

## APPENDIX 5

TITLE: Refer to type of application being considered - i.e. 'variation of premises licence'	ITEM #
Committee	Licensing Sub-Committee
Officer Contact	Officer name, job title and extension number
Papers with report	<p>Appendices should be standard, where possible and should be in the following order;</p> <p>Appendix 1 - Application form (including premises plan) Appendix 2 - Site map of local area &amp; photos of premises Appendix 3 – Companies House information (where relevant) Appendix 4 - Representations from Responsible Authorities (including any supporting information) Appendix 5 - Representations from Interested Parties (including any supporting information) Appendix 6 - Existing licence (if applicable)</p>
Ward name	e.g. Eastcote & East Ruislip
<b>NOT FOR PUBLICATION</b> This report contains confidential or exempt information	<b><i>This box is for PART 2 papers only which will not be circulated publicly. Please check with Democratic Services if you are unsure of what may be Part 2</i></b>

### 1.0 SUMMARY

#### 1.1 *About 2 lines here e.g*

*To consider a variation application for The Muddy Duck, Ickenham Road, Ruislip and relevant representations from Responsible Authorities and Interested Parties.*

### 2.0 RECOMMENDATION

**2.1 That the Licensing Sub-Committee determines whether to grant, refuse or amend the application as set out in the report.**

### 3.0 APPLICATION

3.1 Name of applicant  
*Eg. Muddy Duck Pub Co Ltd*

3.2 Type of application applied for  
*Eg. Variation of premises licence - to alter the operating times and to extend the dining room to accommodate more diners*

3.3 Description of premises taken from the application form  
*Eg. Pub with substantial dining facilities*

3.4 A copy of the application form and premises plan is attached as Appendix 1

3.5 A site map of the local area and photos of the premise are attached as Appendix 2.

3.6 Licensable Activities

<u>Activity</u>		<u>Permitted now</u>	<u>Proposed</u>
Sale of Alcohol:	Consumption on the premises	✓	
	Consumption off the premises		✓
Regulated Entertainment:	Plays		
	Films		
	Live Music	✓	
	Recorded Music		✓
	Performances of dance		✓
	Indoor Sporting Events		
	Boxing/Wrestling		✓
Late Night Refreshment		✓	

3.7 Licensable Activity Hours

	<b>Sale of Alcohol</b>		<b>Regulated Entertainment</b>		<b>Late Night Refreshment</b>	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
<b>Monday</b>	10.00-23.00	10.00-00.00	10.00-23.00	No change		
<b>Tuesday</b>	10.00-23.00	10.00-00.00	10.00-23.00	No change		
<b>Wednesday</b>	10.00-23.00	10.00-00.00	10.00-23.00	No change		
<b>Thursday</b>	10.00-23.00	10.00-00.00	10.00-23.00	No change		
<b>Friday</b>	10.00-23.00	10.00-23.00	10.00-23.00	No change		
<b>Saturday</b>	10.00-23.00	10.00-23.00	10.00-23.00	No change		
<b>Sunday</b>	10.00-23.00	10.00-23.00	10.00-23.00	No change		

### 3.8 Opening Hours

	<b>Existing</b>	<b>Proposed</b>
<b>Monday</b>	10.00-23.30	10.00-00.30
<b>Tuesday</b>	10.00-23.30	10.00-00.30
<b>Wednesday</b>	10.00-23.30	10.00-00.30
<b>Thursday</b>	10.00-23.30	10.00-00.30
<b>Friday</b>	10.00-23.30	10.00-00.30
<b>Saturday</b>	10.00-23.30	10.00-00.30
<b>Sunday</b>	10.00-23.30	10.00-00.30

### 3.7 Operating Schedule and Conditions

The operating schedule can be found at page **XX** of the Application form in Appendix One.

This section of the application form outlines how the licensable activities will be managed in respect of each licensing objective. These measures have been translated into the following Annex 2 licence conditions:

- X
- X
- X

Should the committee be minded to amend any of these conditions, they will be removed from Annex 2 and placed in Annex 3.

## 4.0 **CONSULTATION**

### 4.1 Closing date for representations

*Eg. 31<sup>st</sup> July 2021*

### 4.2 Public Notice published in local newspaper

*Eg. 7<sup>th</sup> July 2021*

### 4.3 The application was published on the Councils website on **5<sup>th</sup> July 2021**. Responsible Authorities and Ward Members were notified of the application on **5<sup>th</sup> July 2021**.

**X** Responsible Authorities and **X** Interested parties have responded - See 5.0

## 5.0 REPRESENTATIONS

### 5.1 RESPONSIBLE AUTHORITIES - Appendix 3

Responsible Authority	Ground for Representation
Licensing Authority	Crime & Disorder; Public Nuisance
Police	Crime & Disorder
Environmental Protection Unit	Public Nuisance
Fire Authority	Public Safety
Public Health	
Trading Standards	
Planning Authority	
Safeguarding Children	
Food, Health & Safety	Public Safety

### 5.2 INTERESTED PARTIES - Appendix 4

Interested Party	Address	Grounds for Representation	Representative Body
Cllr		Crime & Disorder; Public Nuisance	Ward Councillor representing local residents
Residents Association		Crime & Disorder; Public Nuisance	Residents Association representing 20 residents & presenting a petition containing 45 signatures
Mr Joe Bloggs		Crime & Disorder; Public Nuisance	N/A
Mrs J Smith		Public Nuisance	N/A

### 5.3 The following Responsible Authorities have not responded and are therefore considered to have no concerns about this application:

X...  
X...  
X...

X....

## **6.0 BACKGROUND INFORMATION**

### **6.1 Current Licences held**

*Eg. The premises have been licensed as a public house since 28<sup>th</sup> May 2007. The current premises licence holder is 'Muddy Duck Pub Co Ltd' who have held the licence since 31<sup>st</sup> June 2012.*

### **6.2 Current Designated Premises Supervisor**

*Eg. Mr John Jones - No change is proposed currently*

### **6.3 Description of the Premises**

*Eg. The premises occupy a large plot, including beer garden and car park for approx 20 vehicles. The property is detached with the main entrance fronting Ickenham Road, at the roundabout junction with Sharps Lane etc etc.*

*The pub backs onto Wood Close with 6 residential properties backing onto the pub garden.*

*The premises are well lit, benefiting from the street lighting at the front of the property and also good lighting in the rear car park and beer garden.*

*The property itself benefits from double glazing and a fitted ventilation system.*

### **6.4 Other licensed premises nearby**

*Eg. The White Horse public house is located approx half a kilometre from the Muddy Duck on Street Road. The White Horse is currently licensed for alcohol sales, regulated entertainment and late night refreshment between 10.00 and 23.00 each day.*

*There are 2 off licences located on the nearby parade of shops on Passage Lane, both closing at 22.00 each day.*

## **7.0 OFFICER'S OBSERVATIONS**

### **7.1 Observations**

*This will be an assessment of the application based on facts*

*Such as:*

- Number & type of relevant complaints received in addition to any reps.
- Case history of premises
- Case history of applicant
- Visits made by officers
- Mediation carried out
- Analysis of operating schedule against licence objectives i.e. does it go far enough to address the licensing objectives.

## 7.2 Relevant Sections of the S182 Guidance

X  
X  
X

## 7.3 Relevant Sections of the Hillingdon Licensing Policy

X  
X  
X

## **8.0 LEGAL AND POLICY CONSIDERATIONS**

8.1 The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

8.2 Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act 2003 must prevail.

8.3 When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or need are not in themselves relevant representations. For example, a representation from a bar owner, that the grant of a premises licence to another bar, will take customers away from his/her premises, is not a relevant representation, nor is a representation from other persons that another off licence in the parade of local shops is not needed.

8.4 The Licensing Sub-Committee can attach a “weight” to any relevant representations, such factors that could influence the “weight” to be placed on a representation could include:

- Whether the representation can be clearly related to any one of the four licensing objectives;
- Whether the representation concerns matters over which the applicant is able to exercise control;
- Whether the representation is based on “hearsay” evidence;
- Whether the representation is supported by firm evidence;
- Whether the person making the representation has attended the hearing in person.

8.5 Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:

- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
- To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
- To exclude any of the licensable activities to which the application relates
- To amend the times for all or some of the licensable activities;
- To refuse to specify a person on the licence as the designated premises supervisor
- To reject the application

8.6 Conditions will not be necessary if they duplicate a current statutory requirement. Members are also referred to the Home Office guidance on conditions, specifically section 10 which states that licensing conditions should be tailored to the size, type,

location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions, which ignore these individual aspects, should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

Licensing authorities should therefore ensure that any conditions they impose, are only those which are appropriate for the promotion of the licensing objectives.