

REPORT FOR: LICENSING PANEL

Date:	14 March 2017
Subject:	Application for a new premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow, HA3 8RP
Responsible Officer:	Tom McCourt, Corporate Director of Community
Exempt:	No
Enclosures:	Location (GIS) Map (appendix 1) Image of premises (appendix 2) Plan of premises (appendix 3) Other parties representations (appendix 4) Summary of proposed times and conditions (appendix 5) Operating schedule (appendix 6)

Section 1 – Summary

An application has been received for the grant of a premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow HA3 8RP to allow the sale of alcohol for consumption off the premises between 8 am and 11 pm each day. Representations have been received two local residents.

Section 2 – Report

2.1 Mr Manjeet Singh Rajvanci has applied for the grant of a new the premises licence for Quality Food & Wine, 215 Kenton Lane, Harrow HA3 8RP. A location map and image of the premises are set out at appendices 1 and 2.

2.2 Licensable activities

The applicant seeks a licence for the sale of alcohol for the consumption of alcohol off the premises between 8 am and 11 pm each day (and for the premises to be open to the public during the same times).

2.3 Description of premises

The premises are described on the application form as a local convenience store which will be selling, fruit and vegetables, daily grocery items, tobacco and alcohol.

The premises are a ground floor newsagent/convenience store, located on a small retail shopping parade on Kenton Road. A plan of the premises is attached at appendix 3.

2.5 Proposed designated premises supervisor

Manjeet Singh Rajvanci

2.6 Details of application

Received: 20 January 2017

Newspaper advertisement: 2 February 2017 (Harrow Times)

Closing date for representations: 17 February 2017

2.7 Representations

Representations have been received from two other persons not being responsible authorities (appendix 4).

2.8 Operating schedule and conditions

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.

2.9 The Panel's attention is directed towards paragraphs 8.33 – 8.39 of the statutory guidance issued under the Act that sets out matters that ought to be considered by an applicant when drafting their operating schedule.

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 transferred into conditions on the licence. The Panel's discretion is engaged in the light of relevant representations to impose conditions that are appropriate to promote the licensing objectives. Conditions should be tailored to the size, type, location, characteristics and activities at the premises, and the Panel should be aware of any indirect costs that may arise from the imposition of conditions.

- 2.11 Appendix 5 sets out for the Panel's consideration a summary of proposed hours and the conditions transferred from the operating schedule (which is at appendix 6), including those agreed with the licensing authority's officers. The applicant has agreed at the licensing authority's recommendation to enrol with the Brent and Harrow Trading Standards Responsible Traders' Scheme. This gives the business access to high-quality information and advice in implementing a due diligence system in relation to age-related products.
- 2.12 The operating schedule also contains proposals in relation to fire safety measures which by virtue of the Regulatory Reform (Fire Safety) Order 2005 SI 2005 No 1541 cannot be included as conditions.
- 2.13 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance¹ that such conditions should only be imposed where it is justified to do so and in order to meet the licensing objectives. However the conditions in appendix 5 were both proposed and accepted by the applicant.
- 2.14 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.
- 2.15 Officers' observations
The representation from Mr Ruda alludes to a high concentration of licensed premises in the area and questions the need for more. There are three existing licensed premises in a parade of sixteen businesses highlighted on the location map at appendix 1 (Happy Shopper at 223 Kenton Lane, Kenton Food and Wine at 235 Kenton Lane and Boulevard Club at 243 Kenton Lane, which is licensed for on-sales only).
- 2.16 The Panel will be aware that the question of need is not a relevant consideration to take into account (see paragraph 13.9 of the statutory guidance issued by the Secretary of State). The licensing authority does not have any recent complaints recorded against any of those businesses.
- 2.17 The representation from Mr Rose refers to the statutory site advertisement being placed very high on an external wall. When officers visited the premises on 6 February 2017 they found that notice and also another placed at a lower height in the shop window.
- 2.18 The Panel's attention is also drawn to paragraph 10.15 of the guidance, which recommends that shops ought to be allowed to sell alcohol during the same times the shop is allowed to sell other goods, unless there are good reasons for restricting those hours based on the licensing objectives.
- 2.19 It is for the Panel to decide how much weight to place on those representations after reading them and hearing from the applicant and those making representations. These above comments are to assist the Panel in its decision-making process based on the evidence before it and the legislative requirements.
- 2.26 Licensing policy
There are no issues arising from this application in relation to the licensing authority's

¹ https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf

statement of licensing policy.

2.27 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.

2.28 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.

2.29 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.

2.32 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

2.33 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

2.35 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).

2.36 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

2.37 There are no financial implications.

Appeals

2.38 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: 22 February 2017		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 2 March 2017		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer
Tel: 020 8424 7667 (Int Ext 7667)

Background Papers: Application form, Statutory Guidance.