

# REPORT FOR: LICENSING Panel

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<b>Date:</b>	16 October 2017
<b>Subject:</b>	Application to vary a premises licence for Broadfields Country Club, 220 Headstone Lane, Harrow, Middlesex HA2 6NN
<b>Responsible Officer:</b>	Simon Baxter, Divisional Director – Community Directorate
<b>Exempt:</b>	No
<b>Enclosures:</b>	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)

## Section 1 – Summary

An application has been received to vary the premises licence for Broadfields Country Club, (trading as Blue Room, 220 Headstone Lane, Harrow, Middlesex, HA2 6NN to extend the times for licensable activities and hours open to public. Two representations have been received from resident.

## Section 2 – Report

- 2.1 Earnps Limited has applied to vary the premises licence (appendix 1) for Broadfields Country Club (trading as Blue Room), 220 Headstone Lane, Harrow, Middlesex HA2 6NN. 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

	<i>Current Licence</i>			<i>Late night refreshment**</i>
	<i>Hours open to public</i>	<i>Live music, Recorded music, Performance of dances, and similar, Provision of facilities for music and dance and similar</i>	<i>Sale of alcohol by retail</i>	
<b>Mon</b>	1000 - 2330	1000 - 2300	1000 - 2300	
<b>Tue</b>	1000 - 2330	1000 - 2300	1000 - 2300	
<b>Wed</b>	1000 - 2330	1000 - 2300	1000 - 2300	
<b>Thu</b>	1000 - 2330	1000 - 2300	1000 - 2300	
<b>Fri</b>	1000 – 0030*	1000 – 0000	1000 – 0000	
<b>Sat</b>	1000 – 0030*	1000 - 0000	1000 - 0000	2300 – 0000
<b>Sun</b>	1200 - 2300	1200 – 2230	1200 - 2230	2300 - 0000

\* = Next day

\*\* a licence is only needed for late night refreshment between 2300 and 0500 hours

### Seasonal variations:

Licensable activities can be extended (extended drinking up time) for:

- a) 1 January, New Year's day, one additional hour in the evening
- b) 17 March, St Patrick 's Day, two additional hours in the evening
- c) 23 April, St George's day, one additional hour in the evening
- d) Easter Sunday and Easter Monday, one additional hour in the evening
- e) Sunday prior to May Day Bank Holiday Monday, one additional hour in the evening
- f) May Day Bank Holiday Monday, one additional hour in the evening
- g) Sunday prior to Spring Bank Holiday Monday, one additional hour in the evening
- h) Spring Bank Holiday Monday, one additional hour in the evening
- i) Sunday prior to Summer (August) Bank Holiday Monday, one additional hour in the evening
- j) Summer Bank Holiday Monday, one additional hour in the evening
- k) 24 December, Christmas Eve, one additional hour in the evening
- l) 26 December, Boxing day, one additional hour in the evening

	<i>New hours</i>			
	<i>Hours open to the public</i>	<i>Live music, Recorded music, Performance of dance and similar</i>	<i>Sale of alcohol by retail</i>	<i>Late night refreshment</i>
<b>Mon</b>	1000 – 0100*	1000 - 0000	1000 - 0000	2300 - 0000
<b>Tue</b>	1000 – 0100*	1000 - 0000	1000 - 0000	2300 - 0000
<b>Wed</b>	1000 – 0100*	1000 - 0000	1000 - 0000	2300 - 0000
<b>Thu</b>	1000 – 0100*	1000 - 0000	1000 - 0000	2300 - 0000
<b>Fri</b>	1000 – 0300*	1000 – 0200*	1000 – 0200*	2300 – 0200*
<b>Sat</b>	1000 – 0300*	1000 – 0200*	1000 – 0200*	2300 – 0200*
<b>Sun</b>	1000 – 0000	1000 - 2300	1000 - 2300	n/a

\* = Next day

### Proposed seasonal variations:

1. Sale of alcohol by retail and other licensable activities to extend by one hour on Sundays prior to a Bank Holiday Monday.
2. Sale of alcohol by retail can be extended between the terminal hour on New Year's Eve and the commencement hour on the following morning.

- 2.4 The application is also to amend the premises plan (see appendix 4) and to remove some existing licence conditions (see paragraphs 2.14 – 2.15 below).
- 2.5 Description of premises  
The premises are described on the application form as providing restaurant and banqueting facilities. The application also states that it “creates a banqueting part to this existing restaurant part of the venue”.
- 2.6 The premises are located at the end of a cul-de-sac leading from Headstone Lane. It adjoins the Headstone Lane playing fields whilst also being in close proximity to houses in Bannister Close, Broadfields and Random Close.
- 2.5 History of the premises  
The premises were first licensed as Harrow Community Sports Club Ltd by the licensing justices on 4 June 2003. This was converted to a premises licence on 24 November 2005. It was transferred to the current premises licence holder on 25 May 2016.
- 2.6 Designated premises supervisor  
Dilip Patel
- 2.7 Details of application  
Received: 8 September 2017  
Closing date for representations: 6 October 2017  
The application has been advertised in accordance with the prescribed regulations
- 2.8 Representations  
Representations have been received from two other people not being any of the responsible authorities (appendix 5).
- 2.9 Operating schedule and conditions  
Members will be aware that an operating schedule forms part of the licensing application 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 8.38 – 8.46 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.
- 2.12 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.

2.13 Conditions must also be clear, understandable, capable of being complied with by the premises licence holder and enforceable as breach of any condition is a criminal offence.

2.14 The premises licence holder has applied to remove the following conditions from annex 2 of the licence (conditions consistent with the operating schedule) as below:

Number	Condition	Reason
2	Toughened glass is currently in use and will continue to be used.	This condition will be removed, as the premises are no more a pub. This is a restaurant and banqueting venue
4	SIA door supervisor is employed during busy periods.	As above
5	Incidents are logged and recorded in an incident report book	This a more appropriate condition for a Pub/night club/off licence
6	The premises operate a proof of age scheme.	
7	No entry allowed to the premises one hour before the end of licensable activities.	
8	Door supervisors and management monitor the behaviour of customers leaving the premises and display signs encouraging customers to leave the premises quietly.	Will be modified as above
10	AWP (Amusement with prize) machines are to be emptied every night	Removed as no such machines are present any more

2.15 The premises licence holder has applied to remove the following conditions from annex 3 of the licence (conditions attached after a hearing by the licensing authority) as below:

Number	Condition	Reason
4	Amplified sound equipment must be governed by sound limiting equipment set at a level approved by environmental health officers.	The premises have gone through a significant improvement in noise insulation and triple glazing.
5	An accurate and up to date logbook must be maintained in a format prescribed by the licensing authority.	To be removed

2.16 The premises licence holder has proposed adding the following conditions:

*(1) Prevention of crime and disorder*

Adequate number of door supervisors will be provided according to bookings.

*(2) Prevention of public nuisance*

External area will be closed for sale of alcohol after 2300.

*(3) The protection of children from harm*

The premises will operate a Challenge 21 Policy.

- 2.17 The applicant has agreed a set of conditions with the licensing authority's officers in light of the operating schedule, which are set out for the Panel's consideration at appendix 6. Conditions (1) and (2) referred to in paragraph 2.16 above have been re-worded following discussions with the licensing authority's officers. The premises licence is already subject to a mandatory condition to have an age verification policy in place in relation to the proposed condition (3) in paragraph 2.16.

Whilst appendix 6 is provided for the Panel's assistance, the Panel is reminded that any final decision on this application and any conditions to be applied on the licence is the Panel's decision taking in to account all relevant matters, including the representations, legislation, statutory guidance and Harrow's Licensing Policy.

- 2.18 Members should be aware that the premises are entitled to provide live or recorded music between 0800 hours and 2300 hours each day, for premises 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.
- 2.19 When imposing conditions relating to CCTV the Panel should bear in mind the Information Commissioner's guidance<sup>1</sup> 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 6 already exist on the current premises licence.
- 2.20 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.

2.7 Licensing policy

Paragraph 6.3 of the licensing authority's statement of licensing policy sets out matters that the Panel may take into account when considering representations (although the Panel is not limited to these matters) including:

- noise reduction measures associated with licensable activities, particularly near to residential properties such as noise limiters, acoustic lobbies, double glazing, ventilation systems etc
- noise mitigation measures associated with licensable activities, particularly near to residential properties
- effective wind-down and dispersal policies
- noise from people arriving at or leaving from the premises and which is related to licensable activities

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<sup>1</sup> [https://ico.org.uk/media/for-organisations/documents/1565/ico\\_view\\_on\\_cctv\\_in\\_pubs.pdf](https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf)

- arrangements in place for hiring licensed premises for private parties especially younger “anniversary birthday” parties

2.21 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.

2.22 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.

2.23 The Licensing Panel will be aware that it cannot reduce the existing licensable activity hours of the premises licence.

2.24 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: 2 October 2017		
Name: Baljeet Virdee	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 6 October 2017		

## Section 4 - Contact Details and Background Papers

**Contact:** Jeffrey Leib, Principal Licensing Officer Tel: 020 8424 7667  
Email: [Jeffrey.leib@harrow.gov.uk](mailto:Jeffrey.leib@harrow.gov.uk)

**Background Papers:** Application form, Statutory Guidance.