

Decisions of the Licensing Sub-Committee

29 May 2019

Members Present:-

Councillors

Claire Farrier
Linda Freedman
Alison Cornelius

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Claire Farrier be appointed as Chairman.

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

None.

3. LICENSING SUB-COMMITTEE HEARING PROCEDURE

4. REPORT OF TRADING STANDARDS AND LICENSING MANAGER

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 Licencing Act 2003 (Hearings and Regulations) 2005.

6. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee retired in private session, accompanied by the council's legal and governance officers, to consider the facts of the application and the measures necessary (if any) to ensure the promotion of the Licencing objectives.

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 by John Gillet on behalf of the Mill Hill Neighbourhood Forum (hereinafter "the Applicant") in respect of the new Town Square, located at the end of Brockenhurst Gardens (hereinafter "the Premises").

The application is made pursuant to section 17 of the Licensing Act 2003. After negotiations with PC Wilcock of the Metropolitan Police, the Applicant has already agreed conditions to be inserted into the application. Those conditions are set out in the Licensing Officer's report and for brevity are not repeated here.

No representations were received from any of the responsible authorities. There remains for consideration 14 outstanding representations from local residents and one from the Mill Hill Ward Panel. Those representations relate to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the

protection of children from harm. The residents make, it is fair to say, very similar representations which are:

1. They do not believe that it is reasonable to allow late night drinking and music in a predominantly residential area, with many families with young children. The Premises is situated at the end of a residential street, whose residents have already been suffering ongoing problems with noise from previous events on the same site.
2. They are concerned that the Premises will be a source of waste, rubbish, litter and rat infestations, which is already an issue for the residents.
3. The sale and consumption of alcohol will increase anti-social behaviour
4. There are no public toilets or facilities, residents are concerned that this will result in the service road and other areas within the vicinity of the Premises being used as urinals.
5. Playing of music, live or recorded, should be restricted to the same as construction noise.

A number of individuals were present in the public gallery. At the beginning of and during the Hearing, the Chair confirmed with these individuals whether they would like to verbally address the Sub-Committee in addition to their written representations. Unfortunately, the residents of Brockenhurst Gardens who had made written representations did not avail themselves of the opportunity to make oral representations to the sub-committee. The Sub-Committee would have liked the opportunity to ask them more questions about their representations.

Mr Roger Tichborne sought to address the Sub-Committee. This request was refused on the basis that he had not submitted a written representation to the Licensing Team within the requisite time frame. He referred to an email that had been submitted on 28th May, but this was not circulated to the parties as the Chair of the Sub-Committee considered that it had been submitted too late, and it did not contain any new information.

Mr Marshall Hoffman, Chairman of the Mill Hill Ward Panel, did attend the Sub-Committee and made oral representations. At the beginning of his submissions, he produced a bundle of documents detailing serious allegations in respect of an individual who was not party to the application before the Sub-Committee. The consent of all parties was not unanimous as the Applicant and Licensing Team did not agree and subsequently the documents were not presented to the Sub-Committee for consideration. Mr Hoffman was assured by Emma Phasey, Group Manager, Community Protection (Regulation), and HB Public Law that the documents would be passed onto the Police for their consideration and action, if necessary.

The Sub-Committee heard from the Emma Phasey, who presented the Licensing Officers' report.

The Sub-Committee also heard from the Applicant who provided a background to the purpose of the Mill Hill Neighbourhood Forum (hereinafter referred to as the "MHNF") and the application for a Premises Licence. He advised that a Premises Licence would give the MHNF flexibility to operate and plan events in advance. Without such a Licence, events were difficult to plan.

The Applicant addressed the Sub-Committee on a number of concerns, in particular the noise which emanates from the performance of acoustic live and recorded music. He agreed to install a noise limiter to minimise noise levels which were of serious concern

for residents. He further agreed to reduce the hours of operation of the licensable activities to 9pm. The Applicant advised that free parking is available at Bunns Lane car park, which is free for 3 hours on Saturdays and Sundays. Furthermore, where an event will sell alcohol for more than 3 hours, toilet facilities will be provided. Additionally, the Applicant advised that MHFN would operate a challenge 21 and 25 policy to prevent the underage sale of alcohol. The Applicant advised that there would be no more than 12 events throughout the year and given that the events are not ticket based, he did not envisage large crowds, he estimated a maximum of 100-150 people, with an average of possibly 50-60 people. The Applicant further advised that the MHNF would employ SIA approved stewards, if necessary.

In respect of the concerns regarding increased waste and rubbish litter, the Applicant advised that the MHNF have an arrangement with the Council to bag their rubbish after events which is subsequently collected by the Council. The Applicant refuted the allegations that the issues surrounding waste, rubbish and litter is a direct result of the MHNF events.

In his oral submissions, Mr Hoffman alleged that a de facto deputy of the MHNF was a convicted sex offender. This allegation was emphatically denied by the Applicant who advised the Sub-Committee that this individual was neither a de facto Deputy Chairman or Committee Member of the MHNF. It was noted by the Sub-Committee, that Mr Hoffman did not make any representations in respect of the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

Having considered all of the written and oral representations of all parties, in particular the written representations concerning noise, and to comply with the licensing objectives of protection of children from harm and the prevention of public nuisance, the Sub-Committee has agreed the following:

1. All MHNF Committee Members and all Stewards volunteering at events (at 'the Premises') to be subject to a full DBS check.
2. All licensable activities carried out on Friday to Sunday and Bank Holiday Mondays shall cease at 20:00 hours and for the Premises to close at 21:00 hours.
3. All licensable activities Monday to Thursday, to cease at 17.00 hours and for the Premises to close at 18:00 hours.
4. At all events, a noise limiter is to be installed, with the limit agreed with the Council.
5. There are to be no more than 12 events per year.
6. Amend condition 7 as agreed with the Police to read, "*A First Aid station will be set up in a prominent place, at all events*".

In respect of the specific representations made by the objectors, the Sub-Committee concluded that together with the reduction of hours, the agreed conditions between the Applicant and the Police and the above additional conditions addressed their concerns.

Furthermore, in respect of the serious allegations made by Mr Hoffman, the Sub-Committee accepts the submissions made by the Applicant that the individual concerned is not a member of the MHNF Committee nor are they involved in the running of the events. The concerns raised in respect of the protection of children are addressed in the condition that all Committee Members of the MHNF and Stewards are to be DBS checked in order for them to steward/volunteer at MHNF events.

Right of Appeal

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds 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

None.