

LONDON BOROUGH OF HARROW

Meeting:	LICENSING PANEL
Date:	29 th JULY 2003
Subject:	REFERRAL BACK TO THE PANEL OF THE APPLICATIONS FOR THE RENEWAL AND VARIATION OF A PUBLIC ENTERTAINMENTS LICENCE THE TRINITY BAR, 378/380 STATION ROAD, HARROW.
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION AND EXISTING LICENCE

1. Summary and background

- 1.1 This report gives details of the referral back to the Panel of the applications for the renewal and the variation of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The Panel will be aware that the applications were considered by the Panel on the 6th February 2003. The applicants appealed to the Harrow Magistrates Court against the majority of the decisions of the Panel on the 6th February and the appeal was to be heard on the 27th June 2003. On the morning of the hearing the applicants made proposals for the postponement of the appeal hearing, subject to a referral back to the Panel. The basis for this referral is outlined below.
- 1.2 Members will recall the issues in front of the Panel at the meeting in February. The Panel had to decide on the renewal of the licence and a variation application. The renewal was referred to the Panel as, following a visit by officers in the summer of 2002 the premises appeared to be overcrowded, it was not considered appropriate that officers used their delegated powers to grant the renewal. The variation application, firstly, sought the removal of the last entry condition from the licence, the Metropolitan Police objected to this application. The appeal submitted by the applicants related to the renewal decision and the decision on this first part of the variation application. The second part of the variation application, the grant of additional opening hours on a Sunday night to 12.30am were not appealed.
- 1.3 At the meeting this evening, the Panel have to consider the proposals made by the applicant and how these meet the concerns of the Panel. Counsel appearing on behalf of the Council at the appeal advises serious consideration by the Panel of the proposals made by the applicant. If is not possible to reach an accommodation with the applicant, the matter will automatically revert to the appeal in front of the Magistrates.

2. Recommendations (for decision by the Panel.)

- 2.1 Members are asked to determine the application in accordance with the guidance in section 9, below.**

3. Relevant Previous Decisions

- 3.1 The Panel has met the applicants on a number of occasions, the decisions of relevance to the current application are the following:

6th February 2003 – An application for renewal of the licence was granted with a change to remove the scope for re-entry in the last entry condition. An application for variation of the licence to remove the last entry condition was refused and an application to extend opening hours on a Sunday night to 12.30am was granted. A copy of part of the agenda for the meeting is at appendix A, and the minutes of the meeting are at appendix B.

25th January 2000 – Granted extension of hours on Thursdays (to 2am), Friday (to 2.30am) and Saturday (to 2.30am); and variation of the last entry condition to midnight.

11th May 2000 – Granted extension of hours on Monday to Wednesday inclusive, to 2am.

4. Relevance to Corporate Priorities

- 4.1 While this report is in response to a request for the renewal and variation of a licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits and a prosperous local economy.

5. The applications now in front of the Panel

- 5.1 The applications by Mr M G Blake and Mr S V Eyles for the renewal and the variation of the existing Annual Entertainments Licence for the Trinity Bar, are referred back for the consideration of the Panel. Prior to the appeal hearing in the 27th June the applicants proposed a basis for adjourning the appeal hearing, pending the Panel having this opportunity for a reconsideration of the case. While nominally a further consideration of the issues reported to the Panel in February (a copy of part of the agenda for the meeting is at appendix A, and the minutes of the meeting are at appendix B.) the issues for consideration have effectively been narrowed down. The proposals are the grant of both the renewal and the variation applications subject to the following points:

- 5.1.1 The conditions relating to last entry and door clickers remain as described by the Panel at the meeting on the 6th February 2003, except as varied in 5.1.2 below. The conditions are:

- No admission or re-entry after midnight
- Numerical counters to operate on all doors.

- 5.1.2 On Friday and Saturday nights the last time of entry is to be 1 a.m.

- 5.1.3 The last entry time in 5.1.2 above is for a trial period of 6 months from the date of grant and the position regarding Trinity will be reviewed at the end of this period.
- 5.1.4 The Council is to review the question of re-entry if a “beam” machine (automatic counting equipment) is installed.
- 5.2 These proposals do not bind the Panel, but Counsel appearing on behalf of the Council at the appeal advises serious consideration by the Panel of the proposals made by the applicant. The Panel may decide to modify existing conditions or add new conditions, but if it is not possible to reach an agreed position with the applicant, the matter will automatically revert to the appeal in front of the Magistrates.
- 5.3 Should the decision of the Panel meet the needs of the applicants, they will withdraw from the appeal process. In normal circumstances both sides would meet their own costs.
- 5.4 The applicants and the Metropolitan Police will be attending the Panel meeting. The applicants have been asked to address in detail how, for example, the control over entry to the premises and the queuing by patrons outside the premises would be managed. A letter outlining these is attached to Appendix C.

6. Implications of the proposals

- 6.1 There are some immediate implications of the proposals in 5.1, both for the applicant and the Council as licensing authority. If the last entry condition is varied to 1 a.m. as in 5.1.2 above and the licence is granted for a trial period of 6 months, as in 5.1.3 above, the trial period will begin from 29th July 2003. At the end of this period an application to renew the licence would be required and the Council would send a reminder notice at the appropriate time.
- 6.2 To trigger any review of a licence as in 5.1.3 or 5.1.4 above, an application for a variation of the licence would be required.
- 6.3 Any of these reviews by the Panel would depend on an application being made to the authority and a consideration at that time of the performance of the management in controlling activities at the premises.
- 6.4 The installation of automatic counting equipment (the “beam” machine in 5.1.4) may involve changes to the layout of the premises, or safety related issues such as means of escape. Hence officers would require full details of any proposals to determine the suitability and safety of the equipment and the need for any changes in procedures at the premises. The applicant should also have procedures in place to ensure safe use of premises, in the event of any malfunction of the system.

7. Additional background information

- 7.1 The matters placed before the Panel on the 6th February are reported in detail in appendix A and the report remains valid on the principal issues. However on the 7th May 2003 the Panel granted a variation in the last entry condition to the Time Night Club. In the past the review of the Trinity licence has involved discussion of claims of parity with the Time Nightclub, nearby in Station Road. Both premises have entertainment licences permitting late night operating, however other aspects of the

premises differ. The Trinity Bar opens in the early afternoon and attracts a broad range of after-work and evening trade. Time operates solely as a nightclub, opening only at 9pm. For the information of the Panel the hours granted to Time are given below, and a copy of their licence is at appendix C.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Hours granted to Time Night-club	2am	2am	2am	2am	2.30am	2.30am	1am

7.2 The recently revised last entry condition for Time nightclub states:

There be no admissions to the premises after midnight on Sunday to Wednesday and 1am on Thursday, Friday and Saturday nights.

7.3 The Panel in reaching the decision amended two other conditions, increasing the number of door staff on a Thursday and metal detection arrangements. The reason given by the Panel for the grant of the application with changes to conditions were “to protect the staff and patrons of Time Nightclub and the public generally, and the amenity of local residents.”

8. The Premises

8.1 Location

The premises are at the end of a terrace of commercial properties at the southern end of Station Road, Harrow. There is no on-site car parking for patrons. Parking is available on the street and in the Council car park in Gayton Road.

8.2 Construction

The premises are of solid construction and meet the requirements of the Council's Technical Regulations regarding construction.

8.3 Complaint History

The Panel will be aware of problems of fly-posting in the Borough associated with entertainments at Trinity Bar. Environmental Health has received no other complaints about the premises in the last year.

9. Determination of the Application

9.1 This situation is unusual and there are no established procedures for a referral back to the Panel. Members of the Panel should address the proposals described in Section 5 of this report and consider any relevant implications outlined in Section 6. As the appeal and the current proposal arose with the applicants, subject to the views of and advice to the Panel, the applicants should be given the initial opportunity to outline their proposals. This should be followed by information from the Metropolitan Police and Council Officers. The Panel can ask questions as normal. Having considered the presentations by all parties, the Panel has to determine the application for the renewal and then the application for the variation of the licence condition.

9.2 Subject to any additional information or proposals at the meeting, the Panel should consider the points in Section 5 of this report. While the discretion of the Panel is wide in such issues, if agreement with the applicants is not reached, then the applications will return for a decision at Harrow Magistrates Court.

10. Consultation

10.1 The original applications for both the renewal and the variation were advertised in accordance with the Council's rules governing applications. Details of the variation application were attached to the Planning Application lists.

11. Finance Observations

11.1 There are no financial implications for the Council relating to the consideration of this application by the Panel.

12. Legal Observations

12.1 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.

13. Background Papers

13.1 File for the Trinity Bar, Station Road, Harrow.

13.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

13. Author

13.1 Andy Appleby, 020 8424 1375

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