 There are no financial implications.

### **Risk Management Implications**

- 2.15 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: 30 November 2015		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 30 November 2015		

## **Section 4 - Contact Details and Background Papers**

**Contact:** Richard Le-Brun, Licensing Services Manager – Tel: 020 8736 6267  
Email: [richard.lebrun@harrow.gov.uk](mailto:richard.lebrun@harrow.gov.uk)

**Background Papers:** Statutory Guidance.