

Decisions of the Licensing Sub-Committee

28 November 2013

Sub-Committee:

Councillor Andreas Tambourides (Chair)
Councillor Claire Farrier
Councillor John Hart

Officers to Panel

Kirstin Lambert – Governance Service
Bob Huffam – Legal Services

Licensing Department

Michelle Rudland – Senior Licensing Officer

Police

Sergeant Mark Altman

Licence Holder

Vaishali Patel

1. APPOINTMENT OF CHAIRMAN

Councillor Andreas Tambourides was appointed Chairman.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Maureen Braun.

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

There were no declarations.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The members of the Sub-Committee, officers present, Police and Licence holder introduced themselves. The Chairman explained the procedure that would be followed at the meeting.

5. REVIEW OF A PREMISES LICENSE - FUNKY BROWNZ, 63-65 THE HYDE COLINDALE NW9 6LE

The Sub-Committee considered an application for a review of a premises license under section 167 of the Licensing Act 2003.

The Sub-Committee heard oral representations from the Licensing Officer, the Police, and the Licence Holder.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED – That, under Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations 2005), the parties be excluded from the meeting for the following item of business.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session.

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

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

The Sub-Committee, having considered the application and all verbal and written representations received, unanimously **RESOLVED** –

This is a review hearing brought about by a closure order served on the premises Funky Brownz, 63-65 The Hyde, Edgware, under S161 Licensing Act. The matter has already been before the Magistrates Court, which made various orders relating to CCTV, drinks being served in plastic containers, and the number of Door supervisors to be used. This is not a common procedure, and while we recognize that this is a review we also note that the Police considered the situation serious enough to warrant making the application, and that the Magistrates Court deemed it serious enough to make an order imposing conditions on the license.

The Police state that on 10 November 2013 a fight broke out at the premises which resulted in a male being stabbed in the neck, and another hit with a plank of wood. They say that their enquiries into this serious incident have been hampered by the lack of CCTV images caused by the machine not being plugged in, and the apparent lack of co-operation from members of staff.

The magistrates Court imposed interim conditions as stated above until the licensing Authority could hold a full review hearing.

We have heard from the premises licence holder. She is happy with the conditions proposed by the Police, and feels that the premises are generally well run.

It is not our task to make findings of fact, but to consider whether any of our powers on review are appropriate in order to promote the licensing objectives. The incident on 10 November was very serious and we believe that action is required to promote the licensing objectives. The Police have suggested extra conditions that are felt to be appropriate. We have given serious thought as to whether those conditions are sufficient in view of the seriousness of the incident. In matters of crime and disorder however we place considerable store in Police proposals and have decided to agree them.

We believe that the appropriate conditions are:-

1. All drinks to be dispensed in plastic, polycarbonate or similar non glass receptacles. If drinks are consumed directly from bottles they must also be plastic or a similar material. This shall not apply to pre booked functions for which the Police, having been given reasonable notice, have made no objection in writing to the premises Licence Holder.
2. Condition 32 of the licence shall be amended to add condition (k) that the CCTV system be checked on at least one occasion every 24 hours at the beginning of the night shift to ensure that the system is working properly and that images are being recorded.

As stated above we were very concerned about the incident on 10 November, and the Premises Licence Holder should be in no doubt but that any breaches of these conditions would be considered as very serious by the Licensing Authority. We had strongly considered a condition that the premises join the Clubscan scheme but we note the intention to move from a nightclub based business to a restaurant. On that basis we have not made the condition but should there be any delay in the change of business we would suggest that the premises join the scheme in any event.

The Head of Governance was instructed to inform all parties of the Sub-Committee's decision.

Informative

All parties were advised of their right of appeal to Willesden Magistrates' Court before the expiration of a period of 21 days.

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

There were no urgent items.

The meeting finished at 11.37 am