

Community and Environment  
Corporate Director – Brendon Hills

**By Email and Post**

G. T. Wheal, Chairman  
Pinner Association Licensing Sub-Committee

Thursday, 17 June 2010

Our ref: ce/css/lic/

Dear Mr Wheal,

**RE: Licensing Act 2003 - Proposed Licensing Policy 2010**

Firstly many thanks for taking the time to review our proposed licensing policy and offering your comments.

Your comments highlight a difficult anomaly that this licensing authority is often presented with - applications for licences are made where the proposed operation goes beyond the applicant's current planning permission or conditions.

While this authority is aware of this anomaly, the legislative framework does not allow the licensing authority to take into consideration planning issues when determining a licensing application.

Planning and licensing are separate regimes established under different legislative enactments and whilst the licensing policy can encourage an applicant to seek planning permission first, it cannot compel an applicant to do so.

There may be situations whereby the hours restriction imposed for planning is different from the hours restriction imposed for licensing. If the planning hours restriction is more onerous, the applicant is expected to comply with this and if he or she fails, the Council in its capacity as local planning authority can take enforcement action. The Council as licensing authority can inform an applicant about planning restrictions, however the licensing authority cannot refuse or curtail a licence on the basis of planning matters.

Therefore, for the reasons outlined above, your suggested comments cannot be included in the licensing policy.

Again, many thanks taking the time to review our proposed licensing policy and your comments were greatly appreciated.

Yours sincerely

B Forde, Licensing Enforcement Officer  
Email: [licensing@harrow.gov.uk](mailto:licensing@harrow.gov.uk)  
Tel: 020 8901 2600