

<b>Meeting:</b>	Licensing Panel
<b>Date:</b>	19 <sup>th</sup> March 2007, 19.30hrs
<b>Subject:</b>	Application to vary a Club Premises Certificate, Tithe Farm Social Club
<b>Responsible Officer:</b>	Chief Environmental Health Officer
<b>Contact Officer:</b>	P Sivashankar, Service Manager, ext 6237
<b>Portfolio Holder:</b>	Councillor Susan Hall
<b>Key Decision:</b>	No
<b>Status:</b>	Public
<b>Enclosures</b>	

### Section 1: Summary

#### **Decision Required**

Members are asked to determine the application in accordance with the guidance in Section 2.5.

#### **Reason for report**

The application to vary a Club Premises Certificate licence issued under the Licensing Act 2003 to the 'Tithe Farm Sports and Social Club,' 151 Rayners Lane, HA2 0XH, has received representations from a Responsible Authority. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt by the Licensing Panel.

#### **Representations Received**

<b>From</b>	<b>Relevant Representations details</b>
The Planning Authority	No representation received
Health & Safety	No representation received
Environmental Health Authority (Pollution and environmental enforcement)	No representation received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	<b>Representation Received</b>

## Representation from interested parties

From	Relevant Representations details
Interested Party	No representations received

## Benefits

The hearing provides the applicant, persons making the representations and the Licensing Authority an opportunity to engage in constructive dialogue to determine the application in an open public forum.

## Cost of Proposals

None

## Risks

If any party is aggrieved with the decision on one of the grounds set out in paragraphs 1 and 4 in Schedule 5 to the Licensing Act 2003, they can appeal to the Magistrates Court. Such appeals are by way of rehearing. The Appeal period is 21 days from notification of the decision.

## Implications if recommendations rejected

N/A

## Section 2: Report

### 2.1 Brief History

2.1.1 Application has been made by Mr. Andrew Marshall, the secretary, to vary the Club Premises Certificate held for the 'Tithe Farm Sports and Social Club,' 151 Rayners Lane, South Harrow HA2 0XH. The current certificate allows the sale of alcohol for consumption on and off the premises, performance of plays, indoor sporting events, live and recorded music, performances of dance and anything similar. A copy of the certificate is included in this report.

2.1.2 Briefly, the premises hold a licence for:

- The **sale of alcohol** from 12.00 (MD) to 00.00 (12MN) Monday to Thursday inclusive, until 01.30 Friday and Saturday and until 23.30 on Sunday.
- **Performance of plays** from 19.00 – 23.00 on Thursday, 20.00 – 23.00 Friday and Saturday.

- **Indoor sporting events** from 0900 – 22.00 on all days except Tuesdays and Thursdays, when it ends at 23.00.
- **Live music** is from 20.00 – 00.00 (12MN) on Monday to Thursday inclusive, until 01.00 on Friday and Saturday and until 23.30 on Sunday.
- **Recorded music** from 13.00 – 00.00 (12MN) on Monday to Thursday, 13.00 - 01.00 on Friday, 12.00 (12MD) – 01.00 on Saturday and 12.00 - 23.30 on Sunday.
- **Performances of dance**, 20.00 – 00.00 (12MN) Monday to Thursday, 20.00 – 01.00 Friday and Saturday, 20.00 – 23.30 on Sunday.
- **Anything similar to live and recorded music and performance of dance**, 20.00 – 00.00 (12MN) Monday to Thursday, 20.00 – 01.00 Friday and Saturday and 20.00 – 23.30 on Sunday.

There are no ‘hours open to the public.’

2.1.2 The suggested new operating routine can be found in the application form in sections A (plays) C (Indoor sporting events) E (live music) F (recorded music) G (performance of dance) H (anything similar) I (Provision of facilities for making music) J (facilities for dancing) K (provision of facilities similar to I or J) and L (supply of alcohol to members and guests.) The times suggested are as follows:

Plays	No change	
Indoor sporting	Tuesday and Thursday	09.00 – 23.30
	Other days	09.00 – 22.00
Live music	Monday to Sunday	20.00 – 02.00
Recorded music	Monday to Sunday	09.00 – 02.00
Performance of dance	Monday to Sunday	20.00 – 02.00
Anything similar	Monday to Sunday	20.00 – 02.00
Facilities for making music	Monday to Sunday	20.00 – 02.00
Facilities for dancing	Monday to Sunday	20.00 – 02.00
Facilities similar	Monday to Sunday	20.00 – 02.00
Supply of alcohol	Monday to Sunday	12.00 – 02.00
Hours open to	Monday to Sunday	09.00 – 02.00

members/guests

The steps taken to promote the licensing objectives are at 'P.' The panel may wish to decide if these steps are adequate. The hours open to members and guests (section 'M') equate to the last serving times, so there is no provision for a 'drinking up' period.

The premise operates as a social members club, and is situated in Rayners Lane between the junctions of Clitheroe Avenue and Maryatt Avenue. It has held a Justices' Licence since at least 2002. There is residential accommodation provided nearby, which is likely to be occupied. A map showing the area is attached to the report.

The steps to be taken by the licensee to uphold the licensing objectives are attached. The panel may wish to consider if these are valid and coherent proposals.

### 2.1.3 Policy Implications

In relation to the Council's policy at paragraph 8.3 and 8.8, the applicant has addressed how they intend to promote the licensing objectives; however members may consider attaching additional conditions.

## 2.2 Representations

2.2.1 The application has received representations from one Responsible Authority. A copy of this representation is attached to this report.

## 2.3 Consultation

2.3.1 The application was advertised in accordance with the Regulations under the Licensing Act 2003.

## 2.4 Financial Implications

None.

## 2.5 Legal Implications

2.5.1 The Licensing Panel is required to hold a hearing to consider the relevant representations unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.5.2 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 necessary to promote the four licensing objectives.

2.5.3 Having considered those relevant matters, the Licensing Panel is required to take such of following steps (if any) as it considers necessary for the promotion of the four licensing objectives –

- a. To modify the conditions of the licence.
- b. To reject the whole or part of the application

2.5.4 It should be noted with all options that –

- a. Clear reasons would have to be given to the applicant and to the interested party if the application were granted, refused or, if additional conditions were imposed.
- b. Any additional conditions should be practical and enforceable.
- c. 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.

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

- a. The common law rules of natural justice.
- b. The provisions of the Human Rights Act 1998.
- c. The considerations in section 17 of the Crime and Disorder Act 1998 (see below).

2.5.6 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 and Freedoms. 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).

## 2.6 Equalities Impact

N/A

## 2.7 Section 17 Crime and Disorder Act 1998 Considerations

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, and the need to do all that it reasonably can to prevent crime and disorder in its area.

The Borough Commander has made a representation through Sgt. Davis, Police Licensing Officer on the Crime Prevention objective outlining measures to prevent crime and disorder.

### SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: CAROL MANDUKA Date: 9 <sup>TH</sup> MARCH 2007
Monitoring Officer	<input checked="" type="checkbox"/>	Name: DAVID GALPIN Date: 9 <sup>TH</sup> MARCH 2007

#### **3.1 : Supporting Information/ Background Documents**

1. Application
2. Representation
3. Annex 2 Conditions drawn from the Operating Schedule provided by the Applicant
4. Mandatory Conditions that would be attached to the licence if granted

#### **Annex 2 – Conditions consistent with the operating Schedule**

##### **General**

##### **The prevention of crime and disorder**

*The CCTV system to be maintained and operated in good order and to the satisfaction of Met Police Crime Prevention Officer's reasonable requests. The medium upon which the images are recorded will be clearly identifiable, stored securely, retained for a period of not less than 31 days, and it will be made available to Council and Police Officers on request*

##### **Public Safety**

*All drinks to be served in plastic glasses.*

##### **The prevention of public nuisance**

*A sound limiter to be kept operational during regulated entertainment, and the limiter to be set to the reasonable request of the Licensing Authority.*

##### **The protection of children from harm**

*Members children under the age of 16 are not allowed onto the premises unless they are accompanied by their parent/guardian whilst on the premises.*

## **MANDATORY CONDITIONS**

### **19 Mandatory conditions where licence authorises supply of alcohol**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **20 Mandatory condition: exhibition of films**

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,Admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section-  
"Children" means persons aged under 18; and

"Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

## **21 Mandatory condition: door supervision**

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
  - (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) In respect of premises in relation to-
    - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
  - (a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

**Contact:** P. Sivashankar, Licensing Services Manager

**Background Papers:** As 3.1



**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES/ NO
2.	Corporate Priorities	YES / NO
3.	Manifesto Pledge Reference Number	N/A