

LONDON BOROUGH OF HARROW

Meeting:	LICENSING PANEL
Date:	24TH FEBRUARY 2004
Subject:	REPORT BACK TO THE PANEL OF THE APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENTS LICENCE THE TRINITY BAR, 378/380 STATION ROAD, HARROW.
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION AND EXISTING LICENCE

1. Summary and background

- 1.1 This report gives details of a report back to the Panel of the application for the renewal of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The Panel will be aware that on 29th July 2003, the Panel renewed the licence application with variations for a six month trial period. This trial expired on 28th January 2004.
- 1.2 There have been no complaints about the premises in the last six months. The Metropolitan police are not objecting to the renewal.

2. Recommendations (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 7, below.**

3. Relevant Previous Decisions

- 3.1 The Panel has met the applicants on a number of occasions, the decisions of relevance to the current application are the following:

29th July 2003 – The applications for renewal and variation was referred to the Panel after the agreement reached as part of the appeal process (see para.5 below). The Panel granted the application for Renewal with restricted last entry conditions and granted the variation for a trial period of six months.

6th February 2003 – An application for renewal of the licence was granted with a change to remove the scope for re-entry in the last entry condition. An application for variation of the licence to remove the last entry condition was refused and an application to extend opening hours on a Sunday night to 12.30am was granted.

4. Relevance to Corporate Priorities

- 4.1 While this report is in response to a request for the renewal of a licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits and a prosperous local economy.

5 Background Information

- 5.1 Application has been made for the renewal of the existing Annual Entertainments Licence for Trinity Bar, 381 Station Road, Harrow. Mr Martin Blake and Mr Shaun Eyles, the owners of the premises, have made the application. The premises have been licensed for public entertainments since 1993.

- 5.2 The premises are licensed for up to 200 persons, the premises are suitable for this number. A copy of this licence is appended to this report.

- 5.3 the conditions are: No admission or re-entry after midnight
- Numerical counters to operate on all doors.
- 5.3.1 On Friday and Saturday nights the last time of entry is to be 1 a.m.
- 5.3.2 The last entry time in 5.3.1 above is for a trial period of 6 months from the date of grant and the position regarding Trinity will be reviewed at the end of this period.

- 5.4 The chief planning officer advises that there are no planning restrictions on the use of the premises.

- 5.5 Members may recall the issues in front of the Panel at the meeting in February 2003. The Panel had to decide on the renewal of the licence and a variation application. The renewal was referred to the Panel as, following a visit by officers in the summer of 2002 the premises appeared to be overcrowded, it was not considered appropriate that officers used their delegated powers to grant the renewal. The variation application, firstly, sought the removal of the last entry condition from the licence, the Metropolitan Police objected to this application. The second part of the variation application, the grant of additional opening hours on a Sunday night to 12.30am, was not appealed.

- 5.6 The appeal submitted by the applicants related to the renewal decision and the decision on this first part of the variation application. The applicants appealed to the Harrow Magistrates Court against the majority of the decisions of the Panel on the 6th February and the appeal was to be heard on the 27th June 2003. On the morning of the hearing the applicants made proposals for the postponement of the appeal hearing, subject to a referral back to the Panel.
- 5.7 This renewal was referred to the Panel as, the Panel requested the referral as the last entry conditions were amended on a 6 month trial basis at the July 2003 hearing to monitor the impact in the neighbourhood of the amendment.

6. The Premises

6.1 Location

The premises are at the end of a terrace of commercial properties at the southern end of Station Road, Harrow. There is no on-site car parking for patrons. Parking is available on the street and in the Council car park in Gayton Road.

6.2 Construction

The premises are of solid construction and meet the requirements of the Council's Technical Regulations regarding construction.

6.3 Complaint History

The Panel will be aware of problems of fly-posting in the Borough associated with entertainments at Trinity Bar. Environmental Health has received no other complaints about the premises in the last year.

7. Determination of the Application

- 7.1 This situation is unusual and there are no established procedures for a referral back to the Panel. Members of the Panel should address the proposals described in Section 5 of this report.

The Renewal Application

- 7.2 The legislation does not list the grounds on which the Panel can refuse an application for a renewal, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

7.3 Options available to the Panel:

- a. To grant the application as it stands for a full 12 months, starting from 29 January 2004. Any licence granted would be subject to the Council's Rules of Management.
- b. To grant the Licence and, in light of the evidence presented at the hearing, to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises. In circumstances that appear appropriate the Panel may grant the licence for a period less than 12 months.
- c. To refuse to renew the licence.

7.4 It should be noted with options (b) and (c) in paragraphs 7.3 that;

- i. if the Panel refuse to renew the licence, or if amendments to conditions are imposed, then clear reasons would have to be given to the applicant, and
- ii. the applicant would have the right of appeal to a Magistrates Court

8. **Consultation**

- 8.1 The original applications for both the renewal and the variation were advertised in accordance with the Council's rules governing applications. Details of the variation application were attached to the Planning Application lists.

9. **Finance Observations**

- 9.1 There are no financial implications for the Council relating to the consideration of this application by the Panel.

10 **Legal Observations**

- 10.1 In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

11. **Background Papers**

- 11.1 File for the Trinity Bar, Station Road, Harrow.
- 11.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

12. **Author**

- 12.1 Shankar P Sivashankar 8420 9605

Pels 201.doc