REPORT FOR: LICENSING PANEL

Date of Meeting: 30 April 2012

Subject: Consideration of objection notice to a

Temporary Event Notice submitted in respect of 'Dooey's Bar, 41-43 Station

Road, Harrow, HA1 2UA'

Responsible Officer: John Edwards – Divisional Director,

Environmental Services

Exempt: No

Enclosures: Temporary Event Notice

Premises Licence

Objection Notice from Police

Section 1 – Summary

A Temporary Event Notice under the Licensing Act 2003 was submitted to the licensing authority (Harrow Council) to permit licensable activities at the 'Dooey's Bar 41-43 Station Road, Harrow, HA1 2UA' on Saturday 2 June 2012. The Metropolitan Police have submitted an objection notice to the temporary event notice. In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the police, premises user and licensing authority agree that a hearing is unnecessary.



Representations received

From	Relevant Representations details	
Metropolitan Police	Objection notice received	

Section 2 - Report

2.1 Current situation

2.1.1 There is currently a premises licence (a copy of which is attached) in force at the 'Dooey's Bar' situated at 41-43 Station Road, Harrow, HA1 2UA' that authorises sale of alcohol and the provision of regulated entertainment, during the following timings:

Monday to Sunday

10.00am - 00:00

- 2.1.2 A temporary event notice has been submitted to the licensing authority by the applicant, June Burrell, to authorise licensable activities, namely the sale of alcohol and the provision of regulated entertainment, at Dooey's Bar on 2 June from 2300 0900 the following morning.
- 2.1.3 On Wednesday 18 April 2012 licensing officers from the licensing authority spoke to Mr Dilpkumar Thakrar (owner of Dooey's Bar and the premises licence holder for it) and were informed by him that he was unaware of the application for a temporary event notice for his premises for an event on 2 June 2012, and that he had not given permission for anyone to use his premises on that date.
- 2.1.3 The Metropolitan Police have submitted an objection notice to the temporary event notice on the grounds of crime and disorder. A copy of the objection notice is attached to this report.

2.2 Legal Implications

- 2.2.1 Pursuant to the provisions of section 105(2)(a) of the Licensing Act 2003, the Licensing Authority must hold a hearing to consider the objection notice, unless all parties (i.e. the premises user, the chief officer of police who gave the objection notice and the licensing authority) agree that a hearing is unnecessary. The hearing must be held in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.2.2 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 crime prevention licensing objective.

- 2.2.3 Having considered those relevant matters and the objection notice, the Licensing Panel is required to do one of the following:
 - a. Give the premises user a counter notice if it considers it necessary for the promotion of the crime prevention objective to do so and a notice stating the reasons for its decision, and give a copy of these notices to the relevant chief officer of Police;
 - b. Decide not to give a counter notice, giving notice of this decision to the premises user and the relevant chief officer of Police.
- 2.2.4 It should be noted with these options that clear reasons should be given to the parties for the decision to issue or not issue a counter notice.
- 2.2.5 In addition to determining the application in accordance with the legislation, Members must also have regard to the following
 - 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 as below:

'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, through Sergeant Crump, has submitted an objection notice against this application based on the prevention of crime and disorder objective.

2.3 Financial Implications None

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	x	on behalf of the Chief Financial Officer
Date: 19 April 2012		

Date: 19 April 2012

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager, ext 6237

Background Papers: Hearing Regulations

Licensing Act 2003

Council's Licensing Policy