

Meeting:	Licensing Panel
Date:	09 January 2006
Subject:	Application for a Premises licence, Swan Chinese Restaurant
Responsible Officer:	Chief Environmental Health Officer
Contact Officer:	P Sivashankar, Service Manager, ext 5605
Portfolio Holder:	Councillor Philip O'Dell
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 premises licence for Swan Chinese Restaurant, 322 Uxbridge Road, Hatch End has received representations from Responsible Authorities. 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

The hearing provides the applicant, persons making the representations and the Licensing Authority an opportunity to engage in constructive dialogue to determine the application in an open public forum.

Cost of Proposals

None

Risks

If any party is aggrieved with the decision or believes that a fair hearing is not provided, they can apply to the magistrates Court for a re-hearing. The Appeal period is 21 days from notification of the decision.

Implications if recommendations rejected

N/A

Section 2: Report

2.1 Brief History

2.1.1 Application has been made by Mr Ho Man and Mr Wing Man, for a Premises Licence for Swan Chinese Restaurant, 322 Uxbridge Road, Hatch End, Middlesex, HA5 4HR. A copy of the application is attached to this Report.

2.1.2 The application seeks the following opening times, and if granted will take immediate effect:

LATE NIGHT REFRESHMENT (L)			SUPPLY OF ALCOHOL (M)		
DAY	START	FINISH	DAY	START	FINISH
MON	1200	2330	MON	1200	0000
TUE	1200	2330	TUE	1200	0000
WED	1200	2330	WED	1200	0000
THU	1200	2330	THU	1200	0000
FRI	1200	2330	FRI	1200	0000
SAT	1200	2330	SAT	1200	0000
SUN	1200	2330	SUN	1200	0000

HRS PREMISES OPEN TO THE PUBLIC (O)		
DAY	START	FINISH
MON	1200	0030
TUE	1200	0030
WED	1200	0030
THU	1200	0030
FRI	1200	0030
SAT	1200	0030
SUN	1200	0030

2.1.2 The Premises:

The premises operates as a Chinese restaurant selling food and drink and is situated in a commercial part of Uxbridge Road, with shops on either side. There is residential accommodation provided above some of the premises in the locality.

2.2 Options Considered

2.2.1 The Licensing panel has the power to Grant or Reject the application. These options are discussed further under section 2.5

2.3 Consultation

2.3.1 The application was advertised in accordance with the Regulations under the Licensing Act 2003. Metropolitan Police and the Local Planning Authority have made representation stating the Licensing Objectives. These representations are attached to this report.

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

2.7 Section 17 Crime and Disorder Act 1998 Considerations

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 has made a representation through Sgt. Davis, Police Licensing Officer on the Crime Prevention objective and has outlined measures to prevent crime and disorder.

Section 3: Supporting Information/ Background Documents

Application

Representations (letter of objection to the application)

Mandatory Conditions that would be attached to the licence if granted.

Conditions drawn from the Operating Schedule provided by the Applicant-Annex
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Annex 2 – Conditions consistent with the operating Schedule

General

None offered

The prevention of crime and disorder

CCTV cameras will be in operation at all times the premises are open to the public.

Public Safety

None offered

The prevention of public nuisance

None offered

The protection of children from harm

None offered