

LONDON BOROUGH OF HARROW

Meeting:	LICENSING PANEL
Date:	22 ND OCTOBER 2003
Subject:	APPLICATION FOR RENEWAL OF A PUBLIC ENTERTAINMENTS LICENCE RAYNERS HOTEL, VILLAGE WAY EAST, RAYNERS LANE.
Key decision:	
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	RAYNERS LANE
Enclosures:	CURRENT LICENCE AND OBJECTIONS

1. **Summary**

- 1.1 This report gives details of an application for the renewal of a public entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. The Metropolitan Police have objected to the renewal of the annual public entertainment licence for the premises. During conciliation, a set of conditions was produced to satisfy the Police concerns. These conditions have been sent to the applicant for their final approval and will be presented to the Panel at the hearing for consideration. The application is referred for the decision of the Panel, as there is an outstanding objection to the application.

2. **Recommendations (for decision by the Panel.)**

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 9, below.**

3. **Consultation with Ward Councillors**

- 3.1 The application was advertised in accordance with the Council's Rules (see below).

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 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.

6. **Background Information**

6.1 Application has been made for the renewal of the existing Annual Entertainments Licence for Rayners Hotel, Village Way East, Rayners lane. The application, to seek a renewal of the music and dancing licence for the premises, has been made by Scottish and Newcastle Retail. The premises have been licensed for public entertainments by the then GLC and by this Council since then. The following table shows the current hours of opening.

Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	23:00

6.2 The premises are licensed for up to 300 persons, the premises are suitable for this number. A copy of the existing Licence is attached in appendix A.

6.3 The Chief Planning Officer has confirmed that there is no planning control over the hours of operation and the ancillary use of the premises for entertainments does not conflict with the existing planning permission.

6.4 The application was advertised in accordance with the Council's Rules governing applications; the Police and London Fire and Emergency Planning Authority were consulted, the premises were also included in the annual newspaper notice regarding renewals.

6.5 The Metropolitan Police objected to the renewal of the licence following an incident at the premises in June 2003 that gave rise to concerns over the adequacy of the security arrangements at the premises. The letter of objection is attached in Appendix B.

6.6 The manager and the Area Manager have met with the Police and the Council's Licensing Officer to agree a way forward. Further to this meeting this Division has drawn up a set of conditions to satisfy the Police concerns regarding safety and security of the public attending the venue. These conditions have been sent to the applicant for comment and agreement. The Licensee also has provided an operating statement, which is attached in Appendix C.

6.7 There has been no objection to the renewal from the London Fire and Emergency Planning Authority.

6.8 The application is referred for an oral hearing in public as there is an unresolved objection to the renewal. The applicant and the Police have been invited to attend the hearing.

7. **Objections to the Application**

7.1 A copy of the original letter of objection is attached (see Appendix B).

- 7.2 Once the date for the hearing was established the applicant and the Police were invited to provide any additional written statements of the evidence they wished to present at the hearing (see Appendix C).
- 7.3 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).

8. The Premises

8.1 Location

Rayners Hotel is a Public House with a large function room located at Village Way East, Rayners Lane. The premises are sited in an area that is principally commercial in nature, however there are a number of residential in the area. The Pub has use of adequate parking spaces at the rear of the premises.. A location map will be provided at the meeting.

8.2 Construction

The premises is of solid construction and whilst not purpose built for entertainments the premises comply with the requirements of the Council's Technical Regulations regarding construction, transmission of noise, etc.

8.3 Complaint History

Environmental Health has received no complaints aside from the matters detailed in this report.

9. Determination of the Application

9.1 Having considered the evidence of the applicant and the objector, Panel has to determine the application. 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.

9.2 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, objector and 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 renew the licence.

- 9.3 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.

10. Consultation

- 10.1 The application was advertised in accordance with the Council's rules governing applications.

11. Finance Observations

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

12. Legal Observations

- 12.1 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.

13. Background Papers

- 13.1 Premises File for Rayners Hotel, Village Way East, Rayners Lane.
- 13.2 Harrow Council, Rules of Management and Technical Regulations for Places of Public Entertainment.

14. Author

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