

## REPORT FOR: **LICENSING PANEL**

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**Date:** 31 March 2011

**Subject:** Application for a Summary Review of the Premises Licence held in respect of 'JDs Lounge', 25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED

**Responsible Officer:** Mr Finlay Flett, Head of Community Safety Services

**Exempt:** No

**Enclosures:** Application for Summary Review;  
Certificate under Section 53A(1)(b) Licensing Act 2003;  
Premises Licence;  
Plan of the premises;  
Location (GIS) Map;  
Representation from Metropolitan Police;  
Representation from two Interested parties;  
Summary Review Application;  
Consideration of Interim Steps under Section 53B Licensing Act 2003;  
Letter of Determination of Interim steps 11 March 2011;  
Letter of Determination of Interim Steps 18 March 2011;  
Consideration of a Representation against the Interim Steps under Section 53B Licensing Act 2003;  
Witness Statements;

### **Section 1 – Summary**

An application has been made by the Metropolitan Police for a summary review of the premises licence for **'JDs Lounge'** a premises located at **25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED** on the grounds that the premises are associated with serious crime or serious disorder or both.

## **Section 2 – Report**

### **2.1 Current Situation**

2.1.1 There is a premises licence in force at ‘JDs Lounge’ a premises situated at 25 The Broadwalk, North Harrow, HA2 6ED. A copy of the premises licence is attached to this report. Briefly, the premises licence authorises the following licensable activities:

Sale of Alcohol	Monday-Wednesday	1000am – 1130pm
	Thursday	1000am – Midnight
	Friday - Saturday	1000am – 0200am <sup>(following morn)</sup>
	Sunday	1200pm – 1130pm
Facilities for music, dancing or similar	Monday - Tuesday	1000am – 1130pm
	Wednesday-Thursday	1000am – Midnight
	Friday – Saturday	1000am – 0200am <sup>(following morn)</sup>
	Sunday	1200pm - Midnight
Films, Live Music, Recorded Music, or similar	Monday-Wednesday	1000am – 1130pm
	Thursday	1000am – Midnight
	Friday - Saturday	1000am – 0200am <sup>(following morn)</sup>
	Sunday	1200pm – 1130pm
Open to Public	Monday-Wednesday	1000am – Midnight
	Thursday	1000am – 0030am <sup>(following morn)</sup>
	Friday – Saturday	1000am – 0230am <sup>(following morn)</sup>
	Sunday	1200pm - Midnight

2.1.2 A summary review application has been made by the Metropolitan Police on the grounds that the premises are associated with serious crime or serious disorder or both. A copy of the application for the review and accompanying certificate are attached to this report.

2.1.3 The premises is situated at 25 The Broadwalk, Pinner Road, North Harrow, HA2 6ED, in a parade of commercial properties with residential premises immediately opposite the premises. A map of the area is attached to this report.

### **2.2 Representations**

The Metropolitan Police through Sergeant Carl Davis has submitted an application to review the premises licence. A copy of this representation and accompanying certificate are attached to this report. Representations from two interested parties were made following the initial summary review application. Copies of these representations are attached to this report.

### **2.3 Consultation**

The review application was advertised at the council offices and on the premises in accordance with the requirements under the Licensing Act 2003.

## **2.4 Licensing Guidance Implications**

The Council has previously imposed a suspension as an interim step on the grounds of serious crime and disorder. On consideration of the review, the panel can consider representations about any of the licensing objectives and is not limited to the prevention of crime and disorder objective.

The panel minutes from the interim steps hearing are available to this panel as background papers, however the panel are not bound by the decision of the panel who considered the interim steps and new information may be submitted by any party, which must be considered.

The licensing authority must hold a review of the premises licence within 28 days of receipt of the application for a summary review of a premises licence. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

## **2.5 Legal Implications**

2.5.1 The Licensing Panel is required to hold a hearing to consider the summary review application and any relevant representations. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.5.2 Having considered the representations from all parties, the Panel has to determine the application for the review of the premises licence. The Panel is required to take such of the steps listed below at 2.5.3 (if any), as it considers necessary for the promotion of the licensing objectives. If the Panel does not consider that any of the steps listed at 2.5.3 are necessary for the promotion of the licensing objectives then it should do nothing.

In coming to a view about whether such a step in 2.5.3 is necessary for the promotion of the licensing objectives, the Panel would need to take into account the review application, any relevant representations, the evidence given at the hearing, the representations made by the parties, the provisions of the Licensing Act 2003, the Guidance issued by the Secretary of State and the Council's Licensing Policy. The DCMS has also issued non statutory guidance on summary reviews, which the panel may take into account.

2.5.3 Where it considers it necessary for the promotion of the licensing objectives, the options available to the Panel are:

1. to modify the conditions of the Licence;

2. to exclude a licensable activity from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding three months;
5. to revoke the licence;

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

2.5.4 Any modified conditions should be practical and enforceable.

2.5.7 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.

2.5.8 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).

2.5.9 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.'*

## **2.6 Community safety**

Refer to the Licensing objectives, and Section 17 Crime and Disorder Act 1998 as noted above.

The Borough Commander through Sergeant Carl Davis has applied for a summary review of the premises licence.

## **2.7 Financial Implications**

No financial implications

## **2.8 Risk Management Implications**

If any party is aggrieved with the decision 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: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 18 March 2011		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 21 March 2011		

### **Section 4 - Contact Details and Background Papers**

**Contact:** P Sivashankar, Licensing Services Manager x 6237

**Background Papers:** Papers from the interim steps panel hearing