

REPORT FOR: LICENSING PANEL

Date: 14 February 2012

Subject: Application for a new premises licence in respect of 'Hill Foods', 43 High Street, Harrow on the Hill, HA1 3HT

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

Exempt: No

Enclosures: Application for premises licence
Plan of the premises
Location (GIS) Map
Representations

Section 1 – Summary

The application for a new premises licence issued under the Licensing Act 2003 in respect of 'Hill Foods', 43 High Street, Harrow on the Hill, HA1 3HT has attracted three representations from interested parties; two representations oppose the application and one representation supports the application. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt with by the Licensing Panel.

Representations received

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
Metropolitan Police	No representations received

Representations from interested parties

From	Relevant Representations details
Interested Parties	Representations Received

Section 2 – Report

Current situation

- 2.1 The applicant, Mr Mylvayanam Asokan, has applied for a new premises licence in respect of 'Hill Foods', 43 High Street, Harrow on the Hill, HA1 3HT. The application seeks to permit the sale of alcohol for consumption off the premises only during the following timings:

Sale of Alcohol:

Mondays to Saturdays	07.00am – 11.00pm
Sundays	09.00am – 10.00pm

Hours Open to Public:

Mondays to Saturdays	07.00am – 11.00pm
Sundays	09.00am – 10.00pm

- 2.2 The premises is situated at 43 High Street, Harrow on the Hill, HA1 3HT in a parade of commercial premises with residential properties and Harrow School in the immediate vicinity. A map of the area is attached to this report.
- 2.3 The application proposes that Mr Mylvayanam Asokan will be the designated premises supervisor, authorising sale of alcohol at the premises. It should be noted that Mr Mylvayanam Asokan does not currently hold a personal licence and, at this moment in time, no application has been made to Harrow Council as the relevant authority for a personal licence for Mr Mylvayanam Asokan.

Representations

- 2.4 The application for a new premises licence has attracted three representations from interested parties; two representations oppose the application and one representation supports the application. Copies of the representations received are attached to this report.

Consultation

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

Licensing Policy Implications

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

Legal Implications

- 2.7 The Licensing Panel is required to hold a hearing to consider the 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 the following steps (if any) as it considers necessary for the promotion of the four licensing objectives –

The steps are—

(a) to grant the licence subject to—

(i) conditions that are consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 Licensing Act 2003 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application

For the purposes of 2.9(a)(i) above, 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. 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.'

The Borough Commander has not made a representation against this application.

Financial Implications

2.14 There are no financial implications.

Risk Management Implications

2.15 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. 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: 16 th January 2012		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25 th January 2012		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager x 6237

Background Papers: Application, Plan of the premises, Representations, Location (GIS) Map