
REPORT FOR: LICENSING PANEL

Date of Meeting:	18 June 2019
Subject:	Application for review of the premises licence for Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA
Responsible Officer:	Paul Walker – Corporate Director – Community Directorate
Exempt:	No
Wards affected:	Greenhill
Enclosures:	Application for review (appendix 1) Location map and image (appendix 2 and 2a) Current premises licence, plan and dispersal policy (appendix 3) Representations (appendix 4) Relevant statutory guidance re licensing objectives – (appendix 5) Relevant sections of licence review guidelines from the licensing policy (appendix 6)

Section 1 – Summary

An application has been received from an ‘other person’ (i.e. a member of the public, not a responsible authority) to review the premises licence for Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA, on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health	<i>Two representations received</i>
Trading Standards	No representations received
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
<i>Metropolitan Police</i>	<i>Representation received</i>
<i>Licensing authority</i>	No representations made

Representations from other persons

One representation has been received from 'other persons', being a member of the public (in addition to the application for a review).

Section 2 – Report

1. An application has been made by an other person, who is a member of the public, to review the premises licence of Club KTM, 32 Railway Approach, Wealdstone, HA3 5AA on the grounds of preventing crime and disorder, public safety and the prevention of public nuisance (appendix 1).
2. Description of premises
The premises are located on a busy part of Station Road, opposite the Harrow Civic Centre. The premises comprise a two storey building of which both floors are used for the activities of the club.
3. An image of the premises and a location map are provided at appendix 2.
4. Licensing history
12 October 2010 – The premises licence granted.
5. 26 May 2017 - The premises licence was transferred and the Designated Premises Supervisor (DPS) was varied. The premises licence holder and the DPS are Mr Prakash Pradhan
6. 9 August 2017 - an application to vary the premises licence was received. The application sought to extend hours for licensable activities as follows:

Live music, recorded music, performance of dance and the sale of alcohol: Sunday – Wednesday 12:00 – 02:00 (the following morning), and Thursday – Saturday – 12:00 – 04:00 (the following morning)

Late Night refreshment: Sunday – Wednesday: 23:00 – 02:00 (the following morning) and Thursday – Saturday – 23:00 – 04:00 (the following morning).

In light of representations received against the application a hearing before the licensing Panel was required. The Panel granted the hours sought subject to conditions which appear on the current premises licence (Appendix 3)

7. 3 January 2018 - A review application was made by the Metropolitan Police. The application alleged the undermining of the prevention of crime and disorder, the prevention of public nuisance and public safety objectives. The licensing hearing that considered the application resolved that no further steps were to be taken to promote the licensing objectives. The reason for the decision was (in summary) that the alleged incident that had been reported as taken place inside the club was a false allegation.
8. Details of the application
Received: 26 April 2019
The application has been advertised in accordance with the prescribed regulations.
9. Representations
There have been four representations. Three being from responsible authorities and one being from 'other persons', being a member of the public. See appendix 3.
10. Officer observations in summary
The application has been submitted to the authority by Ms Daya and Mr Uday Patel. The application alleges that the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and public safety are being undermined.
11. Two representations have been received from Environmental Health Officers. Mr Norton's representations concentrates on public safety issues and Ms Smith's representation concentrates on the prevention of public nuisance. The representation from the Metropolitan Police sets out the incidents that have been recorded at the premises since 2 June 2018 due to crime and disorder and anti social behaviour. The application and the representations received from Environmental Health and the Metropolitan Police, suggest that the hours for licensable activities and hours open to public be reduced and conditions be added to the licence to further uphold the objectives. The current dispersal policy has been attached to this report (appendix 3).
12. The representation from the other person – a member of the public – expresses concern about the licensing objectives being undermined and includes links to videos and photos taken contemporaneously when problems have arisen.

13. Statutory guidance

Information from the statutory guidance regarding the licensing objectives has been attached to this report. See appendix 4.

14. Licensing policy

The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 5. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.

15. Legal implications

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.

16. 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.

17. 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 –

- a. to modify the conditions of the licence;
- b. to exclude any of the licensable activities from the scope of the licence;
- c. to remove the designated premises supervisor;
- d. to suspend the licence for a period not exceeding 3 months;
- e. to revoke the licence;

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

If the Panel takes a step mentioned in a or b of paragraph 17 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.

18. It should be noted that –

- a. clear reasons must be given for the decision; and
- b. any additional or modified conditions should be practicable and enforceable.

19. 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.
20. In addition to determining the application in accordance with the legislation, Members must have regard to the –
- a. common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc.);
 - b. provisions of the Human Rights Act 1998;
 - c. Considerations in section 17 of the Crime and Disorder Act 1998.
21. 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).
22. As per paragraph 20.b. above, the Panel 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

23. There are no financial implications.

Appeals

24. 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 Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 5 June 2019		

Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 4 June 2019		

Name: Paul Walker	<input checked="" type="checkbox"/>	Corporate Director
Date: 3 June 2019		

Ward Councillors notified:	Yes
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Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, Ext. 6267

Background Papers:

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Licensing Act 2003:

<http://www.legislation.gov.uk/ukpga/2003/17/contents>