



Report for: Licensing Panel

Date of Meeting: 17/09/2024

Subject: Consideration of an objection notice to a
Temporary Event Notice submitted for Unit
2, Brember Road, South Harrow, HA2 8AX

Responsible Officer: Cathy Knubley
Acting Strategic Director of Culture,
Environment and Economy

Exempt: No

Wards affected: Roxeth

Enclosures: Appendix 1 Temporary Event Notice.
Appendix 2 Objection from Environmental
Health.
Appendix 3 Location map.

Section 1 – Summary

The Licensing Panel is to consider and determine an application for a Temporary Event Notice made under the Licensing Act 2003 and that has been submitted to the Licensing Authority (Harrow Council) to permit licensable activities at Unit 2, Brember Road, South Harrow, Harrow, HA2 8AX.

Representations received

[Environmental Health objection notice received.](#)

Section 2 – Report

2.1 Current situation

- 2.1.1 A temporary event notice dated 2 September 2024 has been submitted to the Licensing Authority by the applicant, Ms Notoya Johnson to authorise the supply of alcohol for consumption on the premises, the provision of regulated entertainment and the provision of late night refreshment for the Premises at Unit 2, Brember Road, South Harrow, Harrow, HA2 8AX (the “**Premises**”) from 20:00 on 27 September 2024 to 02:00 on 28 September 2024 (the “**TEN**”). The application states the maximum occupancy during the event will be 80 people. A copy of the TEN can be found at Appendix 1 of this report and states that the event will be to host a YouTube dating show followed by an after party.
- 2.1.2 The Environmental Health department has submitted an objection notice to the TEN on the grounds of the prevention of public nuisance. They indicate that this objective may be undermined if the event is allowed to go ahead. A copy of the objection can be found at Appendix 2 of this report.
- 2.1.3 The Premises are not currently licensed and Brember Road is mainly commercial premises, however, it is surrounded by residential properties, which provide access to the Premises.
- 2.1.4 . The objection states (in part) “*The previous event attracted a number of complaints from the general public in relation to noise and parking issues, and officers from the Council who visited the event to monitor noise levels were satisfied that the noise levels of the music that could be heard outside the unit would constitute a nuisance.*” The event referred to in this statement took place on 2 August 2024 under a temporary event notice, which was granted following a hearing by the Licensing Panel..

2.2 Legal Implications

- 2.2.1 Pursuant to the provisions of section 105(2)(a) of the Licensing Act 2003 (the “**Act**”), the Licensing Authority must hold a hearing to consider the objection notice, unless all parties (i.e. - the applicant, 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 representations before it (including supporting information), the Guidance issued pursuant to section 182 of the Act, 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 , the Licensing Panel is required to do one of the following:

- a. Give the applicant 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. If a counter notice is served the applicant may appeal the decision to the Magistrate's Court.

2.2.5 In the case of a temporary event notice 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 Act 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 and in accordance with paragraph 2.2.2 above, Members must also have regard to the following –

- The common law rules of natural justice.
- The provisions of the Human Rights Act 1998.

3 Financial Implications

3.1 There are no financial implications, other than a small fee income relating to the temporary event notice.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.

No

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Failure to determine the application for a new premises licence would put the Licensing Authority in breach of its obligations under the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.	The Authority must determine this application within the timescales set by prescribed regulations	Green
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Section 3 - Statutory Officer Clearance

[Note: If the report is for information only, it is the author's responsibility to decide whether legal and / or financial / Corporate Director clearances are necessary. If not, the report can be submitted without these consents.]

Statutory Officer:

Signed on behalf of the Chief Financial Officer Caroline Parker on behalf of Sharon Daniels

Date: 10-09-24

Statutory Officer: Baljeet Virdee

Signed on behalf of the Monitoring Officer

Date: 11 September 2024

Chief Officer: Cathy Knubley

Signed by the Acting Strategic Director of Culture, Environment and Economy

Date: 6 September 2024

Mandatory Checks

Ward Councillors notified: NO

Section 4 - Contact Details and Background Papers

Contact: Alan Riley, Enforcement Officer

Alan.riley@harrow.gov.uk

Background Papers: Background Papers: Licensing Act 2003 Statutory Guidance (issued December 2023).

[Revised guidance issued under section 182 of the Licensing Act 2003 - December 2023.pdf \(publishing.service.gov.uk\)](#)

London Borough of Harrow – Statement of Licensing Policy

[Harrow Council Statement of Licensing Policy 2022](#)