

Decisions of the Licensing Sub-Committee

19 August 2022

Members Present:-

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Councillor Claire Farrier

Councillor Anne Hutton

Councillor Zakia Zubairi

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Claire Farrier 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 THE TRADING STANDARDS & LICENSING MANAGER - LE ROSE RESTAURANT

The Sub-Committee considered a New Premises Licence under section 17 of the Licensing Act 2003 in relation to Le Rose Restaurant, 47 High Street, Barnet EN5 5UW.

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 Regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations 2005).

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by Officers from HB Public Law and the Governance Officer.

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

THE SUMMARY DECISION OF THE LICENSING SUB-COMMITTEE (“Sub-Committee”) 19 AUGUST 2022

Le Rose Restaurant, 47 High Street, Barnet, EN5 5UW (“the Premises”)

The Sub-Committee has considered an application for a new premises licence under section 17 of the Licensing Act 2003.

The application is for the supply of alcohol (both on and off the Premises) Sunday to Thursday 12:00 – 00:00, Friday and Saturday 12:00 to 02:00. The application is also for the provision of late night refreshments Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 02:00.

The Sub-Committee has carefully considered all the relevant information including:

- Written and oral representations by all the parties;
- The Licensing Act 2003 and the steps appropriate to promote the licensing objectives;
- The Guidance issued under section 182 of the Licensing Act 2003;
- The Council’s Licensing Policy; and
- The Human Rights Act 1998.

The Sub-Committee was held in person.

The Sub-Committee heard from the Licensing Officer who presented their report. The Application was submitted on 28th June 2022. The licensable activity applied for the provision of late-night refreshments and the supply of alcohol on and off Premises Monday to Saturday 12:00 to 02:00 and Sunday 12:00 to 01:00. The Premises is currently unlicensed.

The Licensing Team received 10 valid objections from local residents and a petition was drawn up by local residents.

The applicant prior to the hearing had agreed the additional licensing conditions with the Police on 7th July 2022, for the supply of alcohol (both on and off the premises) Sunday – Thursday 12:00 hours until 00:00 hours, Friday and Saturday 12:00 hours until 02:00 hours. For the provision of late-night refreshment (indoors only) the agreed times were Sunday – Thursday 23:00 hours until 00:00 hours, Friday and Saturday 23:00 hours until 02:00 hours, as these hours were in line with surrounding premises.

The Licensing Officer sent notification to the objections on 21st July 2022 regarding the amendment made to the proposed hours for licensable activities at the Premises and whether they could confirm if they still wanted to make representations or withdraw their representations. No responses were received.

There were no objectors in attendance however the Sub-Committee, reviewed the representations made by the objectors. The representations received relate to the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

The Sub-Committee considered their written representations.

In attendance was the Applicant's agents Mr Harkan and Mrs Nursever from Bilimway Training and Consultancy. The Sub-Committee heard from Mrs Nursever, who advised that there are three people who are trained to follow the licensing objectives and to ensure that there was compliance with the licensing objectives. The Sub-Committee was advised that there would always be someone on the Premises to ensure that the licensing objectives are being adhered to. They believe that the Premises will benefit the locality. The neighbouring businesses on the High Street had various timing for the provision of late-night refreshments and the sale of alcohol between 1am to 2am and some businesses operated everyday with late closing times. Mrs Nursever further advised that they did not see any negative impact to the community on the High Street, that the Premises would have. They had also agreed conditions with the Police prior to the Sub-Committee hearing to reduce the hours of the licensable activities.

The Licensing Officer further advised that there is the Kings Head Pub on the High Street which has licensable activities, Friday and Saturday for the supply of alcohol on and off Premises up to 1am and the provision of late-night refreshment up to 1:30 am.

The Sub-Committee asked Mrs Nursever to clarify the closing time of the Premises as the documents stated that the licensable activities were to end at midnight Sunday to Thursday however the premises would remain open for further two hours. Mrs Nursever advised that the Premises would close at midnight Sunday to Thursday and at 2am Friday and Saturday. They would not be serving food outside, therefore minimising any noise nuisance to local residents. Mrs Nursever advised the Sub-Committee, that in submitting their application to planning department, they submitted reports noise reports to minimise any disturbance to local residents, which was approved.

In summary, the Sub-Committee has considered all the representations made by the applicant and the objectors, and after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives to grant application.

This licence becomes operational with immediate effect.

Any party aggrieved with the decision of the Licensing Sub-Committee on one or more grounds set out in Schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days from the date of notification of the full decision.

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

None.

The meeting finished at 11.15am