

LONDON BOROUGH OF HARROW

Meeting:	LICENSING PANEL
Date:	26 MAY 2004
Subject:	APPLICATION FOR A VARIATION OF A PUBLIC ENTERTAINMENTS LICENCE RAT AND PARROT PH, 86 ST ANNS ROAD, HARROW.
Responsible Chief Officer:	CHIEF ENVIRONMENTAL HEALTH OFFICER
Relevant Portfolio Holder:	COUNCILLOR PHIL O'DELL
Status:	PART 1 (PUBLIC)
Ward:	GREENHILL
Enclosures:	APPLICATION, EXISTING LICENCE AND POLICE LETTER

1. **Summary**

- 1.1 This report gives details of an application for the variation of a public entertainment licence and gives guidance to the Licensing Panel to assist in reaching a decision. There are no objections to the application, however concerns were raised by the Metropolitan Police. Following discussions with the Police, the applicant has agreed to accept all the proposal made by the Police. The application is referred to the Panel as the original last entry hour condition was agreed by the Panel.

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

- 2.1 **Members are asked to determine the application in accordance with the guidance in section 7, below.**

3. **Relevant Previous Decisions**

The Panel has granted similar variations to other premises in the Town Centre, namely, Time Night Club, O'Neil's and Trinity Bar.

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 the variation of the existing Annual Entertainments Licence for Rat and Parrot, St. Ann's Road, Harrow. The application, to seek an extension in the last entry times at the premises, has been made by the Spirit Group the operator of the premises. The premises have been licensed for public entertainments since 1999. The following table shows the current last entry times and the proposed last entry times in the application. The existing hours of opening remain unchanged as 1am on Thursdays, Fridays and Saturdays.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Existing Last Entry	N/a	N/a	N/a	11pm	11pm	11pm	N/a
In application	-	-	-	1am	1am	1am	
After Conciliation				Midnight	Midnight	Midnight	

5.2 Following consultation with the Police, the existing conditions are modified to strengthen door policies and to improve CCTV at the premises.

5.3 The premises are licensed for up to 330 persons, the premises are suitable for this number. A copy of the application and the existing licence are appended to this report.

5.4 The Chief Planning Officer advises that there are no planning conditions that limit the hours of operation of the premises.

5.5 The Police had concerns over the proposal to extend last entry at the premises on Thursdays, Fridays and Saturdays until 1am. Following conciliation between the Police and the representative for the applicant, the applicant has agreed to accept all the suggestions made by the Police. A copy of the original letter from the Police is appended to this report.

5.6 There have been no objections to the application from the London Fire and Emergency Planning Authority.

5.7 As the last entry condition in the licence was established by the Panel, the application is referred to the Panel for decision. In the absence of any objections there is no rigid procedure for the Panel to follow in determining the application. The applicant has been invited to the Panel meeting.

6. **The Premises**

6.1 Location

The Rat and Parrot is a detached building fronting onto St Ann's Road and backing onto Greenhill Way. It is next to the St Ann's Road entrance to the St Georges Centre. The proposed area for entertainments is the ground floor bar. The substantial seating area outside at the front of the premises is outside the licensed area. For many years it has traded as a public house under the name of the Royal Oak.

6.2 Construction

It is purpose built as a public house and of solid construction. The premises meet the requirements of the Council's Technical Regulations regarding construction.

6.3 Complaint History

Environmental Health has received no complaints in relation to the entertainments licensing at the premises in the last year

7. **Determination of the Application**

7.1 Having considered the application and any additional information that might be provided by the applicant the Panel has to determine the application for the variation of last entry hour. The legislation does not list the grounds on which the Panel can refuse an application for a variation. The legislation does allow the modification of existing conditions, restrictions, etc. but again offers no guidance as to the type of condition that may be imposed. It is clear that any amendments to conditions would have to be practical, enforceable and meet the rules of natural justice.

7.2 Options available to the Panel for each aspect of the variation:

a. To grant the variation as it stands. Any licence granted would be subject to the Council's Rules of Management.

b. To grant the variation and in light of the evidence presented to amend existing conditions upon the licence. Licence conditions may relate to the management of the premises or technical provisions at the premises.

c. To refuse the variation.

7.3 It should be noted with options (b) and (c) that;

i. Clear reasons for either the refusal to vary the licence, or of the imposition of amendments to conditions would have to be given to the applicant, and

ii. The applicant would have the right of appeal to a Magistrates Court.

8. **Consultation**

8.1 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.

9. **Finance Observations**

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

10. **Legal Observations**

10.1 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.

11. Background Papers

11.1 File for the Rat and Parrot PH, 86 St. Ann's Road, Harrow.

11.2 London Borough of Harrow, Rules of Management Technical Regulations for Places of Public Entertainment.

12. Author

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