

Decisions of the Licensing Sub-Committee

12 January 2021

Members Present:-

Councillor Barry Rawlings
Councillor Alison Cornelius
Councillor Claire Farrier

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Barry Rawlings 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 - BLVCK RESTAURANT & LOUNGE

The Sub-Committee considered an application for a licence made under section 17 of the Licensing Act 2003 in relation to **Blvck Restaurant & Lounge, 418B - 422 Watford Way, London, NW7 2QJ** (the "Premises").

6. 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 the Gambling Act 2005.

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

7. 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.

8. 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 **Blvck Restaurant & Lounge, 418B - 422 Watford Way, London, NW7 2QJ** (the "Premises").

The application is for the:

1. provision of late-night refreshment both inside and outside the Premises during the hours of 23:00 to 05:00 hours, Monday to Sunday; and
2. premises to be open to the public between 14:00 to 05:00 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 27 of the Report. This shows that the Premises and the licenced area of the same includes the internal and outside area.

No representations were received from any of the responsible authorities. Three representations were received from Ward Councillors. Two of these representations were withdrawn on the understanding that the Applicant had reduced the opening hours. It transpired that this was not the case, however, it was too late to reinstate the representations in order for the Councillors to make oral representations at the hearing.

The one objection received from Cllr Duschinsky raised legitimate concerns regarding public nuisance, in particular unnecessary and intrusive nuisance for local residents from the provision of late night refreshments throughout the night. Cllr Duschinsky made oral submissions to the Sub-Committee during the hearing and advised the Panel that she had received emails from local residents raising their concerns as to the potential opening hours and the negative impact it would have on them.

Given the current COVID 19 pandemic, the licensing Sub-Committee was held by way of a virtual Teams Meeting. Representations were made by Mr Afzaal Laal, manager of the Premises on behalf of the Applicant, Mr Usman Khan.

Mr Laal advised the Sub-Committee that the restaurant was a Shisha Bar and Lebanese restaurant. In respect of the concerns regarding noise nuisance, he explained that there are two flats located above the Premises, one of which is under the control of the Premise owners and the other has sound proofing installation. He referred to a neighbouring premises that had recently been granted a premises licence for similar opening hours. Mr Laal was advised by the Chair that this was not something that the Panel could consider as all cases are dealt with on a case by case basis.

Mr Laal advised that the outdoor area to the front of the Premises would be converted to an outdoor refreshment area with tables and chairs. He explained that a bouncer would be present at the Premises from 14:00 until 05:00 hours to prevent noise and it would be provided by a security company. With regard to the protection of children from harm, Mr Laal advised the panel that no children would be allowed onto the Premises because it is a Shisha bar despite referring to families frequenting the premises on numerous occasions during his submissions. When questioned on this by the Sub-Committee, he explained that family to him is adult family members not children. He further advised that the Premises had been open for business from July 2020 until October 2020 but due to the current COVID-19 pandemic, the Premises was forced to close.

Mr Laal advised the panel that there is parking for 15 vehicles at the back of the premises. Cllr Duschinsky advised that access to the car park is off Page Street, a residential road.

During discussions with Mr Laal, it was clear that he was not in agreement with the provision of security guards being made a condition of the licence. His argument being that he knows that security must be in place therefore he does not need it included in the licence conditions.

Cllr Duschinsky advised the Panel that several residents had communicated with her regarding the noise nuisance during the period that the Premises was opened from July to October, at which time the premises closed at 10pm due to Government restrictions.

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. The concern for the Sub-Committee in granting the licence as applied for is the impact of noise nuisance caused by customers sitting outside the Premises eating, smoking shisha and drinking refreshments until 05:00am.

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 the licence for the provision of late night refreshments from 23:00 until 02:00 hours Monday to Sunday for indoor purposes only.

This decision is based on the representations received from Cllr Duschinsky and the impact of noise nuisance on local residents from customers sitting outside availing of the services provided by the Premises. To grant the licence to include outdoor provision of late night refreshment would not promote the licensing objectives of prevention of public nuisance. Equally, the Sub-Committee is conscious of the impact the pandemic has had business and therefore deems these opening hours to be proportionate.

Furthermore, in order to ensure the promotion of the licensing objectives in particular the prevention of public nuisance, public safety and protection of children from harm the following conditions are to be included in the application:

1. Appropriate and adequate signage will be placed at the entrance and exits of the Premises including the car park area at the back of the Premises, informing customers to respect nearby residents, to leave quietly and not to loiter in the area or discard litter.
2. Licence to be displayed prominently within the premises.
3. Security to be provided by an accredited security firm from 23:00 until close.
4. Children (anyone aged under 18 years old) will not be allowed on the premises after 23:00.

These conditions are deemed appropriate and proportionate for the promotion of the licensing objectives.

If issues arise regarding noise and anti-social behaviour, recourse is available by way of a review of the premises licence.

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.

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

None.

The meeting finished at 12.30pm