

Decisions of the Licensing Sub-Committee

2 April 2014

Sub-Committee:-

Councillor Andreas Tambourides (Chairman)
Councillor John Hart
Councillor Wendy Prentice

Officers to Panel

Bob Huffam - Legal Services
Maria Lugangira - Governance Services

Licensing Department

Daniel Pattenden - Senior Licensing Officer

Applicant

Sergeant Mark Altman – Metropolitan Police
Sergeant Leslie Neal – Metropolitan Police

Licensees

Mr Hassan Seweafi - Director of Sequoia
Mr Anthony Collinane - Designated Premises Supervisor

1. APPOINTMENT OF CHAIRMAN (Agenda Item 1):

Councillor Andreas Tambourides was appointed Chairman.

2. ABSENCE OF MEMBERS (IF ANY) (Agenda Item 2):

Apologies were received from Councillor Maureen Braun and Councillor John Hart was substituting.

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

There were none.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE (Agenda Item 4):

The Members of the Sub-Committee, officers present, police and licensees introduced themselves. The Chairman explained the procedure that would be followed at the meeting.

5. SEQUOIA, 1277 HIGH ROAD, WHETSTONE, LONDON, N20 9HS (Agenda Item 5):

The Sub-Committee considered an application to review a premises Licence under Section 51 of the Licensing Act 2003.

The Sub-Committee heard oral representation from the Licensing Officer, the Police, the licensees, Ward Councillor, Councillor Brian Coleman, Mr Steve Tarling (a local resident N20) and Mr Neil McCann, solicitor representing Mr Sean Lask who owns the freehold to 1279/1283, High Road N20.

With agreement of the Sub-Committee and the police, additional information from the licensees was circulated. The meeting was adjourned to permit the Sub-Committee and all interested parties time to read this.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC (Agenda Item 6):

That, under Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations 2005), the parties be excluded from the meeting for the following item of business.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION (Agenda Item 7):

The Sub-Committee deliberated in private session.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE (Agenda Item 8):

The Sub-Committee had before it a review of the premises licence for Sequoia, 1277 High Road, Whetstone, N20 9HS. The review was requested by the Police but was supported by 7 local residents and a Ward Councillor.

The Sub-Committee noted that the premises has a chequered history and has been the subject of reviews before. The Sub-Committee did note however that a new premises licence holder and a new Designated Premises Supervisor (DPS) were installed on 24 December 2013. In view of the history of the premises the police spoke to the new licence holders before they took over in order to express their concerns and to advise that the premises did not open until major refurbishment works had been carried out. Unfortunately this advice was ignored and the premises were open on New Year's Eve 2013. What was described as a "large fight" broke out between two groups during which an innocent bystander was injured and received a cut to his face. He was described as being "very drunk" and the premises floor being "sodden with spilt drink and vomit." It would seem that the security staff did not witness the incident. The management did not know how to operate the CCTV and there has been considerable delay in the footage being available. There has been little liaison between the licensees and the Police. It seems that the premises have been closed since the incident.

The residents' refer to the general atmosphere in the area and the noise both from the premises and from customers leaving late at night, litter and anti-social behaviour by customers of the premises. Many of the complaints are historic but there was specific reference to the noise and trouble at the two openings on Christmas Eve and New Years Eve.

The Licensees state that they were not aware of the problems with the premises and took what they considered to be all necessary precautions before the events. They were horrified at the incident. They intend a high class establishment which they refer to as a bar restaurant rather than a nightclub. They do not believe that the premises will attract further trouble.

The Sub-Committee do not blame the Licensees for the problems of the past, but cannot ignore the fact that these premises have been problematic for many years and do attract trouble. They are not suitable to be a nightclub or operated by inexperienced Licensees. The Licensees were advised of the problems before opening but failed to take adequate steps to prevent a very unpleasant incident. The Sub-Committee find it difficult to believe that they will be able to exercise control in the future.

When it comes to the prevention of crime and disorder, the licensing guidelines make it clear that the Police are the Sub-Committee's primary source of information. If their representations are relevant reasonable and proportionate the Sub-Committee are to place considerable weight on them. The representations are very relevant in view of the incident on New Year's Eve, and are reasonable and proportionate in stating their view that only revocation can resolve the problems of this establishment. The incident was extremely serious and should not have been allowed to happen.

The Sub-Committee considered the other powers open to them. The license already had many conditions designed to prevent trouble but they have failed to do so. The premises are already closed and a suspension for 3 months will have no effect. There have been several DPS and the removal of another will not solve the problem.

In support of the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance the Sub-Committee believe that that they have no alternative but to revoke the licence.

The Sub-Committee finally added that any application for a restaurant licence with appropriate conditions would be treated on its merits and is not bound to fail in view of the history of the premises.

Informative

The Licensees were advised of their right of appeal to Willesden Magistrates' Court, 448 High Road, London, NW10 2DZ, before the expiration of a period of 21 days.

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

There were none.

The meeting finished at 1.35 pm