

Decisions of the Licensing Sub-Committee

19 October 2020

Members Present:-

Councillor Linda Freedman
Councillor Zakia Zubairi
Councillor John Marshall

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Linda Freedman be appointed Chairman for this Licensing Sub-Committee meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed at the meeting.

5. REPORT OF TRADING STANDARDS & LICENSING MANAGER

The Sub-Committee considered an application for a new premises licence for **Nez, 418C Watford Way, London, NW7 2QJ** (the "Premises").

6. APPENDIX 1 REPRESENTATIONS

7. APPLICANT'S REBUTTAL AND COMMENTS

8. 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).

Prior to exclusion, parties were notified that the decision of the Sub-Committee would be announced within 5 working days.

9. 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.

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

This is an application for a licence made under section 17 of the Licensing Act 2003 in relation to **Nez, 418C Watford Way, London, NW7 2QJ** (the "Premises").

The application is for the:

1. supply of alcohol for consumption both on and off the Premises during the hours of 08:00 to 00:00 hours, Monday to Sunday;
2. provision of late-night refreshment both on and off the Premises during the hours of 23:00 to 05:00 hours, Monday to Sunday; and
3. premises to be open to the public between 00:00 to 00:00 Monday to Sunday.

The Premises are not currently licenced and the Sub-Committee notes that the licence application includes a plan of the Premises, shown at page 37 of the Report. This shows that the Premises and the licenced area of the same only includes the internal area and not any outside area.

Following discussions between the Applicant and the Metropolitan Police the Applicant has agreed to include additional conditions in his application, which are set out in Annex 2 to the Report.

No representations were received from any of the responsible authorities. Two representations were received from Councillors and 17 independent objections have been received from people living within close proximity to the Premises. Over one hundred people signed a generic petition generated by a local business. The objections raised legitimate concerns regarding public nuisance, protection of children from harm and public safety.

Given the current COVID 19 pandemic, the licensing Sub-Committee was held by way of a virtual Teams Meeting. Representations were made by the Applicant's representative Mr Mark Altman, the Licensing Officer and two objectors.

Common concerns for the objectors were namely the need for another off-licence, the opening hours, the impact of parking and the potential increase in crime and anti-social behaviour and its impact on the local community.

Mr Altman submitted that the petition signed by over one hundred individuals amounted to trade based objections. The content of petition primarily objects to the need for another off-licence. Having read the petition and heard from Mr Patel's representative, it was clear to the Sub-Committee the underlying concern and purpose of the petition was to prevent competition from another premises. The Sub-Committee accepted Mr Altman's submissions and attached no weight to those representations.

With regard to the other 17 independent representations there was a common theme of the need for another off-licence. Necessity is not a consideration that the Sub-Committee can take into account. It is an issue for the Planning Committee, not licensing. Equally, the concerns regarding the Premises' 24-hour opening hours are also a Planning issue and not a matter for the Licensing Sub-Committee.

The representations raised common concerns regarding crime and disorder, anti-social behaviour and the impact on the pupils of two local secondary schools. No evidence

was submitted in support of these concerns and no representations have been received from any responsible authority.

In respect of the specific representations made by the objectors, the Sub-Committee concluded that although the Premises are in a residential and highly populated area, given the steps taken by the Applicant to promote the licensing objectives, it is unlikely to:

- a. lead to harm to those walking within the vicinity of the Premises;
- b. increase noise nuisance and anti-social behaviour;
- c. increase crime;
- d. increase threat to children's safety.

No evidence in support of the concerns raised by members of the public was presented to the Sub-Committee. Consequently, considerable weight has been given to the fact that no responsible authority raised any concerns or produced any evidence in respect of the aforementioned apprehensions.

The Sub-Committee must consider whether or not the Applicant can effectively promote the licensing objectives in the local area. If issues arise regarding noise and anti-social behaviour, recourse is available by way of a review of the premises licence.

The Sub-Committee has considered all written and oral representations, as well as the relevant statutory legislation, statutory guidance, licensing objectives and Barnet's Licensing Policy.

Taking all things in to account, the panel has decided to grant this application together with the conditions agreed with the Metropolitan Police, set out in annex 2 and not repeated herein.

Right to Appeal

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

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

None.

The meeting finished at 11.35am