

REPORT FOR: LICENSING PANEL

Date of Meeting: 28 February 2018

Subject: Consideration of an objection notice to a Temporary Event Notice submitted for Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ

Responsible Officer: Paul Walker – Corporate Director, Community Directorate

Exempt: No

Enclosures: Premises Licence
Objection from Environmental Protection

Section 1 – Summary

A Temporary Event Notice under the Licensing Act 2003 has been submitted to the Licensing Authority (Harrow Council) to permit licensable activities at Maya Pub, 3 Shaftesbury Parade, Shaftesbury Avenue, South Harrow, Middlesex, HA2 0AJ.

The event – a private student night - is to take place from 3 to 4 March 2018. The Environmental Health Department has submitted an objection to the temporary event notice. In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the Environmental Health Department (responsible authority), premises user and licensing authority agree that a hearing is unnecessary.

Representations received

From	Relevant Representations details
Metropolitan Police	No representation received
Environmental Health Authority	Objection notice received

Section 2 – Report

2.1 Current situation

- 2.1.1 A temporary event notice has been submitted to the licensing authority by the applicant, Mr Rabindra Gurung, (the Designated Premises Supervisor of Maya Pub) to authorise the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment at the premises from 2200 hours on Saturday 3 March 2018 to 0330 hours on Sunday 4 March 2018.
- 2.1.2 The premises licence currently allows these activities until 2330 hours and for the premises to stay open until midnight on Saturday. It is therefore an extension of four hours. The premises licence is attached.
- 2.1.3 The Environmental Health Department has submitted an objection notice to the temporary event notice on the grounds of public nuisance as set out in the enclosure.

2.2 Legal Implications

- 2.2.1 Pursuant to the provisions of section 105(2)(a) of the Licensing Act 2003, the Licensing Authority must hold a hearing to consider the objection notice, unless all parties (i.e. - the premises user, the relevant person who gave the objection notice and the licensing authority) agree that a hearing is unnecessary. The hearing must be held in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.2.2 The Licensing Panel is required to give appropriate weight to the objection (including supporting information), 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 licensing objectives.
- 2.2.3 Having considered those relevant matters and the objection notice, the Licensing Panel is required to do one of the following:
- Give the premises user a counter notice (prohibiting the event) if it considers it appropriate for the promotion of a licensing

objective(s) to do so, and a notice stating the reasons for its decision, and give each relevant person (police and environmental health authority) a copy of both these notices;

- b. Decide not to give a counter notice, giving notice of this decision to the premises user and each relevant person (police and environmental health authority).

2.2.4 It should be noted with these options that clear reasons should be given to the parties for the decision to issue or not to issue a counter notice.

2.2.5 In the case of TEN in respect of a premises for which there is already a premises licence (or club premises certificate) in place, the licensing authority can impose conditions from the existing premises licence or club premises certificate if:

- the police or environmental health authority have objected to the TEN(s)
- the objection has not been withdrawn
- the relevant licensing authority has decided under section 105 of the Licensing Act 2003 not to give a counter notice
- it considers that imposing the conditions would be appropriate to promote the licensing objectives
- the conditions would not be inconsistent with the carrying out of the licensable activities under the TEN

Where the licensing authority decides to impose conditions, the Licensing Act 2003 and relevant regulations set out the manner in which these must be notified to the premises user.

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

- The common law rules of natural justice.
- The provisions of the Human Rights Act 1998.
- The considerations in section 17 of the Crime and Disorder Act 1998 as below:

'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.'

2.3 Financial Implications

None

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 20.02.18		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 20.02.18		

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Licensing Services Manager, ext 6267

Background Papers: Licensing Act 2003, Statutory Guidance