

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	<b>LICENSING PANEL</b>
<b>Date:</b>	<b>24<sup>TH</sup> FEBRUARY 2004</b>
<b>Subject:</b>	<b>APPLICATION FOR A NEW PUBLIC ENTERTAINMENTS LICENCE</b> <b>THE CRAZY HORSE, 43 CHURCH ROAD, STANMORE, MIDDX.</b> <u>(Formerly The Stanley Moors Public House)</u>
<b>Responsible Chief Officer:</b>	<b>CHIEF ENVIRONMENTAL HEALTH OFFICER</b>
<b>Status:</b>	<b>PART 1 (PUBLIC)</b>
<b>Ward:</b>	<b>STANMORE PARK</b>
<b>Enclosures:</b>	<b>APPLICATION AND OBJECTIONS</b>

### 1. Summary

- 1.1 This report gives details of an application for a new public entertainments licence and gives guidance to assist the Licensing Panel in reaching a decision. There are individual objections from The Metropolitan Police, 23 local residents, together with one petition with a total of 18 signatures. Following a conciliation meeting and reduction in the proposed hours of trading, the police have withdrawn their objection.

### 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. Relevant Previous Decisions

None

### 4. Relevance to Corporate Priorities

- 4.1 While this report is in response to a request for 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.

### 5. Background Information

- 5.1 Application has been made for a new entertainments licence for The Crazy Horse, 43 Church Road, Stanmore, Middx. The application is made by Rochman Landau

Solicitors on behalf of Food & Drinks Ltd, who own the lease for the premises. The following table shows the hours in the original application.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
In application	Midnight	Midnight	Midnight	2.00	2.00	2.00	Midnight

Amended times after conciliation:

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
In application	Midnight	Midnight	Midnight	Midnight	1.00	1.00	Midnight

- 5.2 The application is for a capacity of 200 persons for the whole of the premises. The premises is suitable for the above number of patrons, however additional works to install CCTV and ventilation systems at the premises are yet to be completed. The application is at Appendix A.
- 5.3 The Chief Planning Officer has not raised any planning objections to the proposed opening hours of the premises.
- 5.4 The objections and the petition concern a range of issues regarding the premises, patrons, local planning controls and the overall impact on the local area. There are particular complaints of noise from the premises, plus noise and anti-social behaviour problems with the patrons. Parking is seen to be a particular problem. Copies of objections are appended to this report in Appendix B.
- 5.5 Further to the Police's letter of objection, the Applicants have met with the Police Licensing Officers and have agreed to accept conditions to satisfy those concerns. Since, the Metropolitan Police have withdrawn their objection to the application.
- 5.6 There have been no objections to the application from the London Fire and Emergency Planning Authority.
- 5.7 The application is referred for the decision of the Panel, as there are outstanding objections to the application is beyond the Council's standard hours of operation (11pm).

## 6. OBJECTIONS TO THE APPLICATION

- 6.1 Copies of the original letters of objection are attached (see Appendix B).
- 6.2 Once the date for the hearing was established the applicant and the objectors were invited to provide written statements of the evidence they wished to present at the hearing (see Appendix C).
- 6.3 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).

## 7. The Premises

- 7.1 Location

The premises are situated in a mixed residential and commercial part of the town centre. There is limited parking on site for patrons to park cars. Recently, a new block of apartments, The Pynacles, was built in the adjacent land.

## 7.2 Construction

The premises are of solid construction and whilst not purpose built for entertainments, the applicant is completing the recommended works necessary for the premises to meet the requirements of the Council's Technical Regulations regarding construction.

## 7.3 Complaint History

Environmental Health has received one complaint about the premises since it opened for trading in January 2004. Complaint concerned noise arising from the premises and problems from patrons during a new years party, particularly regarding noise and parking.

## 8. **Determination of the Application**

8.1 Having considered the representations of the objectors and the applicant, the Panel has to determine the application for the licence. The legislation does not list the grounds on which the Panel can refuse an application for 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 any evidence presented at the hearing, from both the objectors and the applicant, 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 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 and details of the application were attached to the Planning Application lists.

## **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 File for The Crazy Horse, 43 Church Road, Stanmore.
- 12.2 London Borough of Harrow, Rules of Management and Technical Regulations for Places of Public Entertainment.

## **13. Author**

- 13.1 Shankar P Sivashankar 8420 9605

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