

DECISIONS OF THE LICENSING SUB-COMMITTEE

1 NOVEMBER 2007

Sub-Committee:

- * Councillor Wendy Prentice (Chairman)
- * Councillor Terry Burton
- * Councillor John Hart (substituting for Cllr Andreas Tambourides)

* denotes Member present

Officers to the Panel

Debra Allday – Legal
Nazyer Choudhury – Democratic Services
Chidi Agada – Democratic Services

Licensing Officer

Carl Matuszek

Applicant

Ralph Haynes – Noise & Nuisance Manager, London
Borough of Barnet

Licence Holder

Miss V Patel – Licence Holder
Mr Ken Macleay – Hodders Solicitors

Responsible Authorities

Sgt Mark Altman
Sgt Lachlan
Sgt Hartey

1. ABSENCE OF MEMBERS

Apologies were received from Councillor Andreas Tambourides.

2. DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS:

None were declared.

3. ASH BAR/WATERFALLS, 63-65 THE HYDE, WEST HENDON, LONDON NW9 6LE

The Sub-Committee had before it an application for a Review of a Premises Licence under Section 51 of the Licensing Act 2003 by the applicant, Mr Ralph Haynes, Noise and Nuisance Manager, London Borough of Barnet .

The Chairman introduced the members of the Sub-Committee and officers present to the applicant and explained the procedure which would be followed at the meeting.

The Sub-Committee noted the further papers which had been submitted prior to the meeting by Hodders Solicitors on behalf of the Licence Holders.

The Sub-Committee then considered the application, the evidence, representations from the applicant, the Licence Holder and the written representations received.

The Sub-Committee heard oral representations from the applicant, the License Holder, Sergeant Altman, Sergeant Hartrey, Sergeant Lachlan on behalf of the Police, Mr Leonard Brown, Mr T.Scollan, Mr Pat Weir and Daniel Lucas.

The Chairman then led a discussion between the parties concentrating on the points of dispute.

4. MOTION TO EXCLUDE THE PRESS AND PUBLIC:

RESOLVED – That, under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the following item of business:

Agenda Item	Subject
6	Deliberation by the Sub-Committee in private session

5. RE-ADMISSION OF THE PRESS AND PUBLIC:

RESOLVED – That the press and public be re-admitted.

6. ANNOUNCEMENT OF THE DECISION OF THE SUB –COMMITTEE:

The Sub – Committee

RESOLVED –

- (1) That the License be retained subject to the following conditions:
 - (a) No patrons allowed in the northern access area of the premises next to 69 The Hyde NW9 at any time.
 - (b) No patrons to be admitted or readmitted to rear smoking area after midnight each night
 - (c) Security staff to regularly monitor rear smoking area after 9pm each night to ensure no noise from patrons is clearly audible at nearest residential premises situated at Malvern Court and 69 The Hyde NW9. The partition of the smoking area connected to the premises structure is to be extended (by the 9th October 2007) so there are no gaps from the doors, roof or partition where it connects to the site perimeter fence to minimise noise break out from patrons in the smoking area.
 - (d) The applicant must ensure that the amplified music system in use at the premises includes a noise limiting device which:
 1. Measures the sound level in the premises by use of a tamper proof device permanently sited at the premises. Such sound pressure levels are to be measured in octave band frequencies of 16, 32, 63, 125,250 and 500 Hz.
 2. Immediately withdraws power to the amplifier in the event that preset sound levels of any or all of the individual octave bands

which have previously been agreed by the Group Manager, Public Health and Nuisance at the London Borough of Barnet, are exceeded. Such levels will be based upon inaudibility in residential properties between the hours of 2300 and 0700 hours. Outside of these times noise must not be at a level which causes a nuisance.

3. Is permanently fixed in the premises and cannot be altered, bypassed or tampered with in any way.

4. Is correctly installed by a competent person, being an electrician who is enrolled with NICEIC.

5. Includes electrical contact point switches fitted on all open able windows to the property; such switches to be fitted in series in a single electrical circuit loop such that in the event of the electrical contact switches becoming separated (by a window being opened) then the power to the amplifier is withdrawn immediately.

6. Includes electrical contact point switches fitted on all open able doors which are fire doors used other than to enter or leave the premises under normal circumstances; such switches to be fitted in series in a single electrical circuit loop together with the electrical contact switches fitted to the windows, such that in the event of the electrical contact switches becoming separated (by a fire door being opened) then the power to the amplifier is withdrawn immediately.

7. No empty bottles to be disposed of until after 10am the following morning.

8. The License holder is to attend all pub watch meetings and arrange meetings with the Area residents Association on a quarterly (3-monthly) basis.

Reason

In order to promote the licensing objective of prevention of noise and nuisance.

Informative

The applicant for the review, the holders of the premises licence and the other interested parties who had made relevant representations in relation to the application were informed of their right to appeal to the Magistrates' Court within 21 days from the Sub-Committee Hearing.

- (2) That the Democratic Services Manager be instructed to inform the Licence Holders, the applicant any person who made representations and the Chief Police Officer of the Police for the police area in which the premises are situated of their decision. of the Sub-Committee's decision.

The meeting started at 10:30am and finished at 12:15pm