

# REPORT FOR: LICENSING PANEL

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**Date of Meeting:** 29 June 2011

**Subject:** Application for a Review of the Premises Licence held in respect of the **Crazy Horse**, 43 Church Road, Stanmore, HA7 4AA

**Responsible Officer:** Brendon Hills – Corporate Director, Community & Environment

**Exempt:** No

**Enclosures:** Crazy Horse Operational Manual  
Decision of last review panel  
Result of appeal to Magistrates  
Premises Licence  
Review Application  
Premises Plan  
Location Map  
Representations

## Section 1 – Summary

An application has been made by PS John Crump, the local Police licensing officer, to review the premises licence for 'Crazy Horse' based on three of the licensing objectives - **the prevention of crime and disorder, public safety and the prevention of public nuisance.**

## Representations received

### Representations from Responsible Authorities

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

### Representations from interested parties

From	Relevant Representations details
Interested Parties	<b>Representations Received</b>

## Section 2 – Report

### 2.1 Brief History

- 2.1.1. There is a premises licence in force at the 'Crazy Horse,' a public house trading at 43 Church Road, Stanmore HA7 4AA. A copy of the premises licence is attached to this report providing details of licensable activities, opening times and conditions.
- 2.1.2 The Premises Licence was granted during the transitional period when an application was made for conversion of the Justices Licence: an application to simultaneously vary the licence at that time was rejected on the grounds that it had not been correctly advertised.
- 2.1.3 An application was made in October 2005, to vary the licence in order to extend hours for sale of alcohol and other licensable activities and to remove conditions on the existing licence. This application was heard by the Authority's Licensing Committee in December 2005 and rejected.
- 2.1.4 An application to vary the licence, to remove conditions on the existing licence, was made in January 2006 and subsequently withdrawn.
- 2.1.5. A further application to vary the licence in order to extend the terminal hour for licensable activities and to remove existing conditions was made in May 2007. The licensing committee heard this application in July 2007.

- 2.1.6 Between July 2007 when the varied licence was granted and March 2008, there were 13 separate recorded complaints from residents of noise nuisance emanating from the premises and disturbance and noise nuisance from the street outside the premises, allegedly caused by entering / exiting patrons.
- 2.1.7 On 17<sup>th</sup> March 2008 a review application was been made by Sergeant Davis, relating to three of the licensing objectives, the prevention of crime and disorder, public safety and the prevention of public nuisance. The decision of the licensing panel in relation to that review is attached to this report.
- 2.1.8 This decision was appealed to the Magistrates Court and was heard on 13<sup>th</sup> October 2008. The decision of the appeal is attached to this report.
- 2.1.9 The current licensable activities and hours under the premises licence for Crazy Horse are:

**Sale by retail of alcohol, Live Music, Recorded Music, Performance of Dance, Entertainment of a similar description to that falling within e, f, or g (h), Provision of entertainment facilities for dancing:**

Monday to Thursday	1000 – 0030 (the following morning)
Friday & Saturday	1000 - 0130 (the following morning)
Sunday	1200 - 0030 (the following morning)

**Late Night Refreshment:**

Sunday to Thursday	2300 – 0030 (the following morning)
Friday & Saturday	2300 – 0130 (the following morning)

**Hours open to the public:**

Monday to Thursday	1000 – 0100 (the following morning)
Friday & Saturday	1000 – 0200 (the following morning)
Sunday	1200 – 0100 (the following morning)

- 2.1.10 On 2 May 2011 a review application was made by Sergeant Crump, relating to three of the licensing objectives - the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the application for the review and the representations in support are attached to this report.
- 2.1.11 The premises is situated on Church Road in Stanmore at the end of a parade of commercial premises with residential properties adjacent and opposite to the premises. A location map is attached to this report.

**2.2 Representations**

The Metropolitan Police through Sergeant Crump has submitted an application to review the premises licence. A copy of this representation is attached to this report. Two interested parties have submitted representations supporting the application and 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 government has issued Guidance pursuant to section 182 of the Licensing Act 2003 that deals with reviews in paragraphs 11.1 – 11.29.

### **2.5 Legal Implications**

2.5.1 The Licensing Panel is required to hold a hearing to consider the 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.

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 3 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 condition added.

2.5.4 Any modified conditions should be practical and enforceable.

2.5.5 The licensing authority may at any time reject any ground for review specified in an application for review if it is satisfied that either: (a) the ground is not relevant to one or more of the four licensing objectives; or (b) the application is made other than by a responsible authority and the ground is frivolous, vexatious, or a repetition

2.5.6 If any grounds of review are rejected on the basis set out in 2.5.5, the application for review is taken to be rejected to that extent.

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. 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 John Crump has applied for a 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. 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: 10 <sup>th</sup> June 2011		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 14 <sup>th</sup> June 2011		

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

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

#### **Background Papers**

Premises Licence  
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Premises Plan  
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