

REPORT FOR: LICENSING PANEL

Date:	19 September 2016
Subject:	Application for a variation to the premises licence for 'The Harrow', 269 – 271 Station Road, Harrow, HA1 2TB
Responsible Officer:	Tom McCourt - Corporate Director – Community Directorate
Exempt:	No
Enclosures:	Current Premises Licence including plan (appendix 1) Location (GIS) Map (appendix 2) Representations (appendix 3) Summary of proposed licence (appendix 4)

Section 1 – Summary

An application has been received to vary the premises licence for 'The Harrow' public house, 269 – 271 Station Road, Harrow to extend the opening hours, hours for alcohol sales, regulated entertainment and late night refreshment and amend relevant conditions. Representations has been received from two residents at the same address.

Representations

No representations have been received from any of the responsible authorities.

One representation has been received from a two residents living at the same address concerning the prevention of crime and disorder, and public nuisance, objectives.

Section 2 – Report

- 2.1 The premises licence holder, Stonegate Pub Company Limited, has applied to vary the premises licence in respect of 'The Harrow', 269 – 271 Station Road, Harrow, Middlesex HA1 2TB. The existing premises licence is set out at appendix 1.

2.2 Licensable activities

The tables below set out the current licensable activities and the variations being sought. (Note: hours beyond midnight are into the following day)

Day	Current licence				
	Hours open to public	Alcohol sales (on and off-premises)	Live music and performance of dance	Exhibition of films and recorded music	Late night refreshment
Mon	0700 - 0000	0900 – 2300	0900 - 0000	0700 - 0000	2300 – 0000
Tues	0700 - 0000	0900 – 2300	0900 – 0000	0700 – 0000	2300 – 0000
Weds	0700 - 0000	0900 – 2300	0900 – 0000	0700 – 0000	2300 – 0000
Thur	0700 – 0200	0900 – 0130	0900 – 0200	0700 – 0200	2300 – 0200
Fri	0700 – 0200	0900 – 0130	0900 – 0200	0700 – 0200	2300 – 0200
Sat	0700 – 0200	0900 – 0130	0900 – 0200	0700 – 0200	2300 – 0200
Sun	0700 – 0000	0900 – 0000	0900 - 0000	0700 - 0000	2300 - 0000

Existing seasonal variations:

(a) Licensable activities to extend until 0030 into the morning following Easter and Bank Holiday Mondays

(b) Licensable activities to extend until 0130 into the morning following Christmas Eve, Boxing Day and New Year's Day.

Day	Variation sought (shown in shaded boxes)				
	Hours open to public	Alcohol sales (on and off-premises)	Live music and performance of dance	Exhibition of films and recorded music	Late night refreshment
Mon	0700 – 0030	0900 - 0000	0900 - 0000	0700 - 0000	2300 – 0000
Tues	0700 – 0030	0900 - 0000	0900 – 0000	0700 – 0000	2300 – 0000
Weds	0700 – 0030	0900 - 0000	0900 – 0000	0700 – 0000	2300 – 0000
Thur	0700 -0200	0900 - 0130	0900 – 0200	0700 – 0200	2300 – 0200
Fri	0700 – 0330	0900 – 0300	0900 – 0300	0700 – 0300	2300 – 0300
Sat	0700 – 0330	0900 – 0300	0900 – 0300	0700 – 0300	2300 – 0300
Sun	0700 – 0030	0900 - 0000	0900 - 0000	0700 - 0000	2300 - 0000

Proposed seasonal variations:

(a) The terminal hour to be 0330 hours for closing and 0300 hours for licensable activities on Halloween; all Bank Holidays and the Friday, Saturday and Sunday preceding Bank Holidays; Maundy Thursday; Christmas Day, Boxing Day, 27 – 31 December.

(b) An additional hour to the standard and non-standard times on the day when British Summer Time commences.

(c) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day;

2.3 Description of premises

The premises are a large town centre pub capable of holding 700 persons, situated on

two floors. It is located in a predominately commercial part of Station Road in Harrow although there are residential properties nearby in, for example, Lyon Road, Gayton Road, Bonnersfield Lane and surrounding streets. There are no other pubs immediately nearby but there are a number of restaurants and late-night take-aways. A location map is provided at appendix 2.

2.4 Licensing history

The premises have been licensed as a public house since February 1996 (under previous licensing legislation) and under the Licensing Act 2003 since November 2005.

2.5 Designated premises supervisor

Mr Taj Mohammad since 11 July 2016

2.6 Details of application

Received: 22 July 2016

Newspaper advertisement: 28 July 2016 (Harrow Times)

Closing date for representations: 19 August 2016

2.7 Representations

One representation has been received from two local residents living at the same address (appendix 3).

2.8 Conditions

The premises licence holder has submitted the following as part of its application:

The information provided in this box is solely for information only and not intended to be converted into conditions on the licence.

This application is sought in order to vary the premises licence in respect of the terminal hours for licensable activities and opening, along with the amendment of conditions to ensure that the operating schedule is robust and appropriate for the premises.

Additional non-standard timings are also sought. The applicant is seeking later hours in part following requests from our customers, who want to continue their night in a safe, supervised and comfortable environment in particular, when entertainment is offered. In addition, the experience of the premises and of Stonegate is that the later hours sought will allow a longer wind down period and a more gradual dispersal which can be managed and contained.

The operating schedule of the existing premises licence contains some old and outdated conditions which are now covered by other legislation. There are however existing conditions which are still suitable for the style of operation however the wording of them is outdated and these have been reworded as detailed...below. In addition, new conditions are offered following discussions with the Environmental Health Officer which bolster the operating schedule ensuring it is robust, clear, appropriate and enforceable.

Pre consultation has taken place with the Police Licensing Officer, Licensing Enforcement Officer and Environmental Health Officer. The applicant was pleased to have productive discussions with these officers. Their comments have been taken into account in considering and drafting this application.

In particular the applicant proposes to introduce a new last entry time of 130am where the premises trades until 3am for the sale of alcohol. This reinforces the purpose of the application which is to keep our existing customers to allow them to enjoy their evening and supervise a controlled dispersal, rather than attract a new clientele.

Following discussions with the Environmental Health Officer, who confirmed no noise complaints have been received at all this year, the applicant has also included conditions to ensure no noise nuisance occurs from the premises. These include keeping doors and windows closed and maintaining a dispersal policy.

Stonegate Pub Company Limited have in place an extensive licensing manual detailing both company policies appropriate across the whole estate, along with procedures in place at a local level to ensure the premises operates to the highest standard and promotes the licensing objectives. These include policies regarding social responsibility, underage sales, and procedures to prevent crime and disorder and public nuisance.

- 2.9 Members will be aware that an operating schedule forms part of the licensing process. This document outlines what activities are proposed, the opening hours, and how the activities will be managed particularly in respect of the licensing objectives.
- 2.10 The most critical part of the operating schedule are the steps taken by the applicant to promote the licensing objectives. Applicants are always reminded to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence.
- 2.11 The premises licence at appendix 1 sets out the current conditions. If the application is granted it will be subject to the alternative conditions set out at appendix 4 proposed in light of the premises licence holder's statement at paragraph 2.8 above.
- 2.12 The Panel has the discretion to add to or modify these conditions in light of the representations where it is appropriate to do so to promote the licensing objectives.
- 2.13 Officers' observations
Officers inspected the premises on 4 July 2016 and found no matters of concern. There have been no complaints received about the premises since the current DPS assumed his role there.
- 2.14 The Panel will wish to note that none of the responsible authorities have made representations about this application, and as indicated have had the opportunity to discuss the application with the premises licence holder prior to it being submitted.
- 2.15 These above comments are to assist the Panel in its decision making process based on the evidence before it and the legislative requirements.
- 2.16 A summary of the varied licence, if granted as sought, is set out at appendix 4.

2.17 Licensing policy

There are no implications in relation to the statement of licensing policy arising from this application.

2.18 Legal implications

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.

2.19 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.

2.20 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 modify the conditions of the licence;
- (b) to reject the whole or part of the application;

The conditions of the licence are modified if any of them are altered or omitted or any new conditions added.

2.21 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

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

- common law rules of natural justice
- provisions of the Human Rights Act 1998
- considerations in section 17 of the Crime and Disorder Act 1998

2.23 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).

2.24 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

2.25 There are no financial implications.

Appeals

2.26 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 within 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 September 2016		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 7 September 2016		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer extension 7667

Background Papers: Application form, Statutory Guidance.