

Application for the grant of a Premises Licence: Orange Peel PH

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens Licensing Officer Ex 01895 277067 (7067)
Papers with report	Appendix 1 - Officer Recommendation Appendix 2 - Application for the grant of a premises licence including proposed plan Appendix 3 - Representation from local residents Appendix 4 - Planning application (plan) 1 st floor Appendix 5 - Map of the area and photograph of the premises Appendix 6 - Original Licence for Orange Peel
Ward name	Brunel

1.0 SUMMARY

To consider an application for a new Premises Licence in respect of The Orange Peel Public House Field Heath Road, Uxbridge, UB8 3NJ and representations against the application received from seven local residents.

2.0 RECOMMENDATION

2.1 To grant the application for a premises licence in accordance with the conditions detailed in Appendix 1.

3.0 APPLICATION

3.1 The new Premises Licence application has been made by Mr Wallace Tam a licensing agent on behalf of Jie Du a director of Peak Chaplet Ltd in order to licence and thus make licensable activities available at the premises.

3.2 Name of applicant
Peak Chaplet Ltd

3.3 Type of application applied for
New Premises Licence

3.4 Description of premises taken from the application form
On the ground floor a public house, restaurant, take away and catering services, at first floor level meeting and VIP rooms

3.5 A copy of the application form and premises plan is attached as **Appendix 2**

3.6 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>	<u>Hours of previous licence</u>
Sale of Alcohol:	Consumption on the premises	x	x
	Consumption off the premises	x	x
Regulated Entertainment:	Plays		
(Indoors Only)	Films		
	Live Music		x
	Recorded Music	x	x
	Performances of dance		x
	Indoor Sporting Events		
	Boxing/Wrestling		
Late Night Refreshment (on and off the premises)		x	x

3.7 Licensable Activity Hours

	Proposed hours for Premises Licence	Hours pertaining to previous licence
Monday	12.00 - 00.00	10:00 - 23.00
Tuesday	12.00 - 00.00	10:00 - 23.00
Wednesday	12.00 - 00.00	10:00 - 23.00
Thursday	12.00 - 00.00	10:00 - 23.00
Friday	12.00 - 00.00	10:00 - 23.00
Saturday	12.00 - 00.00	10:00 - 23.00
Sunday	12.00 - 00.00	12.00 - 22.30

3.8 Opening Hours

	Proposed	Hours pertaining for previous licence
Monday	12.00 - 00.00	unrestricted
Tuesday	12.00 - 00.00	unrestricted
Wednesday	12.00 - 00.00	unrestricted
Thursday	12.00 - 00.00	unrestricted
Friday	12.00 - 00.00	unrestricted
Saturday	12.00 - 00.00	unrestricted
Sunday	12.00 - 00.00	unrestricted

3.9 Operating Schedule and Conditions

- 3.10 The operating schedule, as proposed by the Applicant, can be found in the application form in **Appendix 2**.
- 3.11 Part M of the operating schedule demonstrates the steps the applicant proposes to take, in order to promote the licensing objectives.
- 3.12 The schedule promotes that glasses and bottles will not be permitted to be taken out of the premises and that any disorderly behaviour, binge drinking and similar will be reported to the police. It also promotes the display of various notices concerned with the behaviour of customers and noise. A full list of licence conditions which are consistent with the operating schedule are contained in **Appendix 1** (officers recommendation).

4.0 **CONSULTATION**

- 4.1 Closing date for representations
6th January 2016
- 4.2 Public Notice published in local newspaper
9th December 2015 - Uxbridge Gazette
- 4.3 The application was published on the Councils website on 9th December 2015. Responsible Authorities and Ward Members were notified of the application on 9th December 2015.

5.0 REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

No Responsible Authorities have active representations;

Police
Environmental Protection Unit
Licensing Authority
Fire Authority
Public Health
Trading Standards
Planning Authority
Safeguarding Children
Food, Health & Safety

5.2 The Police initially responded with a representation citing concerns under the crime and disorder objective but qualified that they would not proceed with their representation if certain conditions were met by the applicant. These conditions were agreed and can be seen as proposed conditions at **Appendix 1**. They mainly take into account the use of CCTV and the keeping of an incident log. All other Responsible Authorities as shown have not responded and are therefore considered not to have concerns about this application.

5.3 There are 8 representations from other parties

Interested Parties	Ground for Representation	Appendix
Alison Porter	Public Nuisance,	Appendix 3
Samantha De Pra	Public Nuisance	Appendix 3
Mrs Saw-lan Moxey	Public Nuisance and Crime and Disorder	Appendix 3
June Nursimooloo	Public Nuisance and Crime and Disorder	Appendix 3
Philip Swift	Public Nuisance	Appendix 3
Sam Bassan	Public Nuisance and Crime and Disorder	Appendix 3
Wayne Peden	Public Nuisance	Appendix 3
Mr John Rogers	Public Nuisance	Appendix 3

6.0 BACKGROUND INFORMATION

6.1 Other licences held;

The building was historically licensed as an established Public House until the licence was surrendered in December 2012.

6.2 Designated Premises Supervisor

The proposed designated Premises Supervisor is Chao Pan. No consent form has yet been received.

6.3 Description of the Premises

The premises are situated over two floors together with a large basement area. At the time of application the first floor was laid out as per the submitted plan, there being five rooms, each with toilet and showers. The application does not seek to licence the first floor.

The premises fronts Field Heath Road directly at the junction with Colham Green Road. There was previously a car parking area to the side of the premises. This is currently under construction and the application does not state if or how many future parking spaces will be provided.

6.4 Other licensed premises nearby

There are two off licensed local stores directly opposite which are currently licensed to 23.00 and 22.00 weekdays and Saturdays.

Maps of the area and photos of the premises are attached as **Appendix 5**.

7.0 OFFICER'S OBSERVATIONS

7.1 Observations

7.2 This is an application to re licence a building which was, for many years a site that operated as a Public House. The original public house surrendered its licence in 2012. The original building was licensed for the sale of alcohol, (on and off sales) the provision of recorded music (indoors) and the provision of late night refreshment (indoors). Further, the provision of regulated entertainment for live music, recorded music, dancing and entertainment of a similar description. (indoors).

The original times of operation were weekdays other than Good Friday, Christmas Day or New Years Eve between 10.00 and 23.00. On Sundays other than Good Friday, Christmas Day or New Years Eve between 12.00 and 22.30.

Licensing provision was permitted between the end of hours New Years Eve until the start of hours New Years Day. Late night refreshment was permitted to be for half an hour in excess of the times above.

7.3 The opening hours of the premises was not restricted and this previous licence can be seen at **Appendix 6**

7.4 An original application by Peak Chaplet Ltd was made to re licence the premises in mid September 2015. The application at this time requested operational times ending at

Licensing Sub-Committee - 3 February 2016

3am. The application was not properly supported by correct notices at the venue nor was the correct legal notices made in the local press and thus the application was returned.

- 7.5 The application in September did however result in some immediate concern from local residents, some letters were received before the application was returned and thus the writers were latterly informed by the Regulatory Service that the application had not been accepted. In this time there was considerable communication between the applicants and the Regulatory Service. On the point of licensing hours, some discussion and advice was given.
- 7.6 The application does not currently seek to licence the first level of the building albeit the application has been submitted with a plan of this area and marked as an area where the eating of hot and cold food is permitted. The application also contains a reference to the first floor in the description of the premises as an area used for meeting and VIP rooms.
- 7.7 The premise has undergone a planning application whereby the first floor level has seen planned changes with a proposal as set out in **Appendix 4**.
- 7.8 There is some concern from residents as to what purpose this area is to be used for and the application is not forthcoming with any detail. To have any ability to order alcohol or have entertainment in this area (having regard to recent deregulation changes) the licence holders would have to apply for a variation, to have this area or any part of it, added to any existing licence. As the current application applies the consumption of food and drink in this area under the proposals would be lawful.
- 7.9 S182 Guidance
The Committee's attention is drawn to the following particularly relevant section of the S182 Guidance:

Para 2:14 to 2:20 These paragraphs of the Guidance address the measures associated with Public Nuisance. Para 15 says: Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

8.0 LEGAL CONSIDERATIONS

LEGAL COMMENTS

When considering licence applications the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:

- grant the application.
- grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives
- exclude from the scope of the licence any licensable activity(ies) to which the application relates
- refuse to specify a designated premises supervisor
- reject the application

Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.

It is noted that in this instance a Consent Form has not been received from the proposed Designated Premises Supervisor. In these circumstances, the Sub-Committee may grant a Premises Licence without specifying a Designated Premises Supervisor. The effect of such a decision is that no licensable activity may take place on the premises until a Designated Premises Supervisor is appointed in accordance with licensing processes.