

Decisions of the Licensing Sub-Committee

12 April 2019

Members Present:

Councillor Danny Rich
Councillor Lachhya Gurung
Councillor Zakia Zubairi

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Rich be appointed as Chairman.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Sub-Committee considered an application for a new premises License for SCENE LOUNGE, 38 STATION ROAD, EDGWARE, HA8 7AB, together with submissions from the Licencing Officer, the Applicant, the Applicant's representative, PC Vicky Wilcock and written submissions from S.K. Yadave, Saeid Zabeti Targhi, Cllr Sarah Wardle and Cllr Linda Freedman.

5. REPORT OF TRADING STANDARDS AND LICENSING MANAGER

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED - That the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licencing Act 2003 (Hearings and Regulations) 2005.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee retired in private session, accompanied by the council's legal and governance officers, to consider the facts of the application and the measures necessary (if any) to ensure the promotion of the Licencing objectives.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

Decision: BARNET COUNCIL, as the Licencing Authority for the area in which the Premises is situated, has determined to **Grant** the Licence subject to amendments.

The Licence is granted subject to the following variation to the terms proposed:

Provision of Live Music – Indoors Only, The Provision of Recorded Music – Indoors only and the Provision of Performance of Dance – Indoors only:

Friday & Saturday: 23:00 – 02:00 hrs (the following morning)

Bank Holiday Sundays: 23:00 – 02:00 hrs (the following morning)

Provision of anything of similar description to live music, recorded music or performance of dance – Indoors only:

Friday & Saturday: 10:00 – 02:00 hrs (the following morning)

Bank Holiday Sundays: 10:00 – 02:00 hrs (the following morning)

The Supply of Alcohol for consumption on Premises only:

Sunday to Thursday: 10:00 – 00:00 hrs

Friday & Saturday: 10:00 – 02:00 hrs (the following morning)

Bank Holiday Sundays: 10:00 – 02:00 hrs (the following morning)

The Hours that the Premises are open to the Public:

Friday & Saturday: 10:00 – 02:00 hrs (the following morning)

Bank Holiday Sundays: 10:00 – 02:00 hrs (the following morning)

The Licencing Authority also determined that there be an additional condition that there be at least 1 parking marshal on site to ensure managed departure from 02:00 hrs until all visitors have departed.

This was an application for a new Premises licence for SCENE LOUNGE, 38 STATION ROAD, EDGWARE, HA8 7AB (herein after referred to as the “Premises”). The application seeks to allow the following:

The provision of Live Music - indoors only, The provision of Recorded Music - indoors only and the Provision of Performance of Dance - indoors only:

Standard Days and Timings: Sunday to Thursday 23:00hrs - 00:00hrs

Friday & Saturday 23:00hrs – 03:00hrs (the following morning)

Non Standard Timings: Bank Holiday Sundays 23:00hrs – 03:00hrs (the following morning)

From the start of licensable hours New Years Eve to the start of licensable hours New Years Day

The provision of anything of a similar description to live music, recorded music or performance of dance - Indoors only:

Standard Days and Timings: Sunday to Thursday 10:00hrs – 00:00hrs

Friday & Saturday 10:00hrs – 03:00hrs (the following morning)

Non Standard Timings: Bank Holiday Sundays 10:00hrs – 03:00hrs (the following morning)

From the start of licensable hours New Years Eve to the start of licensable hours New Years Day

The Supply of Alcohol for consumption both on and off the premises:

Standard Days and Timings: Sunday to Thursday 10:00hrs – 00:00hrs

Friday & Saturday 10:00hrs – 03:00hrs (the following morning)

Non Standard Timings: Bank Holiday Sundays 10:00hrs – 03:00hrs (the following morning)

From the start of licensable hours New Years Eve to the start of licensable hours New Years Day

The Hours that the Premises are open to the Public:

Standard Days and Timings: Sunday to Thursday 10:00hrs – 00:30hrs
Friday & Saturday 10:00hrs – 03:30hrs (the following morning)

Non Standard Timings: Bank Holiday Sundays 10:00hrs – 03:30hrs (the following morning)

From the start of licensable hours New Years Eve to the start of licensable hours New Years Day

Following consultations with the Metropolitan Police, the Applicant has amended their application to include the additional conditions which have been set out at Annex 2 of the Application Pack.

The Applicant's representative set out the Applicant's application before the committee, citing the following:

- 1) That the building has been vacant for over 14 years and was in a dilapidated state when purchased by the Applicant;
- 2) The Applicant has borne significant expense in bringing the building to standard and has liaised at length with the Licencing Authority and Environmental Health Officers;
- 3) That the Applicant has met with the Police who have provided significant conditions and that the Police are supportive of the application;
- 4) That the upstairs of the premises and downstairs of the premises will be managed differently and different rules will apply to ensure compliance with the licencing objectives;
- 5) That staff will be trained to identify when visitors and members of the public are intoxicated and arrangements will be made for their safe departure;
- 6) That the parking will be managed in way to reduce nuisance and disturbance to residents;
- 7) That the hours being requested are to ensure that the business is profitable however there will be no one allowed outside the premises after 11 PM;
- 8) That consultations have been carried out with residents and no representations have been received from any such residents and the representation received is from a building owner and not an individual actually living in the affected building.

The Sub-Committee has also received, considered and have had regard to representations received from S.K. Yadave (Member of Public), Saeid Zabeti Targhi (local building owner), Cllr Linda Freedman (Edgware Ward Cllr) and Cllr Sarah Wardle (Edgware Ward Councillor).

The Licencing panel has considered all the written and oral representations made, as well as the legislation, the statutory guidance and Barnet's Licencing Policy in reaching its decision;

The Sub-Committee has considered all options available to it as set out in S.18 (4) of the Licencing Act 2003.

The Sub-Committee finds that the granting the application subject to the amendments made above would be the most sensible and prudent way to ensure promotion to the licencing objectives, in particular the prevention of public nuisance and has granted the licence subject to the closing time and hours the premises are open to the public being at 02:00 hrs instead of 03:00 and 03:30 hrs respectively, on Friday and Saturday nights and Bank Holiday Sundays.

The Sub-Committee notes that other establishments within the immediate area mostly all close at 01:00 hrs and that there is a Public Space Protection Order in place, however the Sub-Committee finds that allowing these premises to remain open until 02:00 hrs in light of the safeguards put in place by way of additional conditions as agreed with the Police and that placed by the Committee in relation to a parking Marshall on the days specified above would be sufficient to have due regard to licencing objectives and the needs of local residents while enabling the Premises to operate and serve the local community.

However, the Sub-Committee finds that in light of the Public Space Protection Order in place in Edgware where the premises is located and the needs of local residents, and in light of the need to promote the licencing objectives in particular in relation public nuisance, and the Applicant's representative's statement that the Off-Licence is required to enable visitors from leaving the premises with open containers of alcohol, the Off-Licence aspect of the Application is refused.

RIGHT OF APPEAL

Any party aggrieved with the decision of the Licencing Sub-Committee on one or more of the grounds set out in schedule 5 of the Licencing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

There were none.