

DECISIONS OF THE LICENSING SUB-COMMITTEE

20 APRIL 2009

Sub-Committee

*Councillor Wendy Prentice (Chairman)

*Councillor John Hart

*Councillor Susette Palmer

*denotes Member present

Officers to the Panel

Bob Huffam – Legal Services

Jonathan Regal – Democratic Services

Licensing Officer

Michelle Rudland

Metropolitan Police

Sergeant Mark Altman

Also in attendance were the following members of the Patel family including the license holders* and the Designated Premises Supervisor+, accompanied by their legal representative Sally Hills of Turbervilles, solicitors:

Mr Raj Patel

Ms Vaishali Patel*

Mr Ash Patel

Mrs Ragini Patel*

1. ABSENCE OF MEMBERS:

All Members were present.

2. DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS:

No interests were declared.

3. THE ASH BAR/FUNKY BROWNZ, 63 THE HYDE, WEST HENDON, LONDON NW9 6LE:

The Sub-Committee had before it an application for a review of a premises licence for these premises under section 53A of the Licensing Act 2003 by the applicant, Sergeant Mark Altman, Police Licensing Officer, Whetstone Police Station.

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

The Sub-Committee then considered the application, the evidence, and the written representations received.

The Sub-Committee heard oral representations from the applicant, Sergeant Altman; the license holder's representative, Sally Hills; the licence holders Rajini and Vaishali Patel; and Mr Stephen Curry.

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

4. EXCLUSION OF THE PRESS AND PUBLIC:

RESOLVED – Under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, that 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:

RESOLVED –

(1) That the operating hours and conditions attached to the licence be amended to reflect the following:

- a. ***Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Friday with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises.***
- b. ***A 'calm down' period of 20 minutes in the nightclub prior to closing at 2.00am.***
- c. ***All licensable activity in the restaurant/bar area of the premises will end 30 minutes prior to any current terminal hour of the club. The restaurant/bar area will also close 30 minutes earlier than any current terminal hour for the club.***

(2) That conditions 7, 15, 16, 18, 22-31, 33-38 and 44 be deleted from the licence as granted on 6 November 2007.

(3) That the following conditions be inserted onto the licence:

- a. ***SIA door supervisors will be employed on Thursday, Friday and Saturday from 8:30pm (20:30hrs) until 30 minutes after the premises have closed***
- b. ***The SIA door supervisors will wear a clearly identifiable jacket with high visibility (light reflective) panels.***
- c. ***5 SIA door supervisors will be employed at any time when the club is open.***
- d. ***If the club is closed then the requirement for SIA door supervisors may be reduced to 2. This reduction in doors supervisors is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).***
- e. ***If the club is closed and the bar/restaurant also closes no later than 12:30am (00:30hrs) there shall be no requirement for door supervisors. This decision is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).***
- f. ***A digital CCTV system is installed to the requirements of the Crime Prevention Officer and include:***
 - ***Digital recording colour CCTV comprising a multi-camera system.***
 - ***The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium.***
 - ***A CD or DVD burner will also form part of the system to facilitate copies of the images.***
 - ***If the head unit (recorder) is kept at the premises it must be located in a secure cabinet or other secure area, preferably out of sight and reach of the public. The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit, e.g. a secure metal boot, or metal case strap, bolted to an immovable object like a wall or floor.***
 - ***The quality of the images must be of a sufficiently high standard to allow identification of the subject matter.***

- **Cameras will cover key areas identified by the operator and Police. These will include external cameras covering any outside area used by patrons of the premises, the external entrance and exit doors, clear headshots of persons entering the premises, approach route to the toilets, the bar and till areas and other areas not in full view from the bar.**
 - **Images must be retained for a period of 31 days before overwriting.**
 - **The images will be made available on reasonable demand by the Police and authorised officers of the London Borough of Barnet.**
 - **At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet.**
 - **This system will be fully maintained at all times to ensure correct operation.**
- g. There shall be no entry to the premises one hour before the end of the licensable activities.**
- h. When the premises are open, staff will carry out security checks to the premises including the toilet areas. A log will be kept of those checks.**
- i. Regular checks of the toilets to be made and recorded, with intervals being no greater than one hour.**
- j. Police and London Borough of Barnet approved signs to be clearly displayed. The signs will be worded to advise clients that CCTV covers the premises and that there is zero tolerance to drugs and other criminal activity.**
- k. Besides any prosecution for offences, anyone barred from these premises will also be barred from all of the other premises in the pubwatch scheme.**
- l. When the "Club" section of the premises is open there shall be at least one Personal Licence Holder on duty during the hours, as shown on the licence, where the premises are open to the public.**
- m. Public transport information and taxi cab numbers will be available to all customers.**
- n. Acceptable forms of ID are (but not limited to) valid passport, photocard driving licence, PASS approved proof of age card.**
- o. The applicant must ensure that the amplified music system in use at the premises includes a noise limiting device which:**
- **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.**
 - **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.**
 - **Is permanently fixed in the premises and cannot be altered, bypassed or tampered with in any way.**
 - **Is correctly installed by a competent person, being an electrician who is enrolled with NICEIC.**
 - **Includes electrical contact point switches fitted on all openable 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.**

- ***Includes electrical contact point switches fitted on all openable 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.***
 - p. ***There shall be no external promotions at the venue. All functions at the premises shall be controlled by the premises licence holders and the Designated Premises Supervisor (DPS). This includes the advertising and promotion of events.***
 - q. ***There shall be no direct access for the public via the intercommunicating doors between the bar/restaurant area and the club.***
- (4) That the Democratic Services Manager be instructed to inform the Licence Holder, the applicant, any person who made representations and the Chief Police Officer for the police area in which the premises are situated of the Sub-Committee's decision.

The meeting started at 7pm and finished at 8.37pm.