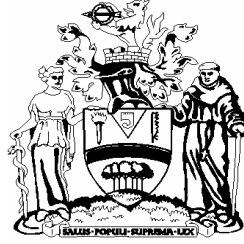


London Borough of Harrow



LICENSING PANEL

WEDNESDAY 22 OCTOBER 2003

7.30 PM *

PANEL AGENDA (GENERAL PURPOSES)

COMMITTEE ROOM 6
HARROW CIVIC CENTRE

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 5

MEMBERSHIP (Quorum 3)

Chair: Councillor O'Dell

Councillors:

Knowles

Branch

(none)

Reserve Members:

1. Bluston
2. Burchell

1. Arnold
2. John Nickolay
3. Mrs Joyce Nickolay

1. Thornton
2. Miss Lyne

(none)

Issued by the Committee Services Section,
Law and Administration Division

Contact: Michelle Fernandes, Committee Administrator
Tel: 020 8424 1542 E-mail: michelle.fernandes@harrow.gov.uk

NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.

LONDON BOROUGH OF HARROW

LICENSING PANEL

WEDNESDAY 22 OCTOBER 2003

AGENDA - PART I

1. **Attendance by Reserve Members:**
To note the attendance at this meeting of any duly appointed Reserve Members.
2. **Declarations of Interest:**
To receive declarations of interest (if any) from Members of the Committee arising from business to be transacted at this meeting.
3. **Arrangement of Agenda:**
To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in the Local Government (Access to Information) Act 1985.
4. **Minutes:**
That the minutes of the meeting held on 28 August 2003, having been circulated, be taken as read and signed as a correct record.
5. **Public Questions:**
To receive questions (if any) from local residents or organisations under the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution).
6. **Petitions:**
To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).
7. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).
8. **Any Other Business:**
Which the Chair has decided is urgent and cannot otherwise be dealt with.
- Enc. 9. **Application for a Renewal of a Public Entertainments Licence - Rayners Hotel, Village Way East, Rayners Lane:** (Pages 1 - 10)
Report of the Chief Environmental Health Officer.
- Enc. 10. **Application for a Renewal of a Public Entertainments Licence - The Fat Controller, 362-366 Station Road, Harrow:** (Pages 11 - 26)
Report of the Chief Environmental Health Officer.

AGENDA - PART II - NIL

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Meeting:	LICENSING PANEL
Date:	22 nd OCTOBER 2003
Subject:	APPLICATION FOR AN ANNUAL PUBLIC ENTERTAINMENTS LICENCE THE FAT CONTROLLER, 362-366 STATION ROAD, HARROW.
Key decision:	
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION AND POLICE LETTER

1. Summary

- 1.1 This report gives details of an application for a new public entertainment licence and gives guidance for the Licensing Panel to assist in reaching a decision. There are no objections to the application, however the Police and this Licensing Authority have made observations on the application. The application is referred for the decision of the Panel as the hours applied for are in excess of the Council's standard hours (11pm).

2. Recommendations (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 8, below.**

3. Consultation with Ward Councillors

- 3.1 The application was advertised in accordance with the Council's Rules governing applications and details of the application were attached to the Planning Application lists.

4. Policy Context (including Relevant Previous Decisions)

- 4.1 None

5. Relevance to Corporate Priorities

- 5.1 While this report is in response to a request for a new licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits and a prosperous local economy.

6. Background Information

- 6.1 Application has been made to this Council for the grant of an Annual Licence for Public Music and Dancing on weekdays for The Fat Controller, 362-366 Station Road, Harrow. The application has been made by Joelson Wilson & Co Solicitors on behalf of Broken Foot Inns, the owner of the premises. The following table shows the hours of opening in the application. The hours are extensions beyond the normal finish hour of 11pm within the Council's Rules of Management. A copy of the application is appended to this report (Appendix A).

Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
			Midnight	Midnight	Midnight	

- 6.2 The applicant seeks a capacity of up to 250 persons and works are proposed to make the premises suitable for this number. The works required to satisfy the Technical Regulations have been notified and agreed with the applicant.
- 6.3 The Chief Planning Officer has not raised any planning objections to the proposed opening hours of the premises.
- 6.4 No objections to the application were received, from local residents, however, the Metropolitan Police have raised observations, regarding security and CCTV arrangements, which are attached to Appendix B.
- 6.5 The application is referred for the decision of the Panel as the hours applied for are in excess of the Council's standard hours (11pm). The applicant has been invited to the Panel meeting.

7. The Premises

7.1 Location

The premises are in the main commercial part of central Harrow, with some domestic accommodation in the area. There is no parking on-site for patrons.

7.2 Construction

The premises are of solid construction and minor works are to be undertaken to improve layout and ventilation and emergency escape routes. The applicant has been advised in general terms of the works necessary for the premises to meet the requirements of the Council's Technical Regulations regarding construction, etc. The premises will have to meet the requirements of the Council's Regulations before it could commence trading.

7.3 Complaint History

In the past 12 months, this Division have received no complaints concerning these premises.

8. Determination of the Application

8.1 Having considered the application and any additional information provided by the applicant, the Panel has to determine the application. The legislation does not list the grounds on which the Panel can refuse an application for the grant of a licence, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

8.2 Options available to the Panel:

a. To grant the application as it stands for a full 12 months. Any licence granted would be subject to the Council's Rules of Management.

b. To grant the Licence and, in light of the evidence presented at the hearing, from the applicant and from officers, to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises. In circumstances that appear appropriate the Panel may grant the licence for a period less than 12 months.

c. To refuse to grant the licence.

8.3 It is recommended with options (a) and (b) that the licence is granted subject to a condition that no entertainments will take place until outstanding works have been completed and the emergency arrangements at the premises have been finalised to the satisfaction of the Chief Environmental Health Officer.

8.4 It should be noted with options (b) and (c) that;

i. clear reasons would have to be given to the applicant if the licence were refused or, if additional conditions were imposed, or a licence were granted for less than twelve months; and

ii. the applicant would have the right of appeal to a Magistrates Court.

9. Consultation

9.1 The application was advertised in accordance with the Council's rules governing applications.

10. Finance Observations

10.1 There are no financial implications for the Council relating to the consideration of this application by the Panel.

11. Legal Observations

11.1 In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

12. Background Papers

12.1 Premises File for The Fat Controller, 362-366 Station Road, Harrow

12.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

14. Author

14.1 P.Sivashankar, 020 8420 9605

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APPENDIX A

Application form

S77976

£2232.88

E_006

Dec Sat
[Signature]

LONDON BOROUGH OF HARROW

ENTERTAINMENT LICENSING

Application for licence for Public Music and Dancing

I/We apply for a licence for the following premises:

(The application should be made by the occupier of the premises)

1	Name and address of the premises	FAT CONTROLLER 362-366 station road Harrow Middlesex HA1 2DE	
2	Telephone number at premises	020 8426 0161	
3	Full names and private address of applicant(s) and role in business (proprietor / manager etc)	BROKEN FOOT INNS LIMITED	
4	Telephone	020 7404 2040	
5	Company name	BROKEN FOOT INNS LIMITED	
6	Registered office	26-28 Bedford Row London WC1R 4HE	
7	Registered office telephone	020 7404 2040	
8	Main trading address of the Company, if different	AS ABOVE	
9	Company telephone	AS ABOVE	
10	Who do you wish to be named as the applicant / licensee	BROKEN FOOT INNS LIMITED	
Applications may be made by the company or an individual working at the premises. If the application is made by a limited liability company please furnish a separate statement giving the names and addresses of the directors etc using form E_013			
11	Type of weekday licence sought	Music only <input type="checkbox"/>	Music and dancing <input checked="" type="checkbox"/> tick as required
12	Type of Sunday licence (if any) sought	Sunday music <input type="checkbox"/>	Sunday music and dancing <input type="checkbox"/>
NOTES: SUNDAY DANCING. Under the Sunday Observance Act 1780 public dancing on Sunday is lawful only on occasions when persons are not admitted by the payment of money or by tickets sold for money. Licences granted for Sunday dancing are therefore limited to such occasions. The Sunday Observance Act provides that the charging of higher prices for refreshments on Sunday constitutes admission by payment of money. SUNDAY MUSICAL ENTERTAINMENT. Under the Sunday Entertainment Act 1932 a licence can be granted for Sunday musical entertainment whether or not payment is made for admission. "Musical entertainment" is defined in the Sunday Entertainments Act as "a concert or similar entertainment consisting of the performance of music, with or without singing or recitation".			
13	Parts of the building it is proposed to use under the licence	Ground Floor	
14	Maximum number of persons it is proposed to accommodate. It is best to agree the capacity figure with the Licensing Officer before the application to avoid misleading consultations and incorrect fees	250	
15	Fee enclosed based on estimated accommodation above	£2232.88	
Cheques should be made payable to London Borough of Harrow. Fee is not refundable if licence refused. If the maximum capacity is assessed at a different number then the fee will be adjusted accordingly.			
16	Have you got complete control over private passageways used by the premises? If not please specify.		

17	Maximum number of performers including musicians	
18	Number of staff proposed to be engaged at the premises	12
19	On which days and to what times will the licence be desired?	Mondays from: Tuesdays from: Wednesdays from: Thursdays from: 11.00am - 12.00am Fridays from: 11.00am - 12.00am Saturdays from: 11.00am - 12.00am Sundays from:
NOTE that public objections are likely to be less if a modest application is made. Extra hours / days could be applied for in subsequent years if desired and it can be demonstrated that public disturbance has been avoided. NOTE: requests for finish times after 11pm will be referred to the Panel for decision even if there are no objections.		
20	Does the current planning permission for the premises impose restrictions on entertainment use or hours of operation. Telephone the Council Planning Enquiry desk on 020- 8424 1441 if uncertain. Enclose a copy of permission if possible. NOTE licence will not be processed if relevant planning permission has not yet been obtained.	
21	Are you enclosing 2 copies of the floor plans for the premises. (ideally to a scale of 1:100 or 1:50 and showing emergency lighting and fire equipment)	YES
22	In which edition of the Harrow Times have you arranged for a legal notice advertising this application to appear. This should be within 14 days of this application and wording must be approved in advance	14-8-03
23	Who should be contacted about the display of the poster on the premises	K. GREG IRELAND or KAREN SLINN
24	Date of application	12-8-03
25	Signature(s) of applicant(s)	JOELSON WILSON & CO SOLICITORS for and on behalf of the applicants
26	Name(s) printed	JOELSON WILSON & CO SOLICITORS
27	Capacity in which you are acting	SOLICITORS
Where application is made by a limited liability company the secretary or a director should sign. In the case of a partnership each partner should sign. Solicitors and other duly authorised agents may sign instead.		
28	Address to which correspondence relating to this application should be sent	JOELSON WILSON & CO SOLICITORS, 70 NEW CAVENDISH ST LONDON W1G 8AT - REF DAM/2626.2
	Telephone	020 7580 5721
This form should be completed and forwarded to the Chief Environmental Health Officer, London Borough of Harrow, P.O. Box 18, Civic Centre, Station Road, HARROW, Middx, HA1 2UT. Remember to enclose a cheque for the fee shown.		
Send a photocopy of this form to: Superintendent A Fish (FAO Ian Parsons), Harrow Police Station Northolt Road SOUTH HARROW HA2 0DN		Send a photocopy of this form and a full set of plans to: Fire Safety Western Command - FAO Paul Newell 61 -63 Staines Road HOUNSLOW TW3 3JQ.
Please tick this box to show that these copies have been sent <input checked="" type="checkbox"/>		
YOUR LICENCE MAY BE DELAYED IF THESE COPIES ARE NOT SENT		

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APPENDIX B

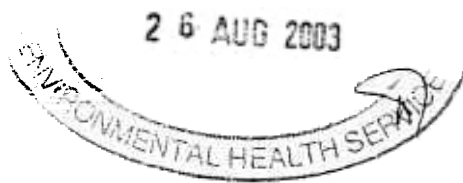
Original letter from Police

*Your Reference: EHS/ENT/PS
Our Reference: 21/210/03/QA
Date: 20th August 2003



Mr Shankar Sivashankar
Environmental Health Department
PO Box 18
Civic Centre
Harrow
HA1 2UT

METROPOLITAN POLICE
Harrow Station
74 Northolt Road
South Harrow
Middlesex HA2 0DN
Telephone 020 8423 1212.
Direct Line 020 8733 3415.



Dear Mr.Sivashankar

With reference to an application being made by:

Joelson & Wilson & Co, 70 New Cavendish Street ,London W1G 8AT

on behalf of Broken Foot Inns Ltd 26- 28 Bedford Row, London WC1R 4HE

re the premises: Fat Controller, 362-366 Station Road, Harrow HA1 2DE

to the London Borough of Harrow for the grant of a new Public Entertainment Licence.

Police have no objection to the hours sought (Midnight on Thurs/Fri/Sat) or the grant of the P.E.L.

We do however request that as a condition of the licence that

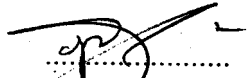
- 1) CCTV is installed in the premises
- 2) Door Supervisors are used on the nights that entertainment takes place/the licence is used
- 3) Door Supervisors are registered
- 4) Door Supervisors are in possession of a 'Magic Wand' or similar metal detecting device
- 5) One of the Door Supervisors is female to facilitate searching of female customers

I believe that the applicant already intends to comply with points 2,3,4,5 and that point 1 may be the only matter in need of discussion.

It goes without saying that police request these security measures in order to safeguard the public, staff and applicant's property.

Please do not hesitate to contact me should you have any further enquiries regarding this matter.

Yours sincerely



Carl Davis
Police Sergeant 12QA
Licensing Department

c.c. Joelson & Wilson & Co, 70 New Cavendish Street, London W1G 8AT

Meeting:	LICENSING PANEL
Date:	22 ND OCTOBER 2003
Subject:	APPLICATION FOR RENEWAL OF A PUBLIC ENTERTAINMENTS LICENCE RAYNERS HOTEL, VILLAGE WAY EAST, RAYNERS LANE.
Key decision:	
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	RAYNERS LANE
Enclosures:	CURRENT LICENCE AND OBJECTIONS

1. Summary

- 1.1 This report gives details of an application for the renewal of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The Metropolitan Police have objected to the renewal of the annual public entertainment licence for the premises. During conciliation, a set of conditions was produced to satisfy the Police concerns. These conditions have been sent to the applicant for their final approval and will be presented to the Panel at the hearing for consideration. The application is referred for the decision of the Panel, as there is an outstanding objection to the application.

2. Recommendations (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 9, below.**

3. Consultation with Ward Councillors

- 3.1 The application was advertised in accordance with the Council's Rules (see below).

4. Policy Context (including Relevant Previous Decisions)

- 4.1 None

5. Relevance to Corporate Priorities

5.1 While this report is in response to a request for the renewal of a licence, the public safety and environmental control aspects of licensing address corporate issues. In particular the quality of the environment, promotion of leisure pursuits and a prosperous local economy.

6. **Background Information**

6.1 Application has been made for the renewal of the existing Annual Entertainments Licence for Rayners Hotel, Village Way East, Rayners lane. The application, to seek a renewal of the music and dancing licence for the premises, has been made by Scottish and Newcastle Retail. The premises have been licensed for public entertainments by the then GLC and by this Council since then. The following table shows the current hours of opening.

Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	23:00

6.2 The premises are licensed for up to 300 persons, the premises are suitable for this number. A copy of the existing Licence is attached in appendix A.

6.3 The Chief Planning Officer has confirmed that there is no planning control over the hours of operation and the ancillary use of the premises for entertainments does not conflict with the existing planning permission.

6.4 The application was advertised in accordance with the Council's Rules governing applications; the Police and London Fire and Emergency Planning Authority were consulted, the premises were also included in the annual newspaper notice regarding renewals.

6.5 The Metropolitan Police objected to the renewal of the licence following an incident at the premises in June 2003 that gave rise to concerns over the adequacy of the security arrangements at the premises. The letter of objection is attached in Appendix B.

6.6 The manager and the Area Manager have met with the Police and the Council's Licensing Officer to agree a way forward. Further to this meeting this Division has drawn up a set of conditions to satisfy the Police concerns regarding safety and security of the public attending the venue. These conditions have been sent to the applicant for comment and agreement. The Licensee also has provided an operating statement, which is attached in Appendix C.

6.7 There has been no objection to the renewal from the London Fire and Emergency Planning Authority.

6.8 The application is referred for an oral hearing in public as there is an unresolved objection to the renewal. The applicant and the Police have been invited to attend the hearing.

7. **Objections to the Application**

7.1 A copy of the original letter of objection is attached (see Appendix B).

- 7.2 Once the date for the hearing was established the applicant and the Police were invited to provide any additional written statements of the evidence they wished to present at the hearing (see Appendix C).
- 7.3 Guidance regarding the procedure for the determination of an application at an Oral Hearing in public is on Paragraph 27 onwards in the attached document (see Appendix D).

8. The Premises

8.1 Location

Rayners Hotel is a Public House with a large function room located at Village Way East, Rayners Lane. The premises are sited in an area that is principally commercial in nature, however there are a number of residential in the area. The Pub has use of adequate parking spaces at the rear of the premises.. A location map will be provided at the meeting.

8.2 Construction

The premises is of solid construction and whilst not purpose built for entertainments the premises comply with the requirements of the Council's Technical Regulations regarding construction, transmission of noise, etc.

8.3 Complaint History

Environmental Health has received no complaints aside from the matters detailed in this report.

9. Determination of the Application

9.1 Having considered the evidence of the applicant and the objector, Panel has to determine the application. The legislation does not list the grounds on which the Panel can refuse an application for a renewal, merely stating that the Panel has discretion to grant or refuse. The legislation does allow for the imposition of conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any additional conditions would have to be practical, enforceable and meet the rules of natural justice.

9.2 Options available to the Panel:

- a. To grant the application as it stands for a full 12 months. Any licence granted would be subject to the Council's Rules of Management.
- b. To grant the Licence and, in light of the evidence presented at the hearing, from the applicant, objector and officers, to place additional conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises. In circumstances that appear appropriate the Panel may grant the licence for a period less than 12 months.
- c. To refuse to renew the licence.

- 9.3 It should be noted with options (b) and (c) that;
- i. clear reasons would have to be given to the applicant if the licence were refused or, if additional conditions were imposed, or a licence were granted for less than twelve months; and
 - ii. the applicant would have the right of appeal to a Magistrates Court.

10. Consultation

- 10.1 The application was advertised in accordance with the Council's rules governing applications.

11. Finance Observations

- 11.1 There are no financial implications for the Council relating to the consideration of this application by the Panel.

12. Legal Observations

- 12.1 In addition to determining the application in accordance with the legislation, Members must also have regard to the provisions of the Human Rights Act 1998.

13. Background Papers

- 13.1 Premises File for Rayners Hotel, Village Way East, Rayners Lane.
- 13.2 Harrow Council, Rules of Management and Technical Regulations for Places of Public Entertainment.

14. Author

- 14.1 Shankar Sivashankar, 020 8420 9605

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APPENDIX A

Existing licence

Date: 13 October, 2003

Chief Environmental Health Officer:
Gareth Llywelyn Roberts

Environmental Health Manager:
Andy Appleby

Contact person: P Sivashankar
Tel: 020 8420 9605



PUBLIC ENTERTAINMENT LICENCE

Licence End:

30 Sept 2003

Lic No: 3482

LONDON GOVERNMENT ACT 1963

The **London Borough of Harrow** under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

Scottish and Newcastle Retail Ltd

to use the premises known as

RAYNERS HOTEL Function Suite 23, Village Way, Rayners lane

for:

Music and Dancing on Weekdays and Sundays

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until	midnight	midnight	midnight	midnight	midnight	midnight	23:00

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment RI" and to the following specific conditions

1. The maximum number of patrons accommodated at any one time should not exceed **300 in the Assembly hall**

Signed: Chief Environmental Health Officer

APPENDIX B

Original letter of Objection

Your Reference:**Our Reference:** 21/192/03/QA**Date:** 1st August 2003

Mr Shankar Sivashankar
Environmental Health Department
PO Box 18
Civic Centre
Harrow
HA1 2UT

METROPOLITAN POLICE
Harrow Station
74 Northolt Road
South Harrow
Middlesex HA2 0DN
Telephone 020 8423 1212.
Direct Line 020 8733 3415.

Dear Sir

Re: Renewal of Public Entertainment Licence

– The Rayners Hotel, Village Way East, Rayners Lane, Harrow HA2 7LX

Please note the contents of this letter as formal notification that police will be objecting to the application for the renewal of the Public Entertainment Licence for the Rayners Hotel.

On 27/06/2003 at the Rayners Hotel the premises put on a 'Birthday Bash'

Over 70 signs were fly posted (hung around lampposts and A.T.S.) around Hillingdon Borough and possibly more placed in other areas.

The Rayners Hotel has a Public Entertainment Licence until Midnight on Mondays till Saturdays and until 2300 hours on a Sunday.

Between 0039 hours and 0048 hrs on 28/06/2003 four 999 calls were made to police: CAD 500, CAD 552, CAD 569, and CAD 623.

The content of the 999 calls was consistent - i.e. 50+ fighting with bottles and baseball bats.

When police arrived they were still fighting and there were injured on the floor that the LAS dealt with.

It took until 0100 hours to clear the area and over a dozen police vehicles to deal with it including the CID and Duty officer.

On 25/07/2003 I found a fly poster on Hillingdon Division advertising another event of similar content.

It was seized.

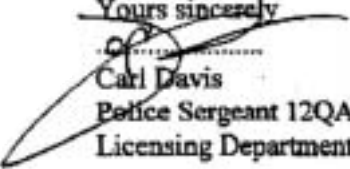
The licensees of the Rayners state that it is the same promoter as the last event at which there was the serious public disorder .

They have agreed that the event today (01/08/2003) will not be going ahead .

The seriousness of the disorder and the continuing willingness of the management of the premises to run further 'entertainment' which in every likelihood would lead to serious disorder gives police cause for concern over the running of the premises. Police believe that this should be brought to the attention of the Licensing Panel next month when the renewal is due in order that a decision can be reached as to whether the premises is suitable to continue to hold an Entertainment Licence.

Consequently police are objecting to the renewal of the licence to the applicants.

Yours sincerely



Carl Davis
Police Sergeant 12QA
Licensing Department

APPENDIX C

Applicant's Response – Operating Statement

RAYNERS PUB BUSINESS PLAN FOR OPERATION OF PEL (
FUNCTION ROOM)
SEPTEMBER 2003

TYPE OF EVENT AND TARGET MARKET;

1 or 2 events a week which will be normally Friday and Saturday. These will be live "tribute" bands organised in conjunction with a well respected promoter.

Target market age is 30 + and our experience of the last two years confirms this is realistic.

We have attracted a mature audience and have had no trouble with these evenings. Tickets are available in advance and pre-sales help us plan staffing and stock levels.

The room is also used 2 or 3 times a week for well established, membership orientated dance /music clubs; viz. Salsa, rock/roll and jazz.

OPERATIONAL CONSIDERATIONS;

We have a bank of "as and when" staff to support our Pub team for the function room; these staff are experienced and enjoy the atmosphere and feel at ease with the older age group.

Our Door security team have been at the Rayners for a long time and fully understand and relate to the type of event and the customers we attract. We would expect our door staff to be registered with a Council approved body.

We find a 1 to 50 ratio is more than adequate with this type of target market.

HEALTH AND SAFETY ISSUES;

Queue entry is at the rear doors and we have no problems; especially when we have high pre. event ticket sales.

The PEL for Fri/Sat is midnight; we work with the acts to ensure there is a "wind down" from 11.45 and we advise our customers of the last trains (Rayners Lane picc./met) and bus approx. times; we sometimes find a steady exodus from 11.50 onwards.

There is no history of disorder in the last two years for this type of event aided by the fact that an increasing amount of people are repeat customers.

CCTV covers the areas in question and is always available for statutory enquiries.

The Pub has an electronic system for all type of incident reporting; which is automatically linked to our Head Office in Northampton.

2

Mr. Wright (Manager) is always present on the events and I, (as Area manager) regularly perform spot checks at the Site.
All staff are trained in fire evacuation procedures and drug awareness.

Summary;

We do not envisage moving to any other target market ; the event in June was a trial that went wrong ; primarily because we assumed too much from a promoter with a previously good reputation. We also liase regularly with local residents and enjoy a good relationship with them. We are committed to working with both the Police and the Council to ensure we can continue to provide good quality entertainment in a safe environment ; as we have shown for the last two years .

R. W Tidd

~~Area Manager~~ ~~Joint Licencees~~

Area Manager
Joint Licencees

Area Manager

J. Wright 0208 866 1666

Pub Manager

3

APPENDIX D

Guidance - Procedure for the determination of the application

PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

- 27 The procedure at the meeting will, in general, be similar to that in a Court of Law. Although the strict rules of evidence will not apply, they will be observed to a great extent because this is the best way of hearing the evidence from all parties. Members may seek clarification of any procedural, technical or legal matter from officers at any time during the proceedings.
- 28 A report will be put before the Panel, prepared by the appropriate officer of the Council. In addition an appropriate officer will provide a location plan showing the premises. A copy of the report will be sent to the applicant in advance of the meeting.

WARD COUNCILLOR'S SUBMISSION

- 29 The Councillor for the Ward in which the applicant's or objector's premises are situated may either:
- (a) Object to an application in accordance with numbers 10 to 26 of these rules or
 - (b) Appear as a witness on behalf of an applicant or objector or
 - (c) Give evidence by way of Ward Councillor's submission as detailed in rule 30 below.
- 30 If a Councillor for the Ward, who has not made a formal objection, wishes to give evidence he may either address the Panel or may submit written representations in respect of the application regardless of whether or not he is an objector called by any party as follows:
- (a) If a Ward Councillor wishes to give oral testimony this will normally be given after the Chief Environmental Health Officer has introduced the report.
 - (b) Before a Ward Councillor addresses the Panel he must first make a declaration that he has not previously discussed the application with the Members of the Panel and will take no part in the determination of the application.
 - (c) Evidence given by way of oral testimony is subject to questioning by the parties to the application and by members of the Panel.
 - (d) If representation is given by way of written submission the Chairman will indicate that the Panel will take into account the fact that the submission of the Ward Councillor cannot be tested by questioning.
 - (e) Any evidence presented by a Ward

Councillor by way of a Ward Councillor's submission shall only relate to those issues already known to the applicant by way of the Report to Panel or otherwise.

- (f) (i) Evidence given by way of written submission under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the Hearing.
- (ii) Notice of evidence to be given by way of oral testimony under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the hearing. If he wishes to raise issues which are not already known to the applicants, such notice shall be in writing and shall set out in general terms the issues to be raised.
- (iii) The Chief Environmental Health Officer shall on receipt of evidence under (i) or a notice under (ii) above send a copy to the applicant as soon as possible and at least 5 days in advance of the hearing.
- (g) If there is an objection to the Ward Councillor's submission, the Ward Councillor and both applicant and objectors may give their reasons for or against the submission to the Panel. The Legal Advisor to the Panel may also give advice before the Panel decides whether to allow the submission in as evidence. If the Panel decides to hear the submission it may be appropriate to adjourn the proceedings after it has been made so as to allow the party objecting to it time to consider the submission in detail.

Note: It should be noted that a Ward Councillor's involvement in a hearing under this rule is limited solely to making representations i.e. there is no right of questioning of other parties or making a closing address.

ORDER OF PROCEEDINGS

- 31 At the start of the hearing the Chairman will introduce himself and other members of the Panel.
- 32 The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing which will have been prepared in advance by the appropriate officer and he will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:
- (a) The Chief Environmental Health Officer will introduce the report and will outline the matter before Panel. He will give any relevant background information and explain the reasons for any recommendation.
 - (b) The applicant (or his representative) is then entitled to address the Panel and call evidence in support of his application.
 - (c) All the objectors then present their cases by addressing the Panel and/or calling witnesses. The objector may address the Panel either before or after calling his witnesses.
- Note:** In appropriate cases the Panel may during or at the end of the objector's case wish to establish whether the objectors are opposed to the application in its entirety or, for example are objecting to the lateness of the hours sought and not to the grant of the licence itself.
- (d) Council officer(s) wishing to give information in support of any recommendation or to give any other relevant factual information will now present their information. These officers can be questioned by any of the parties present or questioned by members of the Panel on matters relating to their professional expertise and are subject to further questioning by the Chief Environmental Health Officer.
 - (e) When all the evidence has been presented the objectors may each make a closing statement. An objector is not entitled to call new evidence at this stage and his closing statement must be limited to commenting on matters raised by the applicant either in the applicant's opening statement or the evidence called in support of the application.
 - (f) When the objectors have made their closing statements the applicant (or his representative) may make a closing statement to the Panel.

- 33 Each person giving evidence may be questioned by the opposing party or parties and by Members of the Panel. A person may decline to be questioned but less importance would then be attached to his evidence.

Note: Objectors to an application may not question each other but an objector may question his witness(es).

- 34 When a person gives evidence:
- (a) He is first asked to state his full name and address.
 - (b) He either makes a statement or, if appropriate, is questioned by the person calling him.
 - (c) He may be questioned by the other party or parties or their representative.
 - (d) Throughout the presentation of the respective cases for the Objector and the Applicant questions may be put by Members of the Panel. Such questions will normally be put immediately following the questions by the opposing party or parties. (Following the questions by Members of the Panel they may have to consider whether another opportunity for further questioning should be afforded to the other party or parties on "new" evidence introduced as a result of the replies to Members' questions).
 - (e) He may be questioned further (if appropriate) by the person who called him. These questions must be limited to matters which have already arisen in previous examination or Members' question. This is solely an opportunity to ask questions and not a time to make statements. No new matters may be raised at this stage.

DOCUMENTARY EVIDENCE

- 35 Documentary evidence on which it is intended to rely shall be submitted to the Chief Environmental Health Officer not less than 10 working days before the date of the Hearing so that it may be included with the report to be submitted to the Panel. If documents are not easy to photocopy on an A4 machine, (eg photographs) then normally eight copies must be supplied. If an applicant does not comply with this requirement the hearing may be adjourned. The date for any reconvened meeting will be arranged at the convenience of the Panel after receipt of the information.

36 Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:

- (a) The party concerned should explain why the document concerned was not submitted in advance.
- (b) If the Chairman accepts the explanation he shall then establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submissions.
- (c) If the other parties have not previously seen the document the Chairman will request that it first be passed to them (or to their representative) so that they can decide whether they object to it being submitted to the Panel and if so the grounds of their objection.

Note: For this purpose it may be necessary to allow time for the study of the document.

- (d) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Panel. The Legal Adviser to the Panel may also give advice before the Panel decide whether to allow the document to be submitted.

Notes In some cases it may be necessary for them to see the document before making a decision.

Clearly rules 35 and 36 have to be interpreted flexibly in relation to models, colourboards etc. A party wishing to produce such models etc. should give notice in advance to the Chief Environmental Health Officer.

37 If there has been no objection to the submission of a document or if the Panel has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chairman, (if the Panel have ruled that it should be admitted) will indicate that the weight of evidence (importance) that the Panel will attach to the document and will take into account the fact that the signatory of the letter or the maker of the statement is not present to be questioned. In some cases it may be appropriate to adjourn the proceedings so as to allow the party objecting to the submission time to consider the submission in detail.

Note: At least 8 copies should be provided of any document which is to be submitted at the meeting.

DECISION

38 At the end of a hearing the Chairman will

announce that the hearing is adjourned to enable the Panel to deliberate in private and will return as soon as possible to announce their decision (which can be reached by majority decision). The Panel will normally be accompanied by the Legal Advisor and the Clerk but the decision shall be arrived at by Members of the Panel only. Sometimes the Panel will go to a private room or they may ask the parties concerned, their witnesses and the public to leave.

39 The Panel may decide to grant part or all of an application, or may refuse an application. The Panel may attach conditions to any licence granted, or in the case of variations, vary existing conditions. The Panel is also able to revoke or refuse to renew a licence.

NOTIFICATION OF A DECISION

40 The Chairman will normally announce the Panel's decision in public at the end of the hearing and the reasons for this decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

WAIVERS OF RULES

41 In any particular case, any of these rules may be waived, altered or modified by the Council's Environment and Transport Committee or by the Panel.

APPEALS

42 A person refused an application in respect of an entertainment or indoor sports licence or licensee aggrieved by any term, condition or restriction attached to the licence can appeal to a Magistrate's Court (the Crown Court in the case of cinema licences). The Council is the party who defends any such appeal but the Court rehears all the evidence for and against the grant of the application or the imposition of the term, condition or restriction as the case may be. A person aggrieved by the order of a Magistrates Court on such an appeal has a right of appeal to the Crown Court.

43 An objector aggrieved by the decision of Panel does not have these rights of appeal but is entitled to object again when the licence comes up for renewal or may be called by the Council as a witness on the hearing of any appeal by the applicant.

END