

Decisions of the Licensing Sub-Committee

16 February 2017

Members Present:-

Councillor John Hart (Chairman)
Councillor Claire Farrier
Councillor Wendy Prentice

Officers:

Daniel Pattenden – Licensing Officer
Bob Huffam – HB Public Law Legal Officer
Maria Lugangira – Governance Officer

Applicant:

Mr Fadi Antar - Applicant
Ms Amy Stroud – Counsel for the Applicant

1. APPOINTMENT OF CHAIRMAN

Councillor Claire Farrier, seconded by Councillor Wendy Prentice nominated Councillor John Hart to preside as Chairman for the meeting.

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 Chairman explained the procedure that would be followed for the meeting.

5. NEW PREMISES APPLICATION - TWENTY 1 LTD, 1277 HIGH ROAD, LONDON N20 9HS

The sub-committee considered a New Premises application for Twenty Ltd, 1277 High Road, London N20 9HS, together with submissions from the Licensing Officer, the Applicant and public speakers objecting to the application.

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 Licensing Act 2003 (Hearings and Regulations) 2005.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by officers from HB Public Law and the London Borough of Barnet Governance Service.

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

The parties to the application were readmitted to the meeting and the chairman conveyed the Sub-Committee's decision as follows:

"This is an application for a new premises licence in respect of 1277 High Road Whetstone N20 9HS. It is clear that there have been negotiations between the applicant, the Police and the Noise Nuisance team of the Council, as a result of which the application has been considerably amended and the representations from those bodies withdrawn.

There are still 48 representations to be considered, 1 from the local MP the Rt Hon. Theresa Villiers, 4 from Ward Councillors, and 43 from residents.

There are limitations on what the Panel is allowed to consider under the Licensing Act and subsequent amendments. Some of the representations refer to the facilities for dancing, to shisha being used and to issues with parking. None of these are activities that we may take into account. Reference has been made to squatters causing a nuisance but clearly this is not a factor that will affect the current application. In addition we may not consider issues that are in reality planning issues. No representation has been received from the Health Trust, which must be our main guide in medical health issues. We cannot give any weight to representations referring to the health risks of alcohol or shisha without specific and clear evidence that this will undermine the licensing objectives insofar as this application is concerned.

Many of the representations refer to the history of the premises. Indeed the residents have been subjected to a great deal of nuisance caused by previous establishments. The licence was revoked in 2014 and the residents fear a return to the problems they experienced before. We must treat each application on its merits and not be governed by history, albeit recognising that this is a residential area and care must be taken in safeguarding the residents and their understandable concerns.

The residents have complained about the anti-social behaviour and noise caused by previous nightclubs on the premises. A major fear seems to be that the premises will again be a nightclub. It is fair to say that this concern was shared by the Police and Noise Nuisance Team in that many of the conditions and amendments made are designed to make sure that the premises are not used as a nightclub. The hours applied for have been curtailed and alcohol will only be served to customers seated at a table in the lounge or restaurant areas. This does not in itself prevent customers from drinking without a meal.

Insofar as noise from the premises is concerned the earlier hours should assist but it is noted that conditions have been agreed that all doors and windows are to remain closed

save for entering and exiting the premises, and that a noise limiter will be installed ensuring that the level of music will be background only. This is more appropriate for a restaurant. The application for live music has been withdrawn.

There is a concern of noise nuisance from people entering and leaving the premises, and of taxis pulling up outside. The representations also set out some undoubtedly very unsavoury antics of those who were customers of previous businesses on the premises. As the residents say this is a family orientated residential area. The conditions put forward include signage asking customers to respect residents, an indoor waiting area for customers to wait for taxis, and the use of door staff to assist in dispersing customers. There will be a thorough CCTV system to assist in case of problems or anti-social behaviour. No glasses may be taken outside. It is not expected that with the conditions agreed by the Police and Noise Nuisance Team that the premises will be as difficult for the residents as previous businesses were. The applicant will be aware of the power to bring a review if past behaviour is repeated.

Reference has been made to the applicant Mr Antar, and to his not being suitable for these premises. He has a personal licence and no exceptional circumstances have been put forward as to why he should not take on these premises. It is noted that he was convicted in the Magistrates Court of an offence concerning shisha but that is not a licensable activity and the Court did not take any action to revoke his personal licence.

We turn finally to the representations concerning crime and disorder. Again there were clearly problems in this respect in the past. The guidance to the Licensing Act states that the main source of information on crime and disorder will be the Police. That is not to say that residents may not raise the issue, but we must consider what weight to give to it. In this instance the Police have agreed many conditions with the applicant that it believes will promote the objective of the prevention of crime and disorder. We therefore place greater weight on the Police conditions.

Our main concern is the likelihood of noise coming from the proposed open conservatory area at the back of the premises intended as a shisha lounge. There is a condition that all doors and windows are to be closed save for the purposes of ingress and egress. This shall include the doors and windows between the lounge and the area proposed as the conservatory. In addition no music shall be played or relayed in the area proposed as the conservatory.

Save for these additional conditions the application is granted.”

Informative

All parties 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 from notification of this decision.

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

None.

The meeting finished at 1.15 pm (having commenced at 10:30am)