

REPORT FOR: LICENSING PANEL

Date:	19 June 2017 (reconvened from 4 May 2017)
Subject:	Application for review of the premises licence for McDonalds Restaurant, 361 Station Road, Harrow, Middlesex HA1 2AW
Responsible Officer:	Tom McCourt - Corporate Director – Community Directorate
Exempt:	No
Enclosures:	Application for review (appendix 1) Police statements (appendices 1a – 1d) Image and location map (appendix 2 and 2a) Current premises licence and plan (appendix 3) Licence review guidelines (appendix 4) Representations (appendix 5) Summary of proposed licence

Section 1 – Summary

An application has been received from the Metropolitan Police Service to review the premises licence for McDonalds Restaurant, 361 Station Road, Harrow HA1 2AW, on the grounds of the prevention of crime and disorder, public safety, and prevention of public nuisance.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	No representations
Trading Standards	No representations
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
Metropolitan Police	Application made
Licensing authority	No representations made

Representations from other persons

A representation in support of the premises licence holder from Harrow Business Improvement District has been received (appendix 5).

Section 2 – Report

- 2.1 An application has been received on behalf of the Metropolitan Police Service to review the premises licence of McDonalds Restaurant, 361 Station Road, Harrow, Middlesex HA1 2AW on the grounds of preventing crime and disorder, public nuisance and protecting public safety (appendices 1 and 1a - d).
- 2.2 The application was originally opened to comply with the regulations under the Licensing Act 2003 on 4 June 2017. It was immediately adjourned with the agreement of the police, the premises licence holder and the Licensing Panel to allow time for measures agreed between the premises licence holder and the police to be assessed. As a result of that exercise, agreement has been reached between the police and the premises licence holder for licence conditions to be amended or added, subject to the Panel's discretion to exercise its powers set out below.
- 2.3 Description of premises
These premises are a fast food restaurant and take-away situated on ground and first floor levels within Harrow town centre. An image of the premises and a location map are provided at appendix 2.
- 2.4 The premises are only licensed for the provision of late night refreshment as below:

Sunday Monday Tuesday Wednesday Thursday	From 2300 hours to 0100 hours the next day
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Friday	From 2300 hours until 0300 hours the next day
Saturday	

- 2.5 The premises may remain open to the public for a further 15 minutes each day (see appendix 3).
- 2.6 Licensing history
A premises licence was first granted on 14/09/2005. The premises licence was granted to the current holder on 12/11/2014.
- 2.7 Details of the application
Received: 29/03/2017
Application advertised: 30/03/2017 – 26/04/2017
- 2.8 Representations
None
- 2.9 Statutory guidance
The following passages and paragraphs of the statutory guidance issued by the Secretary of State in March 2015 are relevant to this application.
- 2.10 Paragraph 11.10 of the guidance refers to good practise for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.
- 2.11 The Panel's attention is also drawn to paragraph 11.20 which refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.
- 2.12 Licensing policy
The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 4. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.
- 2.13 Legal implications
The Panel will be aware that the review application may only concentrate on issues arising during the licensable hours, that is from 2300 hours until the closing time for each day.
- 2.14 The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.15 The Licensing Panel is required to give appropriate weight to the review application, 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 (if any) that are appropriate to promote the four licensing objectives.
- 2.16 Modification to licence
Agreement has been reached between the police and licence-holder for the licence to

be modified as set out below, subject to the Panel's discretion to exercise its' powers as set out in paragraph 2.18:

- (a) existing condition 3 at annex 2 to be amended from 4 staff to 6 staff
- (b) existing condition 3 at annex 3 to be amended from 1 SIA supervisor to 2 SIA supervisors
- (c) the premises licence holder shall ensure that staff and the SIA door supervisors have a radio linked to the Town Centre CCTV Control (whilst the Town Centre Partnership operates such a scheme)
- (d) food and drink shall only be sold after 02.30 hours on Saturday and Sunday mornings for consumption off the premises (takeaway only)
- (e) there shall be no entry to the premises after 0245 hours on Saturday and Sunday mornings.

2.17 Officers are of the opinion the proposed conditions are reasonable, proportionate, capable of being enforced and can be considered necessary for the promotion of the licensing objectives. A summary of the licence if adopted by the Panel is set out at appendix 6, notwithstanding its' powers as set out below.

2.18 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

1. to modify the conditions of the licence;
2. to exclude any of the licensable activities from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding 3 months;
5. to revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.

2.19 If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

2.20 It should be noted that –

- clear reasons must be given for the decision;
- any additional or modified conditions should be practical and enforceable;
- the applicant for the review, the premises licence holder 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.

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

- common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
- provisions of the Human Rights Act 1998;
- considerations in section 17 of the Crime and Disorder Act 1998.

2.22 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

2.23 The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which 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

2.24 There are no financial implications.

Appeals

2.25 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: 25.05.17		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25.05.17		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer extension 7667

Background Papers: Statutory Guidance