

Meeting:	Licensing Panel
Date:	2nd March, 2005
Subject:	Application for a Variation to a Public Entertainment Licence: Jamesons PH (formally known as Conways), 34 South Parade, Mollison Way, Edgware, Middx
Responsible Officer:	Chief Environmental Health Officer
Contact Officer:	P Sivashankar
Portfolio Holder:	Environment and Transport
Key Decision:	No
Status:	Public

1. Summary

- 1.1 This report gives details of an application for the variation of an entertainment licence and gives guidance to assist the Licensing Panel in reaching a decision. There are no objections from residents. The Metropolitan Police raised an initial objection, but the objection has now been withdrawn following consultation with and action by the applicant.

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 variation to the entertainments licence for Jamesons, 34 South Parade, Mollison Way, Edgware, Middlesex. Mr J Kelly the Director, and Mrs V Kelly, the Manager are both licensee's of the premises Jamesons, trading as Jamesons Bar Ltd. The following table shows the hours in the application.

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Existing Hours	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight
	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
In application	Midnight	Midnight	Midnight	01.00	02.00	02.00	00.30

After consultation with the police the hours have now been amended to :

	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Amended hours	Midnight	Midnight	Midnight	Midnight	01.00	01.00	00.30

A copy of the existing licence and application are attached to this report.

- 5.2 The Chief Planning Officer has not raised any planning objections to the proposed opening hours of the premises or to the nature of the application at the premises.
- 5.3 The objections from the Metropolitan Police concerned crime and disorder reduction measures. Following consultation with the applicant a letter was received from the applicants solicitor stating that they are happy to undertake the necessary works. Following the Solicitors response the police were happy to withdraw their objection.
- 5.4 There are no objections from local residents.
- 5.5 There have been no objections to the application from the London Fire and Emergency Planning Authority.

- 5.6 The application is referred for the decision of the Panel, as there are outstanding objections to the application and the application is beyond the Council's standard hours of operation (11pm).

6. OBJECTIONS TO THE APPLICATION

- 6.1 A copy of the police objection letter, and the applicants representatives response are attached to this report.

7. The Premises

7.1 Location

The premises are on a parade set back slightly from the main road in Edgware. There are no facilities on site for patrons to park cars; all parking must be on the roadside directly in front of the premises.

7.2 Construction

The premises are of solid construction and whilst not purpose built for entertainments, works have been carried out to ensure its suitability for use as an entertainment venue.

7.3 Complaint History

Environmental Health has not received any complaints about the premises in the last year.

8. Determination of the Application

- 8.1 Having considered the representations of 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 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 matters raised by the police have been put in place 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 Jamesons, 34 South Parade, Mollison Way, Edgware, HA8 5QL.

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

13. Author

13.1 S Hinchliffe, 020 8420 9605