

LONDON BOROUGH OF HARROW

Meeting:	LICENSING PANEL
Date:	28 AUGUST 2003
Subject:	APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENTS LICENCE TIME, 314 STATION ROAD, HARROW, MIDDX.
Key decision:	
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION, EXISTING LICENCE AND OBJECTION LETTERS

1. **Summary**

- 1.1 This report gives details of an application for the renewal of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. There are two objections to the renewal application from local residents. Following conciliation between the applicant and the objectors, the applicant has put in place measures to reduce late night noise; however it has not resolved the matter to the satisfaction of the objectors.

2. **Recommendations** (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 8, below.**

3. **Relevant Previous Decisions**

On 28th October 2002, the Licensing Panel heard concerns from local residents who live opposite to Time regarding the noise and nuisance created by patrons leaving the premises in the early hours of the morning. To assist in resolving the matter, Mr Hennessy offered to use the rear fire escapes as exits to minimise the nuisance to the residents in the front of the Club (in Station Road). The Panel accepted this. Since then, residents from Platinum House, situated at the rear of the Club, have complained about disturbance from music noise from the premises and from departing patrons.

4. Relevance to Corporate Priorities

- 4.1 While this report is in response to a request for the renewal 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. Background Information

- 5.1 Application has been made for the renewal of the existing Annual Entertainments Licence for Time Night-Club, 314 Station Road, Harrow (appendix A). Mr R Hennessy of Sloanes Bar Restaurants Ltd, the operators of the premises, has made the application. The premises have been licensed for public entertainments since 1999.
- 5.2 The premises are licensed for up to 200 persons, the premises are suitable for this number. A copy of the licence is appended to this report.
- 5.3 The Chief Planning Officer advises that there are no planning restrictions on the use of the premises.
- 5.4 The objections from local residents regarding noise from patrons leaving the premises and music noise from the premises. In response to the initial objections, Mr Hennessy has changed the exiting procedures and by introducing a CCTV camera and flood lights to the rear of the premises. Mr Hennessy also has sought advice from a noise consultant and executed works suggested by the consultant. However, this did not resolve all the concerns of the objectors. Copies of relevant correspondence are appended to this report.
- 5.5 The Police and the London Fire and Emergency Planning Authority were notified of this application and no objections were received.
- 5.6 The application is referred for the decision of the Panel, as there are two remaining objections to the renewal.

6. OBJECTIONS TO THE APPLICATION

- 6.1 Copies of the original letters of objection are attached (Appendix B).
- 6.2 Once the date for the hearing was established the applicant and the objectors were invited to provide written statements of the evidence they wished to present at the hearing (see Appendix C).
- 6.3 Guidance regarding the procedure for the determination of an application at an Oral Hearing in public is on Paragraph 27 onwards in the attached document (see Appendix D).

7. The Premises

- 7.1 Location

The premises are on the first floor of commercial premises in Central Harrow. The ground floor is occupied by Burtons the Tailors. There is a small area at the rear of the building for the parking of cars.

7.2 Construction

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

7.3 Complaint History

Environmental Health has received six complaints about the premises in the last year. These concern late night disturbance from patrons outside the premises and leakage of music noise.

8. **Determination of the Application**

8.1 Having considered the representations of the objectors and the applicant, the Panel has to determine the application for the renewal.

The Renewal Application

8.2 The legislation does not list the grounds on which the Panel can refuse an application for a renewal, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

8.3 Options available to the Panel:

a. To grant the application as it stands for a full 12 months. Any licence granted would be subject to the Council's Rules of Management.

b. To grant the Licence and, in light of the evidence presented at the hearing, from both the objectors and the applicant, to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises. In circumstances that appear appropriate the Panel may grant the licence for a period less than 12 months.

c. To refuse to renew the licence.

8.4 It should be noted with options (b) and (c) in paragraphs 8.3 that;

i. if the Panel refuse to renew the licence, or if amendments to conditions are imposed, then clear reasons would have to be given to the applicant, and

ii. the applicant would have the right of appeal to a Magistrates Court.

9. **Consultation**

9.1 The application was advertised in accordance with the Council's rules governing applications.

10. Finance Observations

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

11. Legal Observations

11.1 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.

12. Background Papers

12.1 File for the Time, 314 Station Road, Harrow.

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

13. Author

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