

REPORT FOR: LICENSING Panel

Date:	21 August 2017
Subject:	Application to vary a premises licence for M18 Lanes, 16 Church Road, Stanmore, Middlesex, HA7 4AR
Responsible Officer:	Simon Baxter, Divisional Director – Community Directorate
Exempt:	No
Enclosures:	Current premises licence (appendix 1) Location (GIS) Map (appendix 2) Image of premises (appendix 3) Plan of premises (appendix 4) Representations (appendix 5) Summary of proposed times and conditions (appendix 6) Operating schedule (appendix 7)

Section 1 – Summary

An application has been received to vary the premises licence for M18 Lanes, 16 Church Road, Stanmore, Middlesex, HA7 4AR to extend the times for licensable activities and hours open to public. A representation has been received from one residents association.

Section 2 – Report

- 2.1 Maqua Limited has applied to vary the premises licence (appendix 1) for M18 Lanes, 16 Church Road, Stanmore, Middlesex, HA7 4AR. A location map and image of the premises are set out at appendices 2 and 3.
- 2.2 Licensable activities
The applicant has applied to vary the licence according to the following:

2.3

	Current Licence				
	Exhibition of films, Indoor sporting events, Recorded music	live and recorded music, performance of dance and similar	Late night refreshment	Sale of retail alcohol	Hours open to public
Mon	1030 - 2300	1200 - 2000		1030 - 2300	1030 - 2300
Tue	1030 - 2300	1200 - 2000		1030 - 2300	1030 - 2330
Wed	1030 - 2300	1200 - 2000		1030 - 2300	1030 - 2330
Thu	1030 - 2300	1200 - 2000		1030 - 2300	1030 - 2330
Fri	1030 - 2330	1200 - 2000	2300 - 2330	1030 - 2330	1030 - 0000
Sat	1030 - 2330	1200 - 2000	2300 - 2330	1030 - 2330	1030 - 0000
Sun	1030 - 2300	1200 - 2000		1030 - 2230	1030 - 2300

* = Next day

Special Extensions:

Licensable activities and hours open to public can be extended between the terminal hour on new years eve and the commencement hour on the following morning

	New hours				
	Provision of films	Recorded music, Performance of dance, and similar	Late night refreshment	Sale of retail alcohol	Hours open to public
Mon	1030 - 2300		2300 – 0100*	1030 - 2300	1030 - 2330
Tue	1030 - 2300		2300 – 0100*	1030 - 2300	1030 - 2330
Wed	1030 - 2300		2300 – 0100*	1030 - 2300	1030 - 2330
Thu	1030 – 0100*	2300 – 0100*	2300 – 0200*	1030 – 0100*	1030 – 0130*
Fri	1030 – 0200*	2300 – 0200*	2300 – 0300*	1030 - 0200*	1030 – 0300*
Sat	1030 – 0200*	2300 – 0200*	2300 – 0300*	1030 - 0200*	1030 – 0300*
Sun	1030 - 2300			1030 - 2230	1030 - 2300

* = Next day

Special Extensions:

On Bank Holiday weekends, the Licensable Activities and hours open to public to be extended by one hour.

Licensable activities and hours open to public can be extended between the terminal hour on new years eve and the commencement hour on the following morning

2.4 Description of premises

The premises is a bowling ally located on a lower ground floor with restaurant facilities which has undergone extensive refurbishment adding two more lanes to the existing three lanes.

2.5 From officers' observations the premises operates as mainly as a bowling alley. The food side of the business is secondary as the main restaurant is located on the ground floor as a separate enterprise. The premises probably cannot accommodate more than 150 people

2.6 The premises are located on the A410 Church Road. The premises are located on the lower ground floor of a shopping parade with retail uses either side;. There are several

other licensed premises in the direct vicinity of the premises which operate into the early hours of the morning. There are also 3 residential flats located at 15-19 Stanmore House, Church Road.

2.5 History of the premises

The premises have been licensed since February 2008. The premises licence was transferred to the current owners in February 2017

2.6 Designated premises supervisor

Mr Mark Laing

2.7 Details of application

Received: 10 July 2017

Closing date for representations: 7 August 2017

2.8 Representations

Representations have been received from one other person not being responsible authorities (appendix 5).

2.9 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.

2.10 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.

2.11 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.

2.12 Appendix 6 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). The wording of the conditions is taken from the licensing authority's pool of model conditions that is publicly accessible on the council's website.

2.13 Members should be aware that the premises are entitled to provide live or recorded music between 0800 hours and 2300 hours each day, for a premises that is licensed for the sale of alcohol for consumption on the premises. No conditions can be imposed in relation to live or recorded music between those times other than following a review of the premises licence.

2.14 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance¹ that such conditions should only be imposed

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

where it is justified to do so and in order to meet the licensing objectives. However the conditions in appendix 6 already exist on the current premises licence.

- 2.15 Members should be aware of section 14.58 of the statutory guidance regarding planning and building control which states amongst others things:

There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee

- 2.16 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.

2.17 Licensing policy

There are no issues arising from this application in relation to the licensing authority's statement of licensing policy.

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 The Licensing Panel will be aware that it is unable to reduce the existing hours of the premises licence as shown at appendix 3).

- 2.21 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: 7 August 2017		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 7 August 2017		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer Tel: 020 8424 7667

Email: Jeffrey.leib@harrow.gov.uk

Background Papers: Application form, Statutory Guidance.