

Decisions of the Licensing Sub-Committee

11 January 2018

Members Present:-

Councillor Maureen Braun
Councillor Alison Cornelius

Councillor Claire Farrier

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Alison Cornelius 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 Chairman explained the procedure that would be followed at the meeting.

5. HOLLYWOOD, 246 STATION ROAD, EDGWARE, LONDON, HA8 7AU

The Committee considered an application to vary a premises licence, under section 34 of the Licensing Act 2003.

The Committee heard representations from the Licensing Officer, the Applicant and her Agent, as well as objections from the following residents and Ward Councillors; Cllr Brian Gordon, on behalf of residents from Berkeley Court, Russell Donoff, Ronit Shakhani, Joanne Woolich and Cllr Joan Scannell on behalf of Cllr Helena Hart and Darrel Yawitch.

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 the Officer from HB Public Law and the Governance Officer.

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

DECISION OF THE SUB-COMMITTEE

This is an application to vary the licence for Hollywood 246 Station Road Edgware HA8 7AU. The application as amended seeks extensions to the termination hours for Fridays and Saturdays by one hour to 1.30am for the performance of live and recorded music, late night refreshment, and the sale of alcohol. The closing time would be extended to 2.30am. Finally the condition that alcohol only be served with a meal is to be amended so that meals are available at all times when alcohol may be served but not essential.

The amendments followed negotiations with the Police and their objection has now been withdrawn. There are still however 87 objections received from members of the public and one from a ward councillor.

The representations show a considerable feeling from residents against the application. Some of those representations however are regarded by the Licensing Act 2003 as not being relevant and which we may not therefore consider. These include the need for such premises, the need for increased hours, the evils and effects of alcohol generally, parking, and the general perception that an area may be going downhill.

There are other representations that need to be considered. There are various references to crime and disorder increasing as a result of the premises. The guidance to the Licensing Act makes it clear that the main provider of information and evidence concerning crime and disorder will be the Police. That is not to say that residents cannot raise this issue, but the absence of any objection from the Police is an indication that there is little evidence of a problem with crime and disorder relating to these premises. The Panel has noted the representations on this issue but has not found there to be strong evidence to support them.

Similarly there have been references to the prevention of harm to children. No representations have been received from Safeguarding Children, and there is no evidence to suggest that a one hour extension on Fridays and Saturdays would harm children.

The main licensing objective that needs to be considered is the prevention of public nuisance. There is no doubt but that the premises are in a residential area. There is understandable concern about possible increased noise, litter and anti social behaviour.

The references to noise relate firstly to the playing of music in the premises and additionally the vibration from it. The representations do not all agree on whether the noise causes a disturbance now but clearly there is concern about an extra hour of music being played. There was reference to the increased noise in summer when windows were left open. Secondly there were many complaints about the noise from customers outside the premises usually using the tables on the pavement in order to smoke and talk. This would seem to be a very common theme in the representations. Thirdly there was reference to the noise caused by customers leaving the premises. It seems that they tend to talk loudly, whether congregating outside or walking to their cars. There is much concern that this would happen even later on Fridays and Saturdays if the application were granted.

The panel also heard about a problem with litter in the area. Bottles, cans and cigarette butts are found nearby although there would not seem to be any particular evidence that they come from these premises save that it seems likely that some of the butts in particular do.

Insofar as anti social behaviour is concerned there seems again to be some divergence in the representations as to whether there is already a problem of whether one is feared. The issue is raised about people vomiting and urinating in the alleyway near the premises. As undesirable as that is there is little evidence that customers of these premises are responsible although there was reference to there being insufficient toilets on the premises. The other complaint about which there were many references was to the regular congregation of customers on the pavement outside the premises. This was also referred to when considering noise. The fact that they tend to smoke is not in itself illegal or a strong objection. Of more note is that the apparently overwhelmingly male gathering appear to swear, make remarks to passing residents, and generally conduct themselves in an intimidating manner. Residents have to walk into the road to get around them. Clearly they are customers from the premises.

A few residents have mentioned a pub that used to be in the area but which was closed down in view of its poor record. While the concerns are understood the Panel cannot take into account the conduct of other premises save to recognise again that this is a quiet residential area.

In response to these objections the applicant points out that since being granted the licence there have been no incidents despite various late night TENs being allowed. She has installed improved soundproofing. Although the application applies to remove the condition concerning a substantial table meal being required if alcohol is served, the condition that there be no vertical drinking will remain. The security staff would still be required to remain on duty until the premises close, the challenge 25 policy would remain and there would still be a noise limiter preventing the music from being too loud. They have signage asking customers to leave quietly.

The Sub Committee was concerned about the application to amend condition 17 of the licence. The applicant's withdrawal of that element is welcomed. The conditions on the licence make sure that the premises remain a restaurant rather than becoming a pub or bar.

The applicant's representative referred to the objections as mostly being hearsay. It should be noted that such evidence is permissible and it is for the Sub Committee to decide on how much weight to give to any evidence.

The applicant confirmed that the premises had been soundproofed and again this is welcomed. It does not however prevent noise escaping if windows and doors are left open. We therefore feel that a condition requiring windows and doors to be kept closed at all times after 10.00pm until closing save for the purposes of ingress and egress would be appropriate.

A great deal of consideration has been given to the remaining application for an extra hour on Fridays and Saturdays. Now that the conditions keeping the premises as a restaurant are remaining we believe that the application as amended should be granted insofar as the sale of alcohol and other licensable activities are concerned. The residents are concerned that this will lead to noise even later than the existing time and for that reason the closing time on Fridays and Saturdays shall be 2.00am not 2.30am as requested.

We wish to refer to a few issues that have arisen during this hearing. Firstly the applicant accepted that she allowed glassware to be taken outside, believing that it would only be a breach of the licence if it contained alcohol. This is not the case and the applicant should be careful to make sure that there are no further such breaches. In addition there is clearly a problem with customers outside the premises seeming to be hostile and intimidating to passers-by. The SIA staff should be aware that it is their responsibility to make sure that there is no repetition of this. If evidence were to be brought before us in the future that the intimidating behaviour was continuing, and that passers-by were having to walk in the road, consideration would have to be given to a restriction on re-entry to the premises.

Insofar as the residents are concerned there was conflicting evidence as to whether formal complaints had been made to either the Council or the Police. While we appreciate the reasons behind any failure to report incidents we must state that the Licensing Act very much puts the burden of making complaints on residents. If the Police and the Council do not receive complaints at the time it cannot be expected that they would in turn object to applications such as this one.

To reiterate, the application is granted with the following conditions:-

1. The closing time on Fridays and Saturdays shall be 2.00am.
2. All windows and doors shall be kept closed save for the purpose of ingress and egress from 10.00pm until closing time.

Information on Appealing against the decision

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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

None.

The meeting finished at 14.43