

REPORT FOR: LICENSING PANEL

Date of Meeting:	29 November 2010
Subject:	Application to vary the premises licence held in respect of 'Everbubbles' (trading as Day One), 197 Streatfield Road, Kenton, Harrow, HA3 9DA
Responsible Officer:	Brendon Hills, Corporate Director, Community & Environment
Exempt:	No
Enclosures:	Premises Licence Variation Application Premises Plan Location Map Representation

Section 1 – Summary

An application to vary the premises licence issued under the Licensing Act 2003 in respect of "Everbubbles" (trading as Day One), 197 Streatfield Road, Kenton, Harrow, HA3 9DA, has attracted a representation from a Responsible Authority, the Metropolitan Police on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	Representation received

Representations from interested parties

From	Relevant Representations details
Interested Parties	No representations received

Section 2 – Report

Current situation

- 2.1 There is currently a premises licence in force at “Everbubbles”, 197 Streatfield Road, Kenton, Harrow, HA3 9DA. The premises is a shop authorised to sell alcohol. Briefly, the premises licence authorises the sale of alcohol for consumption off the premises during the following timings:

Monday to Saturday	08.00am – 11.00pm
Sunday	10.00am – 10.30pm

- 2.2 The current premises licence holders, Mr Prakash Patel and Ms Nita Patel have applied to vary the premises licence so as to permit sale of alcohol during the following times:

Monday to Sunday	12.00am – 12.00am (i.e. 24hours a day)
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- 2.3 The premise is situated at 197 Streatfield Road, Harrow, in a parade of commercial premises, with nearby residential premises. A map of the area is attached to this report.

Representations

- 2.4 The Metropolitan Police through Sergeant Davis have submitted a representation. A copy of this representation is attached to this report.

Consultation

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

Licensing Implications

- 2.6 In relation to the Council’s Licensing policy at paragraphs 8.3 and 8.8, the applicant has addressed how they intend to promote the licensing objectives.

Legal Implications

- 2.7 The Licensing Panel is required to hold a hearing to consider the variation application and any 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.
- 2.8 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.

2.9 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

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

2.10 It should be noted with all options that –

- Clear reasons should be given for the decision.
- Any additional or modified conditions should be practical and enforceable
- 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

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

- 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

2.12 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).

Community Safety

2.13 In relation to section 17 of the Crime and Disorder Act 1998, this 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.

2.14 The Borough Commander, through Sergeant Davis, has made a representation against this application.

Financial Implications

2.15 There are no financial implications.

Risk Management Implications

- 2.16 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. Such appeals are by way of re-hearing. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 19 November 2010		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 19 November 2010		

Section 4 - Contact Details and Background Papers

Contact: Mr P Sivashankar, Head of Licensing Services, ext 6237

Background Papers:

Premises Licence
Variation Application
Premises Plan
Location Map
Representation