

Decisions of the Licensing Sub-Committee

11 December 2018

Members Present: -

Councillor Lachhya Gurung

Councillor Barry Rawlings

Councillor John Hart

Apologies for Absence
Councillor Claire Farrier

1. APPOINTMENT OF CHAIRMAN

Cllr Farrier was unable to attend the meeting and therefore a Substitute Member was dialled into the meeting based on the advice given by the Chief Legal Advisor and Monitoring Officer. The Substitute Member was Cllr John Hart.

RESOLVED that Councillor Barry Rawlings 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. REPORT OF TRADING STANDARDS & LICENSING MANAGER

The Committee considered an application for a new premises licence made under section 17 of the Licensing Act 2003 in relation to 1 Charcot Road, London NW9 5HG.

5. 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).

6. 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.

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

This is an application for a new premises licence made under section 17 of the Licensing Act 2003 in relation to 1 Charcot Road, London NW9 5HG (the "Premises") by Mr Hayirola Berkpinar (the "Applicant").

The application seeks to allow:

1. The sale of alcohol for consumption on the premises only for the following hours:
Sunday to Thursday - 11:00hrs until 23:30hrs
Friday to Saturday - 11:00hrs – 01:30hrs
2. Sale and supply of late night refreshment on:
Sunday to Thursday 23:00hrs- 23:30hrs;
Friday to Saturday 23:00hrs to 01:30hrs;
3. The premises to remain open to members of the public from:
Sunday to Thursday 11:00hrs to 00:00hrs;
Friday to Saturday 11:00hrs to 02:00hrs

The sub-committee heard from the applicant, Mr Hayirola Berkpinar. No objectors were in attendance.

The licensing sub-committee noted that no objection was received from any of the responsible authorities including the Metropolitan Police who had reached an agreement with the applicant to include several conditions to the proposed licence. As a result of this, the Metropolitan Police raised no objection to the application. The agreed conditions are set out in the officer's report at paragraph 3 and are not repeated therein. The sub-committee has considered these conditions and is happy to include all of them in the licence.

The sub-committee had before them, two written representations from local residents. The representations primarily focused on the licensing objective of prevention of public nuisance. It is also noted that an objector had raised issues relating to the licensing objective of protection of children from harm but has failed to elaborate further. The residents have made very similar representations which are:

- (1) The premises will be a source of disturbances to local residents;
- (2) It may result in an increase in noise and nuisance level in the area;
- (3) There is already enough noise in the area due to the presence of student accommodation;
- (4) Serving alcohol till the early hours of the morning everyday may not be a good idea for public safety reasons;
- (5) It may encourage drunk and disorderly behaviour in the area and this may lead to an increase in crime rate.

The sub-committee heard from the Licensing Officer who presented the licensing report. The sub-committee also heard from the applicant.

The licensing sub-committee has considered all oral and written representations made as well as relevant legislation, the statutory guidance and Barnet's licensing policy. Whilst the sub-committee appreciates the issues raised by the objectors, taking all things into account, the sub-committee has decided to grant this application albeit with some changes as specified by the Metropolitan Police. The sub-committee believes that with these conditions, the licensing objectives will be promoted.

The sub-committee considered whether the Premises would cause a nuisance in the area either by the conduct of its customers or by noise. No evidence is provided as to why this should happen, nor any reasoning provided.

Alcohol is to be served only to customers purchasing food and therefore most unlikely to encourage passing trade looking for a very late drink or vertical drinkers. It will only be consumed by persons seated at a table (with a substantial meal) or kept sealed to be taken away from the premises with a takeaway meal.

Steps taken to ensure reduction in noise level will include the display of signs to this effect for patrons of the business particularly when leaving the premises. The Panel is keen to ensure that a sign is displayed to ensure that patrons of the business leave quietly.

Representations received have failed to demonstrate or provide evidence as to how the grant of a licence would jeopardise the licensing objective of protection of children from harm.

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 nor Environmental Health has 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 in support of the assertion that the premises should cause an increase in anti-social behaviour and crime and disorder in the area.

Having considered representations from all of the parties, the sub-committee discussed the matter and approved the hours and conditions agreed by the police.

In respect of the specific representations made by the objectors, the sub-committee concluded that the hours and conditions agreed between the applicant and the police address the concerns and should be adequate in promoting the licensing objectives.

The sub-committee reminds objectors that there is a mechanism whereby a review of the premises licence can be sought should this be appropriate in the future.

Right to Appeal

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

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

The meeting finished at 4.30pm.