

REPORT FOR: LICENSING PANEL

Date: 26 February 2018

Subject: Application for review of the premises licence for Club KTM, 32 Railway Approach, Wealdstone, Middlesex HA3 5AA

Responsible Officer: Paul Walker - Corporate Director of Community

Exempt: No

Enclosures: Application for review (appendix 1)
location map and image (appendix 2 and 2a)
Current premises licence and plan (appendix 3)
Plan (appendix 4)
Licence review guidelines (appendix 5)

Section 1 – Summary

An application has been received from the Metropolitan Police Service to review the premises licence for Club KTM, 32 Railway Approach, Wealdstone, Middlesex HA3 5AA, on the grounds of the prevention of crime and disorder, public safety, and prevention of public nuisance.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health	No representations
Trading Standards	No representations
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
Metropolitan Police	Application made
Licensing authority	No representations made

Representations from other persons

None

Section 2 – Report

- 2.1 An application has been received on behalf of the Metropolitan Police Service to review the premises licence of Club KTM, 32 Railway Approach, Wealdstone, Middlesex HA3 5AA on the grounds of preventing crime and disorder, public nuisance and protecting public safety (appendix 1).
- 2.2 Description of premises
The premises are located on Railway Approach A409, on the main thoroughfare between Wealdstone and Harrow and opposite the Civic Centre site. The premises comprise of, primarily, a ground floor dance floor with a reception area, stage, bar, cloakroom, and dance floor; and a second floor restaurant/function area.
- 2.3 An image of the premises and a location map are provided at appendix 2.
- 2.4 Licensing history
A premises licence was first granted on 3 November 2010. The premises licence was transferred to the premises licence holder in May 2017.
- 2.5 The current premises licence and plan is attached at appendix 3. It was varied by the Licensing Panel on 9 October 2017 to extend the hours for licensable activities between Sundays and Wednesdays until 0200 hours the following day; on Thursdays, Fridays and Saturdays until 0400 hours the following day.
- 2.6 This variation was granted subject to additional conditions, including condition 3(5) in annex 3 concerning noise mitigation measures. At the time of writing an expert acoustic report was still being evaluated by the Environmental Health Officer, and so the premises are not currently able to utilise the additional hours above.

- 2.7 Officers inspected the premises on 15 December 2017 whilst the club was not open for licensable activities. No breaches of the licence were found although the previous version rather than the current version of the licence was on display, and the menu had not listed the correct alcohol measures.
- 2.8 Details of the application
Received: 04/01/2018
Application advertised: 05/01/2018 – 04/02/2018
- 2.9 Representations
None
- 2.10 Additional information
The police licensing officer and licensing authority officers met the premises licence holder and Designated Premises Supervisor on 18 January 2018, following service of the review application. The licensing authority has decided not to submit a representation, and the police have not submitted any additional information, as a result of that meeting.
- 2.11 Statutory guidance
The following passages and paragraphs of the statutory guidance issued by the Secretary of State in April 2017 are relevant to this application.
- 2.12 Paragraph 11.10 of the guidance refers to good practise for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.
- 2.13 The Panel's attention is also drawn to paragraph 11.20 which refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.
- 2.14 Licensing policy
The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 4. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.
- 2.15 Legal implications
The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.16 The Licensing Panel is required to give appropriate weight to the review application, 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 (if any) that are appropriate to promote the four licensing objectives.
- 2.17 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

1. to modify the conditions of the licence;
2. to exclude any of the licensable activities 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 are altered or omitted or any new condition added.

2.18 If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

2.19 It should be noted that –

- clear reasons must be given for the decision;
- any additional or modified conditions should be practicable and enforceable;
- the applicant for the review, the premises licence holder 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.

2.20 In addition to determining the application in accordance with the legislation, Members must have regard to the –

- common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
- provisions of the Human Rights Act 1998;
- considerations in section 17 of the Crime and Disorder Act 1998.

2.21 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

2.22 The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which 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.'

Financial Implications

2.23 There are no financial implications.

Appeals

- 2.24 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 within 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 8 February 2018		
Name: Harinder Dhaliwal	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 12 February 2018		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer
Tel: 02 8424 7667 (Int Ext 7667)

Background Papers: Statutory Guidance