

Meeting:	Licensing Panel
Date:	24 May 2005
Subject:	Application for variation of hours during Transitional period
Responsible Officer:	Chief Environmental Health Officer
Contact Officer:	P Sivashankar, Service Manager
Portfolio Holder:	Environment and Transport
Key Decision:	No
Status:	Public

### **Section 1: Summary**

#### **Decision Required**

Members are asked to determine the application in accordance with the guidance in Section 2.5.

#### **Reason for report**

The application for a conversion and simultaneous variation for the Oddfellows Arms PH, 2 Waxwell Lane, Pinner has received a representation from an interested party. 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.

#### **Benefits**

N/a

#### **Cost of Proposals**

None

#### **Risks**

N/a

## Implications if recommendations rejected

N/A
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### Section 2: Report

#### 2.1 Brief History

2.1.1 Application has been made by TLT Solicitors on behalf of Punch Taverns Plc, for the premises licence for Oddfellows Arms Ph, 2 Waxwell Lane, Pinner. A copy of the application is attached to this Report.

2.1.2 The application seeks the following changes to the existing Justices Licence hours, and if granted will take effect from 2<sup>nd</sup> Appointed Day:

Sale of alcohol, Recorded Music and Live Music performed by no more than 2 entertainers to extend from 11pm to midnight on the following days,  
Every Thursday, Friday and Saturday;

Sale of alcohol Recorded Music and Live Music performed by no more than 2 entertainers to end at 1am on the following mornings of;  
Every Friday, Saturday, and to midnight on every Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend;

Sale of Alcohol Recorded Music and Live Music performed by no more than 2 entertainers to end at 1am on the following mornings of;  
Every Thursday, Friday, Saturday, and to midnight on Sunday and Monday for the Easter Bank Holiday weekend;

Sale of Alcohol, Recorded Music and Live Music performed by no more than 2 entertainers to have an additional hour every Christmas Eve and Boxing Day;

On every Sunday an additional half hour in the morning and an additional half hour in the evening for the above licensable activities,

And,

To allow 30 minute drinking up time after the last permitted sale of alcohol.

The premises will be closed to public at the end of the drinking up time.

The current permitted hours are 11am to 11pm Monday to Saturday and 11am to 10:30pm on Sundays with 20 minutes drinking up time. The premises are also allowed to provide musical entertainment by up to 2 performers under the Licensing Act 1964.

### 2.1.3 The Premises:

The premises are on Waxwell Lane, Pinner, situated in the main shopping area of Pinner. The premises are of solid construction and whilst not purpose built for entertainments this Division has not received any complains regarding noise in the past year. The premises benefit from a large garden to the rear.

### 2.2 Representations

2.2.1 The application has received one representation from an interested party, a local resident, sighting increase in public nuisance. A copy of the letter is attached to this Report.

2.2.2 Prevention of Public Nuisance is one of the Four Licensing Objectives and the Council's Licensing Policy deals with this Objective under Section 5 on page 6 and suggests areas of consideration in Annex F (refer Licensing Policy).

### 2.3 Consultation

The application was advertised in accordance with the Regulations under the Licensing Act 2003. the consultation period ended on 13 May 2005. This Authority has received one representation from an interested party.

### 2.4 Financial Implications

None.

### 2.5 Legal Implications

2.5.1 Having considered the representations of the applicant and the interested party, the Panel has to determine the application for the licence. The legislation does not list the grounds on which the Panel can refuse and/or grant an application for a licence. 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 and the promotion of the Four Licensing Objectives.

2.5.2 Options available to the Panel:

- a. To grant the application as it stands. Any licence granted would be subject to conditions relating to the Operating Schedule attached to the Application.

- b. To grant the Licence in light of any evidence presented at the hearing, from both the interested party and the applicant, subject to -

The conditions mentioned in the operating schedule being modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

Any condition which, must under section 19, 20 or 21 (Mandatory Conditions) of the Licensing Act 2003 be included in the licence, and

To exclude from the scope of the licence any of the licensable activities to which the application relates,

- c. To reject the application.

It should be noted with all options that;

- i). Clear reasons would have to be given to the applicant and to the interested party if the application were granted, refused or, if additional conditions were imposed; and

- ii). The applicant and/or the interested party would have the right of appeal to a Magistrates Court.

2.5.3. 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.

2.6 Equalities Impact  
N/a

### **Section 3: Supporting Information/ Background Documents**

1. Application and plan of premises
2. Representation (letter of objection to the application)
3. Mandatory Conditions that would be attached to the licence if granted.