

## LONDON BOROUGH OF HARROW

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

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