

REPORT FOR: LICENSING PANEL

Date: 30 April 2012

Subject: Application for a new premises licence in respect of 'Harrow St Mary's Cricket Club' (Old Millhillian Sports Club grounds), Headstone Lane, Harrow, HA2 6NF

Responsible Officer: John Edwards – Divisional Director, Environmental Services

Exempt: No

Enclosures:

- Application for premises licence
- Harrow Council's Acknowledgement Letter
- Representations
- Plan of the premises
- Club Premises Certificate
- Location (GIS) Map

Section 1 – Summary

The application for a new premises licence under the Licensing Act 2003 for 'Harrow St Mary's Cricket Club', Headstone Lane, Harrow, HA2 6NF has attracted representations from one Responsible Authority, namely Environmental Health and thirty seven interested parties, (seventeen of whom have signed a collective petition). As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt by the Licensing Panel.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority	Representation 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 An application has been made for a new premises licence in respect of “Harrow St Marys Cricket Club” (‘the applicant’), Old Millhillian Sports Grounds, Headstone Lane, Harrow, Middlesex, HA2 6NF.
- 2.2 The Premises currently has the benefit of a Club Premises Certificate which was granted in 2005 to ‘Old Millhillian Sports Club’.
- 2.3 It is understood that the Premises are shared by the ‘Old Millhillian Sports Club’ and ‘Harrow St Mary’s Cricket Club’. The applicant has made an application for a premises licence to authorise licensable activities at the Premises as the Club Premises Certificate only authorises licensable activities in respect of the members and guests of ‘Old Millhillian Sports Club’ only.
- 2.4 Briefly, the application seeks to permit the following licensable activities during the following timings:

Sale of Alcohol & the Provision of Dancing:

Sundays to Thursdays	11.00am – Midnight
Fridays and Saturdays	11.00am – 01.00am (next day)

Live & Recorded Music:

Sundays to Thursdays	07.00pm – Midnight
Fridays and Saturdays	07.00pm – 01.00am (next day)

Late Night Refreshment:

Sundays to Thursdays	11.00pm – Midnight
Fridays and Saturdays	11.00pm – 01.00am (next day)

Hours Open To Public:

Sundays to Thursdays	07.15am – 01.00am (next day)
Fridays and Saturdays	07.15am – 02.00am (next day)

- 2.5 The current Club premises certificate issued to 'Old Millhillian Sports Club' authorises the following licensable activities to be provided to club members and their guests during the following timings:

Supply of alcohol:

Mondays to Saturdays	11.00am – 11.00pm
Sundays	12.00pm – 10.30pm

- 2.6 The applicant's proposed steps to promote the licensing objectives are listed in Section P of the application.
- 2.7 The premises are situated off Headstone Lane. A map showing the area is attached to the report.

Representations

- 2.8 The application for a new premises licence has attracted representations from one Responsible Authority namely Environmental Health and thirty seven interested parties, (seventeen of whom have signed a collective petition). These representations primarily raise issues pertaining to the licensing objectives which the panel should consider when determining the application. The panel cannot consider issues that do not go towards the promotion of the licensing objectives and can only consider matters pertaining to the licensing objectives raised in the representations and any supporting documentation submitted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.9 Copies of all the representations and the petition received are attached to this report.

Consultation

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

Licensing Policy Implications

- 2.11 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 at section P of the application form.

Legal Implications

- 2.12 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.
- 2.13 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.

2.14 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 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 of the 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 2.14(a)(i) above, the conditions of the licence are modified if any of them is altered or omitted or any new conditions added.

2.15 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

2.16 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

2.17 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

2.18 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

2.19 There are no financial implications.

Risk Management Implications

2.20 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: 18 April 2012		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 18 April 2012		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager x 6237

Background Papers:

Application for premises licence, Harrow Council's Acknowledgement Letter, Club Premises Certificate, Representations, Location (GIS) Map, Plan of the premises