

## **APPENDIX A**

**Existing licence**

Date: 13 October, 2003

Chief Environmental Health Officer:  
Gareth Llywelyn Roberts

Environmental Health Manager:  
Andy Appleby

Contact person: P Sivashankar  
Tel: 020 8420 9605



**PUBLIC ENTERTAINMENT LICENCE**

Licence End:

30 Sept 2003

Lic No: 3482

# LONDON GOVERNMENT ACT 1963

The **London Borough of Harrow** under the provisions of Section 52 and Schedule 12 of the London Government Act 1963, as amended, hereby licenses:

## **Scottish and Newcastle Retail Ltd**

to use the premises known as

### **RAYNERS HOTEL Function Suite 23, Village Way, Rayners lane**

for:

**Music and Dancing on Weekdays and Sundays**

Special permission has been granted to hold these entertainments on the evenings of:

	MON	TUE	WED	THU	FRI	SAT	SUN
Until	midnight	midnight	midnight	midnight	midnight	midnight	23:00

This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for Places of Public Entertainment RI" and to the following specific conditions

1. The maximum number of patrons accommodated at any one time should not exceed **300 in the Assembly hall**

Signed: Chief Environmental Health Officer

## **APPENDIX B**

Original letter of Objection

**Your Reference:****Our Reference:** 21/192/03/QA**Date:** 1<sup>st</sup> August 2003

Mr Shankar Sivashankar  
Environmental Health Department  
PO Box 18  
Civic Centre  
Harrow  
HA1 2UT

**METROPOLITAN POLICE**  
Harrow Station  
74 Northolt Road  
South Harrow  
Middlesex HA2 0DN  
Telephone 020 8423 1212.  
Direct Line 020 8733 3415.

Dear Sir

**Re: Renewal of Public Entertainment Licence**

– The Rayners Hotel, Village Way East, Rayners Lane, Harrow HA2 7LX

Please note the contents of this letter as formal notification that police will be objecting to the application for the renewal of the Public Entertainment Licence for the Rayners Hotel.

On 27/06/2003 at the Rayners Hotel the premises put on a 'Birthday Bash'

Over 70 signs were fly posted (hung around lampposts and A.T.S.) around Hillingdon Borough and possibly more placed in other areas.

The Rayners Hotel has a Public Entertainment Licence until Midnight on Mondays till Saturdays and until 2300 hours on a Sunday.

Between 0039 hours and 0048 hrs on 28/06/2003 four 999 calls were made to police: CAD 500, CAD 552, CAD 569, and CAD 623.

The content of the 999 calls was consistent - i.e. 50+ fighting with bottles and baseball bats.

When police arrived they were still fighting and there were injured on the floor that the LAS dealt with.

It took until 0100 hours to clear the area and over a dozen police vehicles to deal with it including the CID and Duty officer.

On 25/07/2003 I found a fly poster on Hillingdon Division advertising another event of similar content.

It was seized.

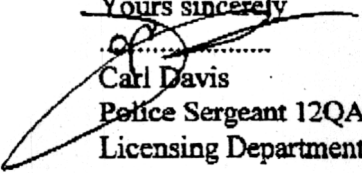
The licensees of the Rayners state that it is the same promoter as the last event at which there was the serious public disorder .

They have agreed that the event today ( 01/08/2003 ) will not be going ahead .

The seriousness of the disorder and the continuing willingness of the management of the premises to run further 'entertainment' which in every likelihood would lead to serious disorder gives police cause for concern over the running of the premises. Police believe that this should be brought to the attention of the Licensing Panel next month when the renewal is due in order that a decision can be reached as to whether the premises is suitable to continue to hold an Entertainment Licence.

Consequently police are objecting to the renewal of the licence to the applicants.

~~Yours sincerely~~

  
.....  
Carl Davis  
Police Sergeant 12QA  
Licensing Department

## **APPENDIX C**

**Applicant's Response – Operating Statement**

**RAYNERS PUB BUSINESS PLAN FOR OPERATION OF PEL (**  
**FUNCTION ROOM)**  
**SEPTEMBER 2003**

**TYPE OF EVENT AND TARGET MARKET;**

1 or 2 events a week which will be normally Friday and Saturday. These will be live "tribute" bands organised in conjunction with a well respected promoter.

Target market age is 30 + and our experience of the last two years confirms this is realistic.

We have attracted a mature audience and have had no trouble with these evenings. Tickets are available in advance and pre-sales help us plan staffing and stock levels.

The room is also used 2 or 3 times a week for well established, membership orientated dance /music clubs; viz. Salsa, rock/roll and jazz.

**OPERATIONAL CONSIDERATIONS;**

We have a bank of "as and when" staff to support our Pub team for the function room; these staff are experienced and enjoy the atmosphere and feel at ease with the older age group.

Our Door security team have been at the Rayners for a long time and fully understand and relate to the type of event and the customers we attract. We would expect our door staff to be registered with a Council approved body.

We find a 1 to 50 ratio is more than adequate with this type of target market.

**HEALTH AND SAFETY ISSUES;**

Queue entry is at the rear doors and we have no problems; especially when we have high pre. event ticket sales.

The PEL for Fri/Sat is midnight; we work with the acts to ensure there is a "wind down" from 11.45 and we advise our customers of the last trains (Rayners Lane picc./met) and bus approx. times; we sometimes find a steady exodus from 11.50 onwards.

There is no history of disorder in the last two years for this type of event aided by the fact that an increasing amount of people are repeat customers.

CCTV covers the areas in question and is always available for statutory enquiries.

The Pub has an electronic system for all type of incident reporting; which is automatically linked to our Head Office in Northampton.

Mr. Wright ( Manager ) is always present on the events and I, ( as Area manager ) regularly perform spot checks at the Site.  
All staff are trained in fire evacuation procedures and drug awareness.

**Summary;**

We do not envisage moving to any other target market ; the event in June was a trial that went wrong ; primarily because we assumed too much from a promoter with a previously good reputation. We also liase regularly with local residents and enjoy a good relationship with them. We are committed to working with both the Police and the Council to ensure we can continue to provide good quality entertainment in a safe environment ; as we have shown for the last two years .

R. W Tidd

~~Area Manager~~ ~~Joint Licencees~~

Area Manager  
Joint Licencees

Area Manager

J. Wright

0208 866 1666

Pub Manager



## **APPENDIX D**

Guidance - Procedure for the determination of the application

## PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

- 27 The procedure at the meeting will, in general, be similar to that in a Court of Law. Although the strict rules of evidence will not apply, they will be observed to a great extent because this is the best way of hearing the evidence from all parties. Members may seek clarification of any procedural, technical or legal matter from officers at any time during the proceedings.
- 28 A report will be put before the Panel, prepared by the appropriate officer of the Council. In addition an appropriate officer will provide a location plan showing the premises. A copy of the report will be sent to the applicant in advance of the meeting.

## WARD COUNCILLOR'S SUBMISSION

- 29 The Councillor for the Ward in which the applicant's or objector's premises are situated may either:
- (a) Object to an application in accordance with numbers 10 to 26 of these rules or
  - (b) Appear as a witness on behalf of an applicant or objector or
  - (c) Give evidence by way of Ward Councillor's submission as detailed in rule 30 below.
- 30 If a Councillor for the Ward, who has not made a formal objection, wishes to give evidence he may either address the Panel or may submit written representations in respect of the application regardless of whether or not he is an objector called by any party as follows:
- (a) If a Ward Councillor wishes to give oral testimony this will normally be given after the Chief Environmental Health Officer has introduced the report.
  - (b) Before a Ward Councillor addresses the Panel he must first make a declaration that he has not previously discussed the application with the Members of the Panel and will take no part in the determination of the application.
  - (c) Evidence given by way of oral testimony is subject to questioning by the parties to the application and by members of the Panel.
  - (d) If representation is given by way of written submission the Chairman will indicate that the Panel will take into account the fact that the submission of the Ward Councillor cannot be tested by questioning.
  - (e) Any evidence presented by a Ward

Councillor by way of a Ward Councillor's submission shall only relate to those issues already known to the applicant by way of the Report to Panel or otherwise.

- (f) (i) Evidence given by way of written submission under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the Hearing.
  - (ii) Notice of evidence to be given by way of oral testimony under this rule shall be provided to the Chief Environmental Health Officer at least 10 working days in advance of the hearing. If he wishes to raise issues which are not already known to the applicants, such notice shall be in writing and shall set out in general terms the issues to be raised.
  - (iii) The Chief Environmental Health Officer shall on receipt of evidence under (i) or a notice under (ii) above send a copy to the applicant as soon as possible and at least 5 days in advance of the hearing.
- (g) If there is an objection to the Ward Councillor's submission, the Ward Councillor and both applicant and objectors may give their reasons for or against the submission to the Panel. The Legal Advisor to the Panel may also give advice before the Panel decides whether to allow the submission in as evidence. If the Panel decides to hear the submission it may be appropriate to adjourn the proceedings after it has been made so as to allow the party objecting to it time to consider the submission in detail.

**Note:** It should be noted that a Ward Councillor's involvement in a hearing under this rule is limited solely to making representations i.e. there is no right of questioning of other parties or making a closing address.

## ORDER OF PROCEEDINGS

- 31 At the start of the hearing the Chairman will introduce himself and other members of the Panel.
- 32 The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing which will have been prepared in advance by the appropriate officer and he will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:
- (a) The Chief Environmental Health Officer will introduce the report and will outline the matter before Panel. He will give any relevant background information and explain the reasons for any recommendation.
  - (b) The applicant (or his representative) is then entitled to address the Panel and call evidence in support of his application.
  - (c) All the objectors then present their cases by addressing the Panel and/or calling witnesses. The objector may address the Panel either before or after calling his witnesses.
- Note:** In appropriate cases the Panel may during or at the end of the objector's case wish to establish whether the objectors are opposed to the application in its entirety or, for example are objecting to the lateness of the hours sought and not to the grant of the licence itself.
- (d) Council officer(s) wishing to give information in support of any recommendation or to give any other relevant factual information will now present their information. These officers can be questioned by any of the parties present or questioned by members of the Panel on matters relating to their professional expertise and are subject to further questioning by the Chief Environmental Health Officer.
  - (e) When all the evidence has been presented the objectors may each make a closing statement. An objector is not entitled to call new evidence at this stage and his closing statement must be limited to commenting on matters raised by the applicant either in the applicant's opening statement or the evidence called in support of the application.
  - (f) When the objectors have made their closing statements the applicant (or his representative) may make a closing statement to the Panel.

- 33 Each person giving evidence may be questioned by the opposing party or parties and by Members of the Panel. A person may decline to be questioned but less importance would then be attached to his evidence.

**Note:** Objectors to an application may not question each other but an objector may question his witness(es).

- 34 When a person gives evidence:
- (a) He is first asked to state his full name and address.
  - (b) He either makes a statement or, if appropriate, is questioned by the person calling him.
  - (c) He may be questioned by the other party or parties or their representative.
  - (d) Throughout the presentation of the respective cases for the Objector and the Applicant questions may be put by Members of the Panel. Such questions will normally be put immediately following the questions by the opposing party or parties. (Following the questions by Members of the Panel they may have to consider whether another opportunity for further questioning should be afforded to the other party or parties on "new" evidence introduced as a result of the replies to Members' questions).
  - (e) He may be questioned further (if appropriate) by the person who called him. These questions must be limited to matters which have already arisen in previous examination or Members' question. This is solely an opportunity to ask questions and not a time to make statements. No new matters may be raised at this stage.

## DOCUMENTARY EVIDENCE

- 35 Documentary evidence on which it is intended to rely shall be submitted to the Chief Environmental Health Officer not less than 10 working days before the date of the Hearing so that it may be included with the report to be submitted to the Panel. If documents are not easy to photocopy on an A4 machine, (eg photographs) then normally eight copies must be supplied. If an applicant does not comply with this requirement the hearing may be adjourned. The date for any reconvened meeting will be arranged at the convenience of the Panel after receipt of the information.

36 Where one of the parties wishes to submit a document at the hearing the following procedure should be followed:

- (a) The party concerned should explain why the document concerned was not submitted in advance.
- (b) If the Chairman accepts the explanation he shall then establish whether the opposing party or parties (or their representatives) have already seen the document and whether they have any objection to its submissions.
- (c) If the other parties have not previously seen the document the Chairman will request that it first be passed to them (or to their representative) so that they can decide whether they object to it being submitted to the Panel and if so the grounds of their objection.

**Note:** For this purpose it may be necessary to allow time for the study of the document.

- (d) If there is an objection to the submission of the document both parties may give their reasons for or against the proposed submission to the Panel. The Legal Adviser to the Panel may also give advice before the Panel decide whether to allow the document to be submitted.

**Notes** In some cases it may be necessary for them to see the document before making a decision.

Clearly rules 35 and 36 have to be interpreted flexibly in relation to models, colourboards etc. A party wishing to produce such models etc. should give notice in advance to the Chief Environmental Health Officer.

37 If there has been no objection to the submission of a document or if the Panel has ruled that it may be submitted, the document will normally be read aloud by the party submitting it or by his representative. If the submission is a letter or written statement by someone who is not present and its submission has been opposed by one of the parties, the Chairman, (if the Panel have ruled that it should be admitted) will indicate that the weight of evidence (importance) that the Panel will attach to the document and will take into account the fact that the signatory of the letter or the maker of the statement is not present to be questioned. In some cases it may be appropriate to adjourn the proceedings so as to allow the party objecting to the submission time to consider the submission in detail.

**Note:** At least 8 copies should be provided of any document which is to be submitted at the meeting.

## DECISION

38 At the end of a hearing the Chairman will

announce that the hearing is adjourned to enable the Panel to deliberate in private and will return as soon as possible to announce their decision (which can be reached by majority decision). The Panel will normally be accompanied by the Legal Advisor and the Clerk but the decision shall be arrived at by Members of the Panel only. Sometimes the Panel will go to a private room or they may ask the parties concerned, their witnesses and the public to leave.

39 The Panel may decide to grant part or all of an application, or may refuse an application. The Panel may attach conditions to any licence granted, or in the case of variations, vary existing conditions. The Panel is also able to revoke or refuse to renew a licence.

## NOTIFICATION OF A DECISION

40 The Chairman will normally announce the Panel's decision in public at the end of the hearing and the reasons for this decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

## WAIVERS OF RULES

41 In any particular case, any of these rules may be waived, altered or modified by the Council's Environment and Transport Committee or by the Panel.

## APPEALS

42 A person refused an application in respect of an entertainment or indoor sports licence or licensee aggrieved by any term, condition or restriction attached to the licence can appeal to a Magistrate's Court (the Crown Court in the case of cinema licences). The Council is the party who defends any such appeal but the Court rehears all the evidence for and against the grant of the application or the imposition of the term, condition or restriction as the case may be. A person aggrieved by the order of a Magistrates Court on such an appeal has a right of appeal to the Crown Court.

43 An objector aggrieved by the decision of Panel does not have these rights of appeal but is entitled to object again when the licence comes up for renewal or may be called by the Council as a witness on the hearing of any appeal by the applicant.

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