

IN THE MATTER OF THE MAN OF ARAN

HEARING NOTE

Application

1. Update premises licence plan (p 36 (updated) and p 42 Agenda (current))
2. Update conditions (p 41 Agenda (current))
3. Hours as agreed with Police
 - (1) Sale of alcohol on the premises

Currently	10.30 – 23.00 (10.30-22.30 Sunday)
Sunday to Thursday	10.00 – 00.00
Friday & Saturday	10.00 – 01.00
 - (2) Late night refreshment 23.00 to same terminal hour
 - (3) Premises open to public same hours (now 10.30-23.20 & Sunday 10.30-22.50)

The premises

4. The premises were a public house. The applicant took over the premises on 17 May 2021. They are now undergoing a substantial refurbishment and upgrade (spending some £40k) to provide a fine dining restaurant and wine bar which will be completed by the end of July. The premises have the benefit of a street trading licence which is to 23.00. The Applicant has reapplied for a licence with a terminal hour of 21.00 in line with the licence conditions.

Representation

5. There are no representations from any of the responsible authorities. There is one representation from a resident of the block of flats which forms part of the building (although there are eight signatories – a petition or ‘round robin letter’¹). This refers to *late-night related disturbances, noises, nuisance behaviours, drunkenness, antisocial behaviours including more serious incidents where police and ambulance services have been involved ... we have experienced late-night rock band until 12.20 am* (pp 45-47 Agenda).

Evidence

6. The matters referred to in the representation occurred before the Applicant took over the premises. The pub operated with a large open bar area which hosted DJ, live music and sports screen events. The Applicant’s set up will be fundamentally

¹ Harrow Statement of Licensing Policy paras 10.6-10.8.

different. And along with the new premises licence holder there is a different DPS, all new staff and up-to-date conditions on the licence.

7. All responsible authorities (RAs) were informed of the application and were able to make representations. None have done so. The police requested that as this is a new enterprise the hours applied for on Sunday to Thursday be reduced by an hour to terminate at 1200. A set of conditions was also requested to compliment those in the operating schedule (pp 49-52 Agenda). The hours and conditions have been agreed between the police and the Applicant
8. If an RA does not make a representation it is reasonable to conclude that the RA has no concerns relating to the application. The s.182 guidance underlines the weight that should be given to the views of the RAs:

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective (para 9.12).

9. There are no representations from any RAs and in particular Environmental Health which is the main source of advice in relation to the public nuisance licensing objective as made plain by the Government during the Report Stage of the Licensing Bill in the House of Lords:

Judgment of the merits of an application against the licensing objectives should be left to the experts. The experts on crime and disorder ... are the police ... The experts on public nuisance are the local environmental health authority.²

10. Finally, the Committee will be familiar with the case of *Thwaites* and in particular para 63.³
11. The Committee is therefore respectfully invited to grant the application as applied for.

Roy Light
St John's Chambers

² HL Deb, vol.645, col.400, 27 February 2003.

³ *Thwaites v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin)