

Minutes of the Licensing Sub-Committee

14 March 2024

Members Present:-

Councillor Claire Farrier Councillor Caroline Stock Councillor Ernest Ambe

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)

Councillor Claire Farrier declared an interest by virtue of her role as Committee member of the Licensing Sub Committee which considered a TEN application in relation to the premises.

Councillor Caroline Stock declared an interest by virtue of her role as Committee member of the Licensing Sub Committee which considered a TEN application in relation to the premises.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

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

5. REPORT OF LICENSING MANAGER - REVIEW OF PREMISES LICENCE: PAIWAND EVENTS COMMUNITY INTEREST FIRST FLOOR, 158 STATION ROAD HA8 7AW

The Sub-Committee considered an application to review a premises licence under section 51 of the Licensing Act 2003 for Paiwand Events Community Interest, First Floor, 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).

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 Senior Lawyer 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 was an application for a review of the premises licence for Paiwand Events Community Interest Company, First Floor, 158 Station Road, Edgware, HA8 &AW (hereinafter referred to as the "Premises").

The review of the premises licence, under s.51 of the Licensing Act 2003, was made by the Licensing Authority acting as a Responsible Authority in an application dated 22nd January 2024. The application was supported by the Metropolitan Police and the Noise Nuisance department. All responsible authorities are of the view that the licensing objectives of the protection of crime and disorder and public nuisance are being undermined. There are serious concerns regarding the ability of the Premises Licence Holder to promote the aforementioned licensing objectives as a result of the following:

- (i) On the 15th of June 2022, it was alleged that on 11th to 12th June 2022 the Premises held an event with loud music and finished past the end time of 04:00am as per the conditions of the TEN. This loud music caused a nuisance to local residents;
- (ii) On the 26th of June 2022, complaint received that the Premises was open until 05:00am. TEN permitted the Premises to remain open until 04:00am. A large number of patrons dispersed the Premises making noise and causing a disturbance in the area at 05:00am.
- (iii) On the 12th of May 2023 a noise abatement notice under s.80 of the Environmental Protection Act 1990 was issued as a result of a statutory nuisance caused by loud bass music emanating from the Premises. This notice required the Premises to abate the noise nuisance within a specified period of time.
- (iv) Events taking place with TEN's, CCTV footage showing people outside the Premises after the hours of 01:30 as permitted under current Licence.
- (v) Despite a request for a TEN for an event on 29th July 2023 being refused, CCTV evidence shows the Premises open after its licensable hours.
- (vi) Vehicles parking illegally in the middle of Station Road and on pavement directly outside the Premises.
- (vii) Vehicles obstructing the bus depot exit.

The Sub-Committee must consider whether Paiwand Events Community Interest Company is able or indeed willing to comply with the legal requirements of holding a licence and what action is appropriate to promote the licensing objectives in view of the repeated problems at the Premises, over the past 2 years.

The Sub-Committee heard from Zekiel Cudjoe on behalf of the Licensing Authority, PC Vicki Wilcock on behalf of the Metropolitan Police, Ralph Haynes on behalf of the Noise Nuisance Team, Mr John Bishop, Counsel for Paiwand Events Community Interest Company and also Mr Khaled Erfan, one of the Directors of Paiwand Events Community Interest Company. The Sub-Committee also heard from Ms Madalina Panfil a member of the public.

Zekiel Cudjoe confirmed to the Sub-Committee that there was an oversight in his application in terms of the boxes he had ticked. He confirmed that his application was in respect of both the prevention of crime and disorder and public nuisance objectives.

Ralph Haynes advised the Sub-Committee that since the service of the noise abatement notice in May 2023, he could not confirm whether the noise had been successfully abated as yet. Mr Haynes submitted that double glazed windows had been installed instead of the suggested triple glazed windows.

Exhibit ZC001 sets out the Premises Licence conditions. In accordance with Annex 2 of the Premises Licence – Conditions consistent with the operating schedule, conditions 8, 9 and 16 specifically state the following:

- 8. A minimum of 2 door supervisors (SIA approved), of a suitable gender mix, shall be employed on any day when the premises are open for the sale of alcohol past 2100hrs. The actual number of door supervisors shall be risk assessed by the venue;*
- 9. Door supervisors shall wear clothing that can be clearly and easily identified on CCTV;*
- 16. Staff will be trained in dealing with cases of Anti Social Behaviour taking place at the premises.*

Exhibit ZC038 details a number of CCTV images taken on the 29th July 2023. Pages 218 to 222 of the bundle show a large crowd of people leaving the Premises between the hours of 01:51:33 to 02:42:59. Not only do the images show patrons leaving the Premises after the time that the Premises is due to have closed, namely 01:30am, the door supervisors cannot clearly and easily be identified in these pictures. This is a pattern across all of the CCTV images including those contained in exhibit ZC036 which show images from the 23rd July 2023 between the hours of 01:55 to 04:24am.

Following the event on 29th July 2023, Vicky Wilcock emailed the licence holder detailing a number of incidents that had occurred at the Premises since May 2023, exhibit ZC033. The licence holder was requested to provide a copy of their SIA register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occurred covering 1st May to 31st July 2023. The licence holder was also required to provide their SIA risk assessments. The licence holder had committed to increasing the number of door supervisors in an email to the Council on 14th July 2023. The Sub-Committee were told that this information remains outstanding from the licence holder.

As at October 2023, the Premises Licence Holder had not submitted a minor variation application or evidence to show that new signage had been implemented as a result of the action planning meeting that took place in November 2022 with the licence holder, police and noise nuisance department. The purpose of this meeting was to discuss how noise emanating from the Premises could be reduced.

Mr Khaled Erfan accepted that there had been problems at the Premises last year but they had been compliant with the licence conditions. He further advised the Sub-Committee that since the events in July 2023, they had changed their business model in terms of they were no longer accommodating large events. He advised that their main events were now family, weddings, whereby 90% of the weddings were non-drinkers. Mr Khaled Erfan advised the Sub-Committee that because he was not selling alcohol to his

patrons he did not require security staff to be present at the Premises. This is contrary to the existing licence conditions.

The Sub-Committee heard from a resident who explained what it is like to live in the vicinity of the area. The resident explained that they have to wear ear plugs when at home due to the level of the noise and compared living in the vicinity to Chinese Water torture. Whilst they admitted that the noise is quieter than last year, it is still occurring on a weekly basis.

The representations received from the members of the public included video footage from 22nd January 2024 and also more recently 5th February 2024. The footage from the 5th February 2024 at 22:22 hours clearly shows a large number of vehicles with their hazard lights flashing, car horns are beeping loudly and in one car, passengers can be seen standing through the sun roof. This is in addition to a number of patrons congregating on the pavement. The footage does not show easily identifiable door staff or any staff trying to minimise this behaviour.

The video footage from 22nd January 2024 at 22:20pm and 22:35pm showed large groups congregating in the middle of Station Road, Edgware and in the later timed footage a large police presence. Whilst Mr Khaled Erfan admitted to the Sub-Committee that he called the police to deal with this situation, it begs the question as to whether there was sufficient security on site to deal with the incident that occurred.

The Sub-Committee found the submissions made by Mr Khaled Erfan to be inconsistent with the evidence submitted by the responsible authorities. In particular that he emphasized that his patrons were well mannered people who do not drink alcohol.

He confirmed to the Sub-Committee that he was the individual responsible for ensuring that Patrons egressed from the Premises considerately and that the noise was not at a high level. The video footage provided in the representations, contradict this assertion. He further advised that patrons who chose to park illegally outside the Premises were denied entry. However, the evidence again contradicts this. In particular the witness statement of PC Daniel Harris who attended the Premises on 29th July 2023 and observed that Station Road was full of illegally parked cars. Together with the number of people leaving the Premises, disruption was caused to Edgware Bus Station and the surrounding roads.

The concerns raised by the Licensing Authority, the Police, the noise nuisance team and members of the public demonstrates to the Sub-Committee that Paiwand Events Community Interest Company do not take their licensing responsibilities seriously.

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 Objectives.

What the Licensing Sub-Committee have to consider however is not punishment, but how to promote the licensing objectives. Based on the representations made by Paiwand Events Community Interest Company the Sub-Committee is not satisfied that they can comply with the conditions of the licence or indeed licensing regulations.

Due to Paiwand Events Community Interest Company's failure to engage with the authorities, in particular:

- (i) the recommendations following a meeting in November 2022;
- (ii) a noise abatement notice served on 12th May 2023;
- (iii) the Police request to provide details of the SIA registers/logs, and moreover
- (iv) the failure to comply with the existing Licence conditions

the Sub-Committee believes that Paiwand Events Community Interest Company has no regard to authority and does not believe that they would comply with any additional conditions that may be placed on the licence.

Whilst it is accepted that there was no breach of the licence on 29th July 2023, the date in which the TENS was refused, it is clear from the CCTV stills of the same date, that there was a large crowd of patrons outside the Premises between the hours of 01:51 and 02:36. There is no evidence in these CCTV stills of the presence of security guards. This amounts to a breach of the current Premises Licence conditions.

Based on the evidence seen and heard before them, in particular:

- (i) the recent video evidence from January and February 2024
- (ii) the reoccurring breaches, and
- (iii) the repeated failure to comply with requests from responsible authorities,

the Sub-Committee do not deem it appropriate to suspend all or any of the licensable activities for up to 3 months. The Sub-Committee do not believe that such a suspension would deter any future breaches and promote the licensing objectives when the suspension expired.

Paiwand Events Community Interest Company have failed to promote the licensing objectives over a significant period of time, and despite assertions that they have changed their business model, the Premises continues to show a disregard to the prevention of noise nuisance and crime and disorder.

The Sub-Committee has decided, after taking into account all of the circumstances of this case and the promotion of the licensing objectives, in particular the prevention of crime and disorder and public nuisance, to revoke the Premises licence. Based on the evidence seen and heard before them the Sub-Committee believes that this is the most appropriate and proportionate course of action.

Right of Appeal

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the Magistrate's Court, 448 High Road, London England NW10 2DZ within 21 days of notification of this decision.

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

None.

The meeting finished at 12.15pm