

Decisions of the Licensing Sub-Committee

28 November 2018

Members Present: -

Councillors

John Marshall
Linda Freedman
Alison Cornelius

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor John Marshall be appointed as Chairman.

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

None.

3. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

4. TRADING STANDARDS & LICENSING MANAGER

The Committee considered an application to review a premises licence for Premier Inn (Proposed), Chipping Close/St Albans Road, Barnet, EN5 4LP.

5. SUPPLEMENTARY INFORMATION

The Licensing Sub-Committee considered the Trading Standards report and the supplementary information that was provided.

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

Notification of decision following a Licensing Panel hearing to determine the application for a new premises licence made under section 17 of the Licensing Act 2003 in relation to Premier Inn (Proposed), Chipping Close/St Albans Road, Barnet, EN5 4LP (the "Premises") by Whitbread Group PLC (the "Applicant").

The application is to allow:

1. the sale of alcohol for consumption on and off the Premises from 10:00hrs until 23:00hrs Monday to Sunday for non-residents of the hotel;
2. the sale of alcohol to residents of the hotel 24 hours a day, 7 days a week;
3. the premises to remain open to non-residents from 06:00hrs until 23:00hrs Monday to Sunday;
4. the premises to remain open to residents of the hotel 24 hours a day, 7 days a week.

Following discussions between the Applicant and the Metropolitan Police the Applicant has agreed to include additional conditions in the application, which are set out in Annex 2 to the Licensing officers report and are not repeated herein.

No representations were received from any of the responsible authorities, however three representations have been received from local residents. The representations wholly relate to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder. The residents make, it is fair to say very similar representations which are:

1. The Premises will be a source of disturbances to local residents, including noise from vehicles dropping off and picking up at unacceptable hours, anti-social behaviour, increased traffic and limitations on parking.
2. Premier Inns throughout the country are used by Councils for emergency social housing. People who require such accommodation are sometimes in that position due to alcohol dependency.
3. Loss of privacy and light pollution.

The sub-committee heard from Emma Phasey, Group Manager, Community Protection on behalf of Licensing, and presented the licensing report, Tim Shield represented the applicant.

Mr Saul attended and made representations on his own and on behalf of Mr Struthers. In particular, Mr Saul took issue with the 24 hour provision of alcohol to hotel residents and that this provision was specifically removed by the Licensing Act 2003. Prior to the 2003 Act hotels were authorised to sell alcohol to residents and their private guests only, outside of permitted licensing hours and were able to apply to keep this provision under 'grandfather rights'. The panel agree with Mr Sheild's submission that the Act did not remove this right.

The Panel has considered all the written and oral representations, as well as the relevant statutory legislation, the statutory guidance and Barnet's Licensing Policy.

The Panel must consider whether the Premises would cause a nuisance in the area and to local residents, either by the conduct of its customers or by noise. Again no evidence is provided as to why this should happen, nor any reasoning even without evidence. Entry after 23:00 hours is by a key card provided to hotel guests only or buzzer entry for guests checking in after 23:00 hours. Alcohol is to be served only to hotel customers or to their guests and is therefore most unlikely to encourage passing trade looking for a very late drink. There will not be the common problem of people making a noise leaving the premises as most of the customers will be staying at the hotel. Furthermore, patrons of the restaurant, residents and their guests will be directed to leave the Premises via Bruce Road. It is difficult to see how this would cause a public or noise nuisance.

Mr Sheild and the applicant addressed concerns of Mr Saul that the Premises would hold weddings and large functions. The purpose of the Premises is not to accommodate such functions, rather provide accommodation to guests attending weddings in the locality.

The guidance to the Licensing Act makes it clear that in respect of crime and disorder the Police are the main providers of information and evidence, as are Environmental Health for prevention of public nuisance. In this instance neither the Police or Environmental Health have made an objection. This does not mean that local residents may not raise this issue, but we must consider the weight to be given to it. No evidence has been produced to support the assertion that this Premises should cause an increase in anti-social behaviour and crime and disorder in the area.

Having considered the representations of all the parties, the Sub-Committee discussed the matter and approved the hours and conditions agreed by the police with the Applicant with the following additional conditions:

1. Food and beverage provision will be substantially food led and ancillary to principal operation of the premises as a Hotel.

Condition 1 of part b) the prevention of crime and disorder, page 11 of the application, the word 'of', after the word holder, to be replaced with 'or'.

Condition 4 of part d) the prevention of public nuisance to be amended to read Dedicated licensed taxi/minicab service shall be made available to patrons requiring a taxi.

In respect of the specific representations made by the objectors the Sub-Committee concluded that the reduced hours and additional conditions which had been agreed between the Applicant and the police addressed their concerns.

Right to Appeal

Any party aggrieved with the decision of the Licensing Panel on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the Magistrate's Court within 21 days of notification of this decision.

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

None.

The meeting finished at Time Not Specified