

REPORT FOR: LICENSING PANEL

Date of Meeting:	23 May 2016
Subject:	Consideration of an objection notice to two Temporary Event Notices for Pinner Green Social Club Limited, Greenwood Hall, Rickmansworth Road, Pinner, Middlesex, HA5 3TJ
Responsible Officer:	Tom McCourt – Corporate Director, Community Directorate
Exempt:	No
Enclosures:	Club Premises Certificate (appendix 1) Objection from Environmental Protection (appendix 2) Statutory abatement notice (appendix 3) Chronology (appendix 4) GIS Map (appendix 5)

Section 1 – Summary

Two Temporary Event Notices under the Licensing Act 2003 have been submitted to the Licensing Authority (Harrow Council) to permit licensable activities at Pinner Green Social Club Ltd, Greenwood Hall, Rickmansworth Road, Pinner, Middlesex, HA5 3TJ. The events are to take place on:

04 June 2016 – 19:30 – 00:00

02 July 2016 – 16:00 – 00:00

Both notices are for the sale of retail alcohol and the provision of regulated entertainment.

The Environmental Health Department has submitted an objection in respect of both Temporary Event Notices on the grounds of the prevention of public nuisance. In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the Environmental Health Department (responsible authority), premises user and licensing authority agree that a hearing is unnecessary.

Representations received

From	Relevant Representations details
Metropolitan Police	No representation received
Environmental Health Authority	Objection notice received

Section 2 – Report

2.1 Current situation

2.1.1 Pinner Green Social Club currently has a club premises certificate that allows:

Supply of alcohol:

Monday – Thursday	15:00 – 00:00
Friday –	15:00 – 02:00 (the following morning)
Saturday	12:00 – 02:00 (the following morning)
Sunday	12:00 – 01:00 (the following morning)

Films:

Monday – Thursday	15:00 – 21:00
Friday	15:00 – 22:00
Saturday	12:00 – 23:00
Sunday	12:00 – 22:00

Indoor Sporting Events:

Monday – Sunday	15:00 – 23:00
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Live Music and Recorded Music:

Monday – Thursday	15:00 – 23:00
Friday	15:00 – 00:00
Saturday	12:00 – 01:00 (the following morning)
Sunday	12:00 – 00:00

Plays:

Monday – Thursday	15:00 – 22:00
Friday - Saturday	15:00 – 23:00
Sunday –	12:00 – 00:00

The hours for the provision of facilities for dance have not been included in this report as this has now been de-regulated under the Licensing Act 2003.

- 2.1.2 Two temporary event notices have been submitted to the licensing authority by the premises user, Mr Ian William Kirkbride, to authorise licensable activities, namely the sale of alcohol and the provision of regulated entertainment at Pinner Green Social Club on:

04 June 2016 from 19:30 – 00:00

The nature of the event is: Charity Event

The maximum number of persons to attend: 100

02 July 2016 from 16:00 – 00:00

The nature of the event is: Wedding Reception

The maximum number of persons is: 100

The proposed licensable activities are the:

- retail sale of alcohol for consumption on the premises and
- provision of regulated entertainment.

- 2.1.3 The Environmental Health Department has submitted an objection notice to the Temporary Event Notices on the grounds of public nuisance. A copy of the objection is attached to this report (appendix 2). A statutory abatement notice was served on Pinner Green Social Club Limited on 3 May 2016 under the Environmental Protection Act 1990 (appendix 3). This requires the Club to ensure no further statutory nuisances (such as excessive noise) arise from the operation of the premises but the notice does not by itself prevent licensable activities from taking place. A chronology of events is also available (appendix 4). A map of the premises location is provided at appendix 5.

- 2.1.4 The Panel is advised it ought to consider each TEN separately and to reach a separate decision in respect of each of them.

- 2.1.5 In the current calendar year, the authority has previously received three Temporary Event Notices for which the events have been allowed to proceed without objection.

2.2 Legal Implications

- 2.2.1 Pursuant to the provisions of section 105(2)(a) of the Licensing Act 2003, the Licensing Authority must hold a hearing to consider the objection notice, unless all parties (i.e. - the premises user, the relevant person who gave the objection notice and the licensing authority) agree that a hearing is unnecessary. The hearing must be held in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.2.2 The Licensing Panel is required to give appropriate weight to the objection (including supporting information), 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 licensing objectives.
- 2.2.3 Having considered those relevant matters and the objection notice, the Licensing Panel is required to do one of the following:
- a. Give the premises user a counter notice (prohibiting the event) if it considers it appropriate for the promotion of a licensing objective(s) to do so, and a notice stating the reasons for its decision, and give each relevant person (police and environmental health authority) a copy of both these notices;
 - b. Decide not to give a counter notice, giving notice of this decision to the premises user and each relevant person (police and environmental health authority).
- 2.2.4 It should be noted with these options that clear reasons should be given to the parties for the decision to issue or not to issue a counter notice.
- 2.2.5 The licensing authority can impose conditions from the existing club premises certificate if:
- the police or environmental health authority have objected to the TEN(s)
 - the objection has not been withdrawn
 - the relevant licensing authority has decided under section 105 of the Licensing Act 2003 not to give a counter notice
 - it considers that imposing the conditions would be appropriate to promote the licensing objectives
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the TEN

Where the licensing authority decides to impose conditions, the Licensing Act 2003 and relevant regulations set out the manner in which these must be notified to the premises user.

2.2.6 In addition to determining the application in accordance with the legislation, Members must also have regard to the following –

- 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 as below:

'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.'

2.3 Financial Implications

None

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 05.05.16		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 05.05.16		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer, Ext 7667

Background Papers: Licensing Act 2003, Statutory Guidance