



LICENSING PANEL

TUESDAY 24 FEBRUARY 2004

7.30 PM *

PANEL AGENDA (GENERAL PURPOSES)

COMMITTEE ROOM 5
HARROW CIVIC CENTRE

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 6

MEMBERSHIP (Quorum 3)

Chair: Councillor O'Dell

Councillors:

(none)

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.***

HARROW COUNCIL

LICENSING PANEL

TUESDAY 24 FEBRUARY 2004

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.
- Enc 4. **Minutes:** (Pages 1 - 4)
That the minutes of the meeting held on 22 October 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).
- Enc 8. **Referral Back to the Panel of the Application for the Renewal of a Public Entertainments Licence - The Trinity Bar, 378/380 Station Road, Harrow:**
(Pages 5 - 12)
Report of the Chief Environmental Health Officer
- Enc 9. **Application for a New Public Entertainments Licence - The Crazy Horse, (formerly known as The Stanley Moors Public House) 43 Church Road, Stanmore, Middx:** (Pages 13 - 98)
Report of the Chief Environmental Health Officer

10. **Any Other Business:**
Which the Chair has decided is urgent and cannot otherwise be dealt with.

AGENDA - PART II - NIL

This page is intentionally left blank

LICENSING PANEL

22 OCTOBER 2003

Chair: Councillor O'Dell

Councillors: * Councillor Bluston (1) * Knowles
* Branch (Vice-Chair in the Chair)

* Denotes Member present
(1) Denotes category of Reserve Member

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

80. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:-

| | |
|------------------------|-----------------------|
| <u>Ordinary Member</u> | <u>Reserve Member</u> |
| Councillor O'Dell | Councillor Bluston |

81. **Arrangement of Agenda:**

RESOLVED: That all items be considered with the press and public present.

82. **Declarations of Interest:**

RESOLVED: To note that the following interest was declared:

| <u>Agenda Item</u> | <u>Member</u> | <u>Nature of Interest</u> |
|---|--------------------|---|
| 10. Application for a Renewal of a Public Entertainments Licence – The Fat Controller, 362-366 Station Road, Harrow | Councillor Bluston | The Fat Controller public house is in the Greenhill Ward for which Councillor Bluston is the Ward Member. |

83. **Minutes:**

RESOLVED: That the minutes of the meetings held on 25 June, 29 July and 28 August 2003, having been circulated, be taken as read and signed as correct records.

84. **Public Questions, Petitions and Deputations:**

RESOLVED: To note that there were no public questions, petitions or deputations submitted to this meeting under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

85. **Application for a Renewal of a Public Entertainments Licence - The Fat Controller, 362-366 Station Road, Harrow:**

The Panel received a report of the Chief Environmental Health Officer detailing an application submitted by Joelson Wilson & Co Solicitors on behalf of Broken Foot Inns, the owners of the premises. The application was for an annual licence for public music and dancing on weekdays with an extension of hours to midnight on Thursdays, Fridays and Saturdays.

The premises are in the main commercial part of central Harrow, with some domestic accommodation in the area, and has no parking for patrons.

The Chief Environmental Health Officer advised the Panel that the Police had not objected to the application, but had raised observations regarding security and CCTV arrangements, as outlined in the letter included in the report.

Mrs McCullum, representative of Joelson Wilson & Co Solicitors, in her opening statement informed the Panel that the premises was managed well by Miss Slinn, the licensee. She further advised that the entertainment would be in the form of either a DJ playing 70's, 80's or pop music or live bands, mainly tribute bands. Mrs Cullum confirmed that the applicant was happy to comply with the conditions set out in paragraph 8.3 of the Chief Environmental Health Officer's report and in Sergeant Carl

Davis' letter.

The Panel were further advised that this was the first application made by the licensee who felt that there was sufficient demand for late openings on Thursdays, Fridays and Saturday nights. Members were informed that the clientele mainly consisted of office-based workers from the surrounding area. The applicant went on to explain that CCTV was in the process of being installed and all works were due to be completed by the middle or end of November. The CCTV cameras were being placed at focal points to cover the whole of the ground floor, stairs and outer lobby to the toilets.

A Member asked if the tapes from the CCTV would be available to the Police for viewing at any time. Responding, Mrs McCullum confirmed they would be available, as agreed with Sergeant Davis. She advised the Panel that Miss Slinn had co-operated with the police in every way.

Sergeant Davis confirmed that there had been no reported serious incidents at the premises and that he was satisfied with the licensee's proposals.

RESOLVED: That (1) the application for an annual public entertainments licence for the Fat Controller, 362-366 Station Road, Harrow, be granted for 12 months, with the addition of the following conditions:

CONDITIONS:

1. CCTV is installed on 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
6. 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.

(2) the Chief Environmental Health Officer be authorised to review the detailed wording of the standard Conditions as now applied to ensure that they were appropriate to the circumstances of this case, and thereby properly enforceable, and that officers liaise with the Police and the Applicant in revising any wording.

[Note: The Chair having asked the licensee, Miss Slinn, if she consented to the above conditions, she confirmed that she did consent].

86. **Application for a Renewal of a Public Entertainments Licence - Rayners Hotel, Village Way East, Rayners Lane:**

The Panel received a report of the Chief Environmental Health Officer detailing an application for the renewal of a public entertainments licence for the Rayners Hotel, Village Way East, Rayners Lane. The application was submitted by Scottish and Newcastle Retail Ltd, licencees of the premises.

The Rayners Hotel is a public house with a large function room located on Village Way East, Rayners Lane. The premises is sited in an area that is principally commercial in nature, however, there are a number of residential properties in the area.

The application was referred to the Panel as there was initially an unresolved Police objection, due to a serious incident which occurred in June 2003, which raised concerns over the security arrangements on the premises. However, following conciliation and correspondence between the Police, Environmental Health and the Area Manager of the premises, a compromise had been reached.

Sergeant Carl Davis confirmed that he was satisfied with the compromise reached, and hoped that this would give the licensees an opportunity to put things right. He hoped that the Panel would consider adding the conditions suggested in the letter from the Licensing Officer.

The Manager, Mr Wright, informed the Panel that the CCTV system had been in operation for approximately 4 years, with 9 cameras placed in strategic points throughout the premises. In response, Sergeant Davis told Members that at the time of inspection some of the cameras were ineffective and not facing focal points, although this had now been rectified.

Members queried some of the conditions set out in the letter from Environmental Health

to the Area Manager of the Rayners Hotel. Mr Wright informed the Panel that there were no admissions after 10pm so condition 9 was already in effect. They were also curious as to why condition 7 stated that the CCTV screens had to be monitored by employees of the licensees and not the security door staff. Sergeant Davis explained that ultimately, the licensee was responsible for the liquor licence and the onus should be on him, as opposed to the door staff who were, in most cases, contractors.

Mr Wright explained that the premises has a car parking facility for 50/60 cars. He also confirmed that they would not be using the promoter involved in the incident in June, and that most events would be ticketed in order to maintain crowd control.

RESOLVED: That the renewal of the public entertainments licence to Rayners Hotel, Village Way East, Rayners Lane, be granted for 12 months, with the additional conditions:

CONDITIONS: (numbering refers to the continuity of the numbers on the previous licence)

2. The licensee is to employ a suitable number of trained badged door staff at the premises during all of the times the premises are open and trading. The ratio is to be based on 1 door supervisor to every 50 patrons.
3. Full details of the door staff be supplied to the Police and a register of the door staff employed at the premises per day be retained at the premises. The Register to be available to the Police and Council Officers at all reasonable times.
4. A closed circuit television recording system is to be in operation both inside and outside the premises throughout the trading areas of the premises, during all times the premises are open for trading. The operational efficiency of the CCTV system is to be approved by the Police.
5. The tapes to be stored and monitored in accordance with the current CCTV policy of the Metropolitan Police, Harrow.
6. The tapes are to be available for the Police to view at all reasonable times.
7. The CCTV system is to be monitored at all times the premises are open for trading by employees of the licensee and not by members of the door security staff.
8. The air conditioning system is to be properly maintained and working in order that windows and doors are shut to prevent disturbance.
9. There will be no entry or re-entry to the premises after 10pm.
10. Door supervisors will be in possession of at least one metal detecting device (such as the "magic wand")
11. At least one door supervisor will be female in order to facilitate searching of female patrons.

REASON: To promote public safety.

[Note: The Chair having asked Mr Wright, the manager, if he consented to the conditions listed, he confirmed that he did consent].

(Note: The meeting having commenced at 7.30 pm, closed at 8.13 pm)

(Signed) COUNCILLOR JOHN BRANCH
Vice-Chair (in the Chair)

This page is intentionally left blank

| | |
|-----------------------------------|--|
| Meeting: | LICENSING PANEL |
| Date: | 24TH FEBRUARY 2004 |
| Subject: | REPORT BACK TO THE PANEL OF THE APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENTS LICENCE THE TRINITY BAR, 378/380 STATION ROAD, HARROW. |
| Relevant Portfolio Holder: | COUNCILLOR PHIL O'DELL |
| Status: | PART 1 (PUBLIC) |
| Ward: | GREENHILL |
| Enclosures: | APPLICATION AND EXISTING LICENCE |

1. Summary and background

- 1.1 This report gives details of a report back to the Panel of the application for the renewal of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The Panel will be aware that on 29th July 2003, the Panel renewed the licence application with variations for a six month trial period. This trial expired on 28th January 2004.
- 1.2 There have been no complaints about the premises in the last six months. The Metropolitan police are not objecting to the renewal.

2. Recommendations (for decision by the Panel.)

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 7, below.**

3. Relevant Previous Decisions

- 3.1 The Panel has met the applicants on a number of occasions, the decisions of relevance to the current application are the following:

29th July 2003 – The applications for renewal and variation was referred to the Panel after the agreement reached as part of the appeal process (see para.5 below). The Panel granted the application for Renewal with restricted last entry conditions and granted the variation for a trial period of six months.

6th February 2003 – An application for renewal of the licence was granted with a change to remove the scope for re-entry in the last entry condition. An application for variation of the licence to remove the last entry condition was refused and an application to extend opening hours on a Sunday night to 12.30am was granted.

4. Relevance to Corporate Priorities

- 4.1 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.

5 Background Information

- 5.1 Application has been made for the renewal of the existing Annual Entertainments Licence for Trinity Bar, 381 Station Road, Harrow. Mr Martin Blake and Mr Shaun Eyles, the owners of the premises, have made the application. The premises have been licensed for public entertainments since 1993.

- 5.2 The premises are licensed for up to 200 persons, the premises are suitable for this number. A copy of this licence is appended to this report.

- 5.3 the conditions are: No admission or re-entry after midnight
- Numerical counters to operate on all doors.
- 5.3.1 On Friday and Saturday nights the last time of entry is to be 1 a.m.
- 5.3.2 The last entry time in 5.3.1 above is for a trial period of 6 months from the date of grant and the position regarding Trinity will be reviewed at the end of this period.

- 5.4 The chief planning officer advises that there are no planning restrictions on the use of the premises.

- 5.5 Members may recall the issues in front of the Panel at the meeting in February 2003. The Panel had to decide on the renewal of the licence and a variation application. The renewal was referred to the Panel as, following a visit by officers in the summer of 2002 the premises appeared to be overcrowded, it was not considered appropriate that officers used their delegated powers to grant the renewal. The variation application, firstly, sought the removal of the last entry condition from the licence, the Metropolitan Police objected to this application. The second part of the variation application, the grant of additional opening hours on a Sunday night to 12.30am, was not appealed.

- 5.6 The appeal submitted by the applicants related to the renewal decision and the decision on this first part of the variation application. The applicants appealed to the Harrow Magistrates Court against the majority of the decisions of the Panel on the 6th February and the appeal was to be heard on the 27th June 2003. On the morning of the hearing the applicants made proposals for the postponement of the appeal hearing, subject to a referral back to the Panel.
- 5.7 This renewal was referred to the Panel as, the Panel requested the referral as the last entry conditions were amended on a 6 month trial basis at the July 2003 hearing to monitor the impact in the neighbourhood of the amendment.

6. The Premises

6.1 Location

The premises are at the end of a terrace of commercial properties at the southern end of Station Road, Harrow. There is no on-site car parking for patrons. Parking is available on the street and in the Council car park in Gayton Road.

6.2 Construction

The premises are of solid construction and meet the requirements of the Council's Technical Regulations regarding construction.

6.3 Complaint History

The Panel will be aware of problems of fly-posting in the Borough associated with entertainments at Trinity Bar. Environmental Health has received no other complaints about the premises in the last year.

7. Determination of the Application

- 7.1 This situation is unusual and there are no established procedures for a referral back to the Panel. Members of the Panel should address the proposals described in Section 5 of this report.

The Renewal Application

- 7.2 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.

7.3 Options available to the Panel:

- a. To grant the application as it stands for a full 12 months, starting from 29 January 2004. 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, 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.

7.4 It should be noted with options (b) and (c) in paragraphs 7.3 that;

- i. if the Panel refuse to renew the licence, or if amendments to conditions are imposed, then clear reasons would have to be given to the applicant, and
- ii. the applicant would have the right of appeal to a Magistrates Court

8. **Consultation**

- 8.1 The original applications for both the renewal and the variation were advertised in accordance with the Council's rules governing applications. Details of the variation application were attached to the Planning Application lists.

9. **Finance Observations**

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

10 **Legal Observations**

- 10.1 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.

11. **Background Papers**

- 11.1 File for the Trinity Bar, Station Road, Harrow.
- 11.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

12. **Author**

- 12.1 Shankar P Sivashankar 8420 9605

Pels 201.doc

APPENDIX A

Existing licence

Date: 13 February, 2004

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:

28 January 2004

Lic No: 3060/R

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:

Martin Blake & Shaun Eyles

to use the premises known as

TRINITY BAR

378/380 Station Road, Harrow.

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: | 02:00 | 02:00 | 02:00 | 02:00 | 02:30 | 02:30 | 00:30 |

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment R1" and to the following specific conditions

1. The maximum number of patrons accommodated at any one time should not exceed 200
2. No entry or re-entry be permitted after midnight on Sundays to Thursdays and no entry or re-entry after 1a.m. on Fridays and Saturdays.
3. Numerical counters to operate on all doors.
4. All windows (save for toilet and kitchen windows) to remain closed and HDF noise reduction boards fitted to first floor retail area windows during performances.

Informative:

- a That the premises will only open on Monday to Wednesday nights for identifiable functions, and
- b To use their endeavours to notify local residents associations in advance of these functions

Signed: Andy Appleby

APPENDIX B

Renewal Application

Application for renewal of annual licence for premises to be used for public entertainments

The Licensee

Martin Blake & Shaun Eyles, Trinity Bar 378/380 Station Road, HARROW HA1 2DE ☎ 424 9888

hereby applies to the Council of the London Borough of Harrow for the premises

Trinity Bar, 378/380 Station Road HARROW HA1 2DE

to be re-licensed on the day following **28 January 2004** for public entertainments under the provisions of the above mentioned Act on the same basis as currently applies i.e.

| | Music & Dancing | Music on Sundays | Dancing on Sundays | Extension of hours | Video | Film exhibitions | Plays |
|-------|-----------------|------------------|--------------------|--------------------|-------|------------------|-------|
| Fee £ | 1,338 | Included | 0 | 227 | 0 | 0 | 0 |

for a maximum patronage of up to **200 on the premises**

on the evenings of:

| | Mon. | Tue. | Wed. | Thur. | Fri. | Sat. | Sun. |
|-------|-------|-------|-------|-------|-------|-------|-------|
| until | 02:00 | 02:00 | 02:00 | 02:00 | 02:30 | 02:30 | 00:30 |

Last entry Fri and Sat 1am

I / We hereby declare:-

- that the particulars of this application are true to the best of my/our knowledge and belief.

I / We enclose the prescribed renewal application fee of **£1,565**

Cheques should be made payable to "London Borough of Harrow"

CERTIFICATES REQUIRED: Please indicate in the following table the certificates you are forwarding;

| | | | |
|---------------------------------------|-----------------------------------|-----------------------------------|------------------------------------|
| Electrical Installation NICEIC | Required <input type="checkbox"/> | Attached <input type="checkbox"/> | To Follow <input type="checkbox"/> |
| Emergency Lighting Test Certificate | Required <input type="checkbox"/> | Attached <input type="checkbox"/> | To Follow <input type="checkbox"/> |
| Automatic Control of Projector (ACOP) | Required <input type="checkbox"/> | Attached <input type="checkbox"/> | To Follow <input type="checkbox"/> |
| Ceiling Certificate | Required <input type="checkbox"/> | Attached <input type="checkbox"/> | To Follow <input type="checkbox"/> |
| Other: | Required <input type="checkbox"/> | Attached <input type="checkbox"/> | To Follow <input type="checkbox"/> |

Agent dealing with licensing administration

Martin Blake & Shaun Eyles, Trinity Bar, 378/380 Station Road, HARROW HA1 2DE

Date 27.1.04

Signature of agent / applicant(s) *Shaun Eyles*

Full names in capitals SHAUN VERNON EYLES

Position(s) in business OWNER

Please photocopy the completed form and send one copy each to:

Superintendent A. Fish, Metropolitan Police Service, Harrow Police Station,
74 Northolt Road, SOUTH HARROW, Middlesex, HA2 0DN

AND TO

LFEPA, London Fire Brigade Western Command - Fire Safety
61 - 63 Staines Road, HOUNSLOW, Middlesex, TW3 3JQ

Please return the original completed form and any enclosures together with the prescribed fee to:-

Licensing Officer, Environmental Health Services, Civic Centre PO Box 18, Station Road, HARROW, Middlesex, HA1 2DE



Failure to return this form with the full fee before the renewal date shown will automatically result in loss of the licence.

| | |
|-----------------------------------|--|
| Meeting: | LICENSING PANEL |
| Date: | 24th FEBRUARY 2004 |
| Subject: | APPLICATION FOR A NEW PUBLIC ENTERTAINMENTS LICENCE THE CRAZY HORSE, 43 CHURCH ROAD, STANMORE, MIDDX. <i>(Formerly The Stanley Moors Public House)</i> |
| Responsible Chief Officer: | CHIEF ENVIRONMENTAL HEALTH OFFICER |
| Status: | PART 1 (PUBLIC) |
| Ward: | STANMORE PARK |
| Enclosures: | APPLICATION AND OBJECTIONS |

1. Summary

- 1.1 This report gives details of an application for a new public entertainments licence and gives guidance to assist the Licensing Panel in reaching a decision. There are individual objections from The Metropolitan Police, 23 local residents, together with one petition with a total of 18 signatures. Following a conciliation meeting and reduction in the proposed hours of trading, the police have withdrawn their objection.

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. Relevant Previous Decisions

None

4. Relevance to Corporate Priorities

- 4.1 While this report is in response to a request for 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.

5. Background Information

- 5.1 Application has been made for a new entertainments licence for The Crazy Horse, 43 Church Road, Stanmore, Middx. The application is made by Rochman Landau

Solicitors on behalf of Food & Drinks Ltd, who own the lease for the premises. The following table shows the hours in the original application.

| | Mon. | Tues. | Wed. | Thur. | Fri. | Sat. | Sun. |
|----------------|----------|----------|----------|-------|------|------|----------|
| In application | Midnight | Midnight | Midnight | 2.00 | 2.00 | 2.00 | Midnight |

Amended times after conciliation:

| | Mon. | Tues. | Wed. | Thur. | Fri. | Sat. | Sun. |
|----------------|----------|----------|----------|----------|------|------|----------|
| In application | Midnight | Midnight | Midnight | Midnight | 1.00 | 1.00 | Midnight |

- 5.2 The application is for a capacity of 200 persons for the whole of the premises. The premises is suitable for the above number of patrons, however additional works to install CCTV and ventilation systems at the premises are yet to be completed. The application is at Appendix A.
- 5.3 The Chief Planning Officer has not raised any planning objections to the proposed opening hours of the premises.
- 5.4 The objections and the petition concern a range of issues regarding the premises, patrons, local planning controls and the overall impact on the local area. There are particular complaints of noise from the premises, plus noise and anti-social behaviour problems with the patrons. Parking is seen to be a particular problem. Copies of objections are appended to this report in Appendix B.
- 5.5 Further to the Police's letter of objection, the Applicants have met with the Police Licensing Officers and have agreed to accept conditions to satisfy those concerns. Since, the Metropolitan Police have withdrawn their objection to the application.
- 5.6 There have been no objections to the application from the London Fire and Emergency Planning Authority.
- 5.7 The application is referred for the decision of the Panel, as there are outstanding objections to the application is beyond the Council's standard hours of operation (11pm).

6. OBJECTIONS TO THE APPLICATION

- 6.1 Copies of the original letters of objection are attached (see Appendix B).
- 6.2 Once the date for the hearing was established the applicant and the objectors were invited to provide written statements of the evidence they wished to present at the hearing (see Appendix C).
- 6.3 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).

7. The Premises

- 7.1 Location

The premises are situated in a mixed residential and commercial part of the town centre. There is limited parking on site for patrons to park cars. Recently, a new block of apartments, The Pynacles, was built in the adjacent land.

7.2 Construction

The premises are of solid construction and whilst not purpose built for entertainments, the applicant is completing the recommended works necessary for the premises to meet the requirements of the Council's Technical Regulations regarding construction.

7.3 Complaint History

Environmental Health has received one complaint about the premises since it opened for trading in January 2004. Complaint concerned noise arising from the premises and problems from patrons during a new years party, particularly regarding noise and parking.

8. **Determination of the Application**

8.1 Having considered the representations of the objectors and the applicant, the Panel has to determine the application for the licence. The legislation does not list the grounds on which the Panel can refuse an application for 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 any evidence presented at the hearing, from both the objectors and the applicant, 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 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 and details of the application were attached to the Planning Application lists.

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 File for The Crazy Horse, 43 Church Road, Stanmore.
- 12.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

13. Author

- 13.1 Shankar P Sivashankar 8420 9605

Pels 202.doc

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank