

Decisions of the Licensing Sub-Committee

17 July 2023

Members Present:-

Councillor Claire Farrier Councillor Caroline Stock Councillor Geof Cooke

1. APPOINTMENT OF CHAIR

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 OTHER INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

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

5. TEMPORARY EVENT NOTICE - SERENITY SUITES, 158 STATION ROAD, EDGWARE HA8 7AW

The Sub-Committee considered an application for a Temporary Event Notice made under section 100 of the Licensing Act 2003 in relation to Serenity Suites, 158 Station Road, Edgware, HA8 7AW

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

DECISION OF THE LICENSING SUB-COMMITTEE 17TH JULY 2023

Serenity Suites, 158 Station Road, Edgware, HA8 7AW (“the Premises”)

This is an application for a standard Temporary Event Notice (“TEN”) made under section 100 of the Licensing Act 2003 in relation to Serenity Suites, 158 Station Road, Edgware, HA8 7AW (“the Premises”).

The TEN seeks to permit the sale by retail of alcohol, the supply of alcohol by or behalf of a club, or to the order of a member club, the provision of regulated entertainment and the provision of late-night refreshments for one party and one birthday party. This event is due to take place from 01:00 hours on Saturday 29th July 2023 until 04:00 hours on Sunday 30th July 2023. The Premises is currently licensed.

The hearing was conducted in person, and all three members of the Sub-Committee were in attendance throughout the same, and during private deliberations.

As part of the consultation process the Licensing Authority received one objection from the Metropolitan Police (“the Police”) regarding concerns that allowing the Premises to be used in accordance with the TEN would undermine the licensing objective of the prevention of public nuisance. Copies of the representation are set out in **Annex 2, Agenda item 5a** and **Agenda item 5b** of the agenda pack.

The options available to the Sub-Committee are to either approve or reject the TEN. The Sub-Committee are at liberty to impose conditions on the TEN due to the Premises having an existing premises licence.

In attendance was PC Wilcox on behalf of the Police and the Applicant, Mr Moafaq was not in attendance nor was there any representative as he was unable to attend due to unforeseen circumstances. Mr Moafaq notified the Licensing Team via email on 14th July 2023.

The Licensing Officer presented their report. The Sub-Committee asked the Licensing Officer regarding previous TEN’s applications, as to how many were applied for and was informed it was approximately twelve as there had been several events at the Premises.

The Sub-Committee also asked the Licensing Officer to provide clarification in respect of the application as to whether it was one or two events. The Licensing officer advised; it was two events over a two-day period. Further enquiries were made as to how many people would be attending the events and the Licensing Officer advised that there was a total of 135 attendees for both events.

The Licensing Officer clarified that the Premises is currently licensed, and it is held by Paiwand Events Limited and was previously known as Zareen Banqueting Suites and it has been renamed and is known as Serenity Suites.

The Sub-committee considered the application, the email received from Applicant dated 14th July 2023. The Applicant’s email proposed that there would be a strict policy that any loading or unloading activities between the hours of 12am to 6am, they would ensure that vehicles would not be parked on the middle of road or on the pavements. The Applicant also proposed to increase the security from 6 to 9 security officers. As the Applicant was not present, the Sub-Committee could not make further enquiries as to their additional proposals submitted to the Licensing Officer.

The Sub-Committee heard from the Police that numerous reports of noise nuisance had been received from local residents to the Council regarding the Premises. The Police provided video footage and CCTV stills from a local resident, showing:

- (1) Crowds that have not been dispersed after the event had concluded by security and remained in close proximity to the venue around 04-05am causing noise nuisance;
- (2) Vehicles parked illegally on the pavement and on the road in close proximity to the Premises;
- (3) Vehicles obstructing the highway, preventing buses from passing; and
- (4) Equipment being loaded on pavement, blocking the pavement, and causing noise nuisance.

The Police advised that local residents of Station Road have been impacted by the noise nuisance coming from the Premises in the last 6 months. The Police further advised that the Premises has been served an abatement notice 7th May 2023 by Environmental Health Team, for loud music and base emanating from the Premises.

The Police explained that there was an event last weekend and they received further video footage similar to the footage provided for the events taken place on June 2023, showing noise nuisance and the failure to disperse the crowd after the event had concluded. The Police was also concerned about the vehicles being parked in a manner which obstructed the highway and was preventing buses from safely turning.

The Police further advised that they had reviewed the further proposed conditions. The Police contacted the security company, K4 Security to obtain further information about the issues at the Premises and were informed that K4 Security were not contracted to provide services at the Premises since June 2022. In addition to this, the name provided on the application who is to be responsible for security at the Premises, was no longer employed by K4 Security as of November 2022. The Police were unable to obtain further information from K4 Security regarding the named person in charge of security.

The Police informed the Sub-Committee that they have changed their view that the TEN should be until 2am and now object to the Premises having a TEN. The Police were not satisfied that the Applicant could properly promote the licensing objectives.

The Sub-Committee viewed two pieces of video footage from the Police, one video (undated) showed approximately seven vehicles, illegally parked on in the middle of the road and on the pavement in close proximity to the venue. The video also showed patrons of the Premises congregating around the entrance of the Premises and on the side of the road. The noise coming from the patrons of the Premises could also be heard. The Sub-Committee also noted that there was no attempt made by the Premises security to disperse the crowd or direct vehicles to move on.

The second video (undated) shows approximately seven vehicles illegally parked in the middle of the road. The Sub-Committee noted that there were three vehicles which were preventing a bus from turning properly from the bus garage. It was also noted that there was no presence of security to direct vehicles away from the Premises. Patrons of the Premises were seen congregating around the locality of the Premises and noise emanating from these patrons could be heard.

The Sub-Committee also viewed the photograph stills provide by the Police dated 19th June 2023 timed 04:13 am and 04:22am. The showed a van parked outside the Premises together with what appears to be patrons from the Premises.

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;
- Barnet Council's licensing policy; and
- The Human Rights Act 1998.

The Sub-Committee has decided, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives to refuse the TEN application. The Sub-Committee is concerned that granting the TEN to the Applicant from 01:00 hours on Saturday 29th July 2023 until 04:00 hours on Sunday 30th July 2023 would undermine the licensing objective of the prevention of public nuisance and public safety.

Right of Appeal

A relevant party aggrieved with the decision of the Licensing Panel may, in compliance with Schedule 5, Paragraph 16, of the Licensing Act 2003, appeal to the Magistrates' Court within 21 days of notification of this decision, save that an appeal cannot be brought more than 5 working days before the day on which the event period specified in the temporary event notice begins.

Licensing Sub-Committee

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

None.

The meeting finished at 11.15pm