

## Decisions of the Licensing Sub-Committee

28 November 2022

Members Present:-

Councillor Claire Farrier    Councillor Eva Greenspan    Councillor Richard Barnes

### 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Claire Farrier be appointed Chair 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 Chair explained the procedure that would be followed at the meeting.

### 5. REPORT OF TRADING STANDARDS & LICENSING MANAGER - SELECT BAR & LOUNGE LTD, 318 BALLARDS LANE N12 0EY

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003 in relation to Select Bar & Lounge, 318 Ballards Lane, London N12 0EY.

### 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 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

**Notification of decision following a Licensing Panel hearing to determine an application for a premises licence under section 17 of the Licensing Act 2003**

**PREMISES:** Select Bar & Lounge, 318 Ballards Lane, London N12 0EY

**APPLICANT:** Mr Drilon Bardhoshi

**TAKE NOTICE THAT ON** 28 November 2022 following a hearing before the Licensing Sub Committee (the “Sub-Committee”),

**BARNET COUNCIL**, as the Licensing Authority for the Premises **RESOLVED that:**

the application for a premises licence for Select Bar & Lounge, 318 Ballards Lane, London N12 0EY is **GRANTED, as follows:**

**Provision for Late-night refreshment on the premises (indoors)**

Sunday to Thursday: 23:00 to 00:00

Friday to Saturday: 23:00 to 01:30

**Provision for the sale of alcohol on the premises (on and off the premises)**

Sunday to Thursday: 11:00 to 00:00

Friday to Saturday: 11:00 to 01:30

**Hours premises are open to the public**

Sunday to Thursday: 11:00 to 00:00

Friday to Saturday: 11:00 to 01:30

**AND with the conditions in the application, along with the following new or amended conditions:**

- (1) The premises shall install and maintain a comprehensive CCTV system covering all parts of the premises as per the minimum requirements of the Metropolitan Police Service. Further:
  - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (b) The CCTV system will continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
  - (c) All recordings will be stored for a minimum period of 31 days with date and time stamping.
  - (d) Viewing of recordings will be made available immediately upon request of the Metropolitan Police Service or Responsible Authority Officer throughout the preceding 31 day period, providing the request complies with the Data Protection Act or any other Primary Legislation
  - (e) All searches will be recorded on the CCTV system
  - (f) There will be external CCTV (installed and operated) which monitors the queue.
  - (g) A staff member from the premises who is conversant with the operation of the CCTV system will be always on the premises when the premises are open. This staff member will be able to provide Metropolitan Police Service or Authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested, providing the request complies with the Data Protection Act or any other Primary Legislation.
  - (h) The CCTV system will be checked daily to confirm that it is working.

- (i) The CCTV system will be maintained bi-annually and details of maintenance will be made available upon request to the council.
  - (j) The licence holder will always ensure that there is a sufficient supply of portable media (USB sticks, DVDs or similar) to be provided to the Metropolitan Police Service in the event of copy CCTV footage being requested.
  - (k) The recording equipment and data storage devices will be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.
  - (l) The system will be register with the Information Commissions Office.
  - (m) The system will abide by the Surveillance Camera Code of Practice.
- (2) The license holder will employ Door Supervisors in such numbers and at such times that is deemed necessary by a risk assessment, this risk assessment will be constantly reviewed, and will be shared with the Metropolitan Police if requested within 5 working days. Further when engaged, all SIA licensed door supervisors will:
- a) wear their SIA badges;
  - b) be equipped with closed circuit radios;
  - c) be equipped with "body worn video" camera devices that will record both sound and images. All recordings will be stored for a minimum of 31 days with date and time stamping. Viewing of recordings will be made available immediately upon request of the Metropolitan Police Service or Responsible Authority Officer throughout the preceding 31 day period, providing the request complies with the Data Protection Act or any other Primary Legislation;
  - d) when stationed outside the premises, wear high visibility jackets or vests;
  - e) ask customers not to stand around talking in the street outside the premises and ask customers to leave quickly and quietly.
- (3) There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- (4) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- (5) Notices shall be prominently displayed:
- a) at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
  - b) all entrances and exits advising customers that CCTV is operating at the premises and will be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.
  - c) at the entrance and exits stating that the premises has a zero tolerance towards drugs and weapons.
  - d) throughout the premises warning of potential criminal activity such as theft that may target customers shall be displayed.
  - e) outside the premises indicating the licensable hours and opening hours permitted under the premises licence.
  - f) throughout the premises advising customers that the premises operates a Challenge 25 proof of age scheme.

- (6) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
- (7) A log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Metropolitan Police Service, which will record the following:
- a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any faults in the CCTV system or searching equipment
  - e) any refusal of the sale of alcohol
  - f) any visit by a relevant authority, Metropolitan Police Service, London Ambulance Service or London Fire Brigade.
  - g) any CCTV images seized by Metropolitan Police Service or other relevant authority or supplied by license holder on request, including name of person requesting and name of person supplying
  - h) any attempted underage alcohol purchases
  - i) any acts of violence or criminal damage
  - j) any theft or attempted theft of alcoholic drinks
  - k) any attempted underage alcohol purchases
- (8) The premises licence holder will ensure that all staff are trained commensurate with their roles at the premises including:
- a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
  - b) Crime Scene Preservations
  - c) Welfare and Vulnerability Engagement (WAVE) training
- The premises licence holder will ensure that records of staff training are kept and made available to Responsible Authority Officers on request. The premises licence holder will ensure that refresher training is provided every 6 months.
- (9) The premises licence holder shall provide and maintain a dedicated telephone number of the designated premises supervisor for use by any responsible authority or any person who may wish to make a complaint during the operation of the licence. This shall be provided upon request to the Licensing Authority and Metropolitan Police Service.
- (10) Deliveries of materials necessary for the operation of the business shall be carried out between 8:00 and 21:00, Monday to Saturday only, in order to prevent nuisance and disturbance to nearby residents.
- (11) The premises licence holder will devise and maintain the following policies:
- a) Dispersal  
This policy will include but not limited to:
    - i. How patrons leaving the premises will be directed away from the premises;
    - ii. How patrons will be informed of the services of taxi and private hire operators;

- iii. What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;
- iv. Any 'wind' down periods;
- v. Methods to prevent re-entry to the premises;
- vi. How bottles and glasses will be prevented from being removed from the premises.

b) Security

This policy will include but not limited to:

- i. Clear expectations of staff roles (including the DPS managers/supervisors and door supervisors);
  - ii. Staff training regarding identification of suspicious activity and what action to take;
- c) Drugs, this will be a zero-tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances Including but not limited to:
- i. Dealing with patrons suspected of using drugs on the premises;
  - ii. Scrutiny of spaces including toilets or outside areas;
  - iii. The handling of items suspected to be illegal drugs or psychoactive substances.
  - iv. Steps taken to discourage and disrupt drug use on the premises
  - v. Steps to be taken to inform patrons of the premises drug policy/practice.

(12) The premises shall operate a last admittance policy for patrons whereby the last patron shall be admitted to the premises 60 minutes before closing time on Friday and Saturday nights and any night preceding a bank holiday.

(13) The Designated Premises Supervisor will actively seek to be a member of any active local Pub Watch and attend pub watch meetings on a regular basis.

(14) Windows and doors shall be closed at 22:00 when live or recorded music is playing except for the immediate entrance or egress of persons to or from the premises.

(15) No person under 18 years of age shall be admitted to the premises or allowed to remain on the premises after 21:00 except in the company of an adult.

(16) After 20:00 no patron temporarily allowed to leave to smoke will be allowed to take any glassware from the premises.

(17) Off sales of alcohol will only be available with meals ordered for delivery or takeaway.

(18) All sales of alcohol for consumption on the premises will only be available to purchase with seated at a table inside the premises and to those inside waiting to be seated at a table.

(19) All licensable activities will be permitted from the start of licensable activities on New Year's eve until the end of licensable activities on New Year's day.

**REASONS:**

1. The Panel convened to determine an application for a premises licence for Select Bar & Lounge, 318 Ballards Lane, London N12 0EY (“the “Premises”) under the Licensing Act 2003.
2. The application, which is set out in Annex 1, seeks the hours for licensable activities, which are as follows:

**Provision of Live Music**

Sunday to Thursday: 11:00am to 00:00  
Friday to Saturday: 11:00am to 03:00am

**Provision of Recorded Music**

Sunday to Thursday: 11:00am to 00:00  
Friday to Saturday: 11:00am to 03:00am

**Provision of Performances of Dance**

Sunday to Thursday: 11:00am to 00:00  
Friday to Saturday: 11:00am to 03:00am

**Provision of Anything of a similar description to live music, recorded music or performances of Dance**

Sunday to Thursday: 11:00am to 00:00  
Friday to Saturday: 11:00am to 03:00am

**Provision for Late-night refreshment on the premises**

Monday to Sunday: 23:00 to 03:00am

**Provision for the Supply of Alcohol**

Sunday to Thursday: 11:00am to 00:00  
Friday to Saturday: 11:00am to 03:00am

**Hours the premises are open to the public**

Monday to Sunday: 11:00am to 03:30am

The applicant seeks to include conditions on the licence, which are set out at pages 42 to 45 of Appendix A. These include conditions relating to the installation and use of CCTV, a comprehensive log book, staff training and signage:

3. The Premises are currently licensed and are situated in an area of mixed commercial and residential properties.
4. The Licensing Panel carefully considered all the relevant information including:
  - Written and Oral representations made 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 Statement of Licensing Policy of the London Borough of Barnet of January 2020

- The Human Rights Act 1998
5. As part of the consultation process the Authority received no representations from Responsible Authorities, but the Applicant consulted with the Police and agreed to amend conditions 2 and 12 of the proposed conditions. This correspondence with the Police is shown as Annex 3 and the amendments relate to the use and numbers of SIA/door supervisors at the Premises, and for the last admittance time to be extended to any night preceding a bank holiday.
  6. Ten representations were received from residents in the surrounding area objecting to the Application. The representations from the residents are shown as Annex 2 and relate to the prevention of public nuisance and the prevention of crime and disorder. They can broadly be described as objecting to the licence on the basis of anti- social behaviour in the area and noise levels in a residential area. The representations from the residents also protest that the extension to the premises was built without planning permission, which is a planning issue and so not a matter considered by the Sub-Committee.
  7. The Applicant was represented at the hearing and was also present at the hearing with his manager. In his oral representations, the Applicant's representative confirmed that the Applicant had agreed to withdraw the parts of his application in respect of the Provision of Live Music, the Provision of Recorded Music, the Provision of Performances of Dance and the Provision of anything with a similar description to Live Music, Recorded Music or Performances of Dance. In addition, the Applicant's representative confirmed that the Applicant had agreed to reduce the hours for the provision of late night refreshment on Sunday to Thursday to 23:00 to 00:00 and on Friday to Saturday from 23:00 to 1:30am. The Applicant had also agreed to reduce the hours for the sale of alcohol on and off the premises on Sunday to Thursday to 11:00am to 00:00 and on Friday to Saturday to 11:00am to 1:30am. The Applicant's representative proposed that the last admission on Friday and Saturday would be at 00:30.
  8. Several of the objectors and made representations about the noise levels at the premises. In addition to complaining about the noise levels they made representations about planning permission and building regulation consent for the extension at the rear of the premises which were beyond the remit of the Sub Committee. One of the objectors indicated that he had contacted Environmental Health to complain about noise levels at the premises. Environmental Health visited his premises to record the noise levels, but their report has not yet been provided to the objector, or to the Licensing Authority. Their objectors' representations also included unsubstantiated allegations about a rise in anti-social behaviour in the area without providing any evidence that such behaviour was linked to the premises. In addition the objectors made allegations about the integrity of the applicant and about criminal activity at premises which the Applicant's representative objected to, making clear that there was no evidence of any criminal activity was taking place at the premises and pointing out that the Metropolitan Police Service supported the Applicant's application. Several of the objectors stated they objected to the licence application being until 3:30am and had to be reminded that the Applicant's representative had already proposed to reduce the hours to 1:30am. When this was pointed out the objectors maintained that even 1:30am was unacceptable.

9. The Sub-Committee took on board their concerns about the prevention of public nuisance and noise levels and considered there was a risk that such nuisance might occur. The issue is then, if the Sub-Committee decided to grant the licence, whether the conditions offered by the Applicant would be sufficient to address these concerns, given the representations from the Metropolitan Police Service.

10. The Statutory Guidance states that:

“2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.”

11. The Licensing Authority’s own Statement of Licensing Policy 2020 also states how it considers the issue of public nuisance at section 9 of the Policy, stating that:

“9.1 In addition to the requirements of the Licensing Authority to promote the licensing objectives, the London Borough of Barnet also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.

9.3 For all license applications the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance having regard to all circumstances of the case, and will particularly consider the following:

- o The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include sound proofing, air conditioning, acoustic lobbies and sound limitation.



- o The steps the applicant has taken or proposes to take to prevent disturbance created by patron arriving or leaving the premises.”
12. As for Crime and Disorder, the Statutory Guidance says that Licensing Authorities should look to the Police as the main source of advice on this issue and should also seek to involve the local Community Safety Partnership (CSP).
  13. The Authority’s Statement of Licensing Policy also considers the prevention of crime and disorder in section 7 of the Policy and amongst other things states:
 

“7.1 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

7.2 When addressing the issue of crime and disorder, the applicant should be able to demonstrate that those factors that impact on crime and disorder have been considered. These factors include: ..... anti-social behaviour.

7.3 It is recommended that applicants discuss the crime prevention procedures in their premises with the Metropolitan Police Licensing Officer and the Licensing Authority before making a formal application.”
  14. The Panel noted this guidance and the comments in the Licensing Authority’s statement of licencing policy and noted the oral and written representations that had been received from the local residents of their concerns about noise and anti-social behaviour. The panel was advised to disregard the comments made by local residents about planning permission and building regulation consent and about the alleged character of the Applicant which was not supported by the Metropolitan Police Service. The panel also noted that the Applicant disagreed that the premises would be the source of any problems and said that their staff would be trained in dealing with any issues.

**Decision**

15. Having taken all the representations into account, the statutory provisions and the Revised Guidance issued under section 182 of the Licensing Act 2003 and the Council’s Statement of Licensing Policy, the Sub-Committee accepts the amended proposed licensable hours from the Applicant for both the provision of late-night refreshment and the supply of alcohol on and off the premises, terminating at 00:00 Sunday to Thursday and at 01:30 on Fridays and Saturdays.
16. The Sub-Committee considers the Applicant’s conditions set out in the application as amended and agreed with the Metropolitan Police Service would satisfy the licensing objectives concerning the prevention of crime and disorder and the prevention of public nuisance. Furthermore as the licensing hours and opening hours sought by the Applicant have been reduced, the Sub-Committee is prepared to accept a further variation to the Applicant’s proposed condition 12), as amended by the Police, so that the final admittance time for patrons will now be

60 minutes before closing time on Friday and Saturday nights and any night preceding a bank holiday.

17. The Licensing Panel has therefore decided to **GRANT** the amended application for a premises licence, amended as follows:

**Provision for Late-night refreshment on the premises (indoors)**

Sunday to Thursday: 23:00 to 00:00

Friday to Saturday: 23:00 to 01:30

**Provision for the sale of alcohol on and off the premises**

Sunday to Thursday: 11:00 to 00:00

Friday to Saturday: 11:00 to 01:30

**Hours premises are open to the public**

Sunday to Thursday: 11:00 to 00:00

Friday to Saturday: 11:00 to 01:30

**With the conditions set out in the Applications and as amended by the Police and with the following additional/amended conditions:**

The license holder will employ Door Supervisors in such numbers and at such times that is deemed necessary by a risk assessment, this risk assessment will be constantly reviewed, and will be shared with the Metropolitan Police if requested within 5 working days. Further when engaged, all SIA licensed door supervisors will:

- a) wear their SIA badges;
- b) be equipped with closed circuit radios;
- c) be equipped with "body worn video" camera devices that will record both sound and images. All recordings will be stored for a minimum of 31 days with date and time stamping. Viewing of recordings will be made available immediately upon request of the Metropolitan Police Service or Responsible Authority Officer throughout the preceding 31 day period, providing the request complies with the Data Protection Act or any other Primary Legislation;
- d) when stationed outside the premises, wear high visibility jackets or vests;
- e) ask customers not to stand around talking in the street outside the premises and ask customers to leave quickly and quietly.

The premises shall operate a last admittance policy for patrons whereby the last patron shall be admitted to the premises 60 minutes before closing time on Friday and Saturday nights and any night preceding a bank holiday.

**Right to Appeal**

17. 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 local 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 11.45am