

Decisions of the Licensing Sub-Committee

8 August 2016

Members Present:-

Councillor John Hart (Chairman)

Councillor Jim Tierney

Councillor Brian Salinger

Officers to the Panel:

Bob Huffam – HB Public Law

Daniel Pattenden – Licensing Officer

Abigail Lewis – Governance Service

Objectors:

Councillor Brian Gordon spoke on behalf of Mr Russell Donoff

Mrs Shakani

Mrs Joanne Woolich

Councillor Joan Scannell spoke on behalf of Mrs Deborah Gavzey

Mr Richard Harris

Applicant:

Ioana Romina

Ioana's legal representative

1. APPOINTMENT OF CHAIRMAN

RESOLVED: That Councillor John Hart be appointed as Chairman.

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 noted the procedure following an introduction of the members of the subcommittee, the officers, objectors and the applicant.

5. NEW PREMISES APPLICATION, HOLLYWOOD, 246 STATION ROAD, EDGWARE, HA8 7AU

The Sub-committee considered a New Premises Licence application for Hollywood, 246 Station Road, Edgware, HA8 7AU, together with submissions from the Licensing officer, applicant and objectors.

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

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The sub-committee retired to deliberate in private session, accompanied by the council's legal and governance officers, to consider the facts of the application and the measures necessary (if any) to ensure the promotion of the licensing objectives.

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

The parties to the application were readmitted to the meeting and the Chairman conveyed the Sub-Committee's decision as follows:

This is an application for a new premises licence for Hollywood, 246 Station Road, Edgware. The application has been amended to reduce the hours requested, to include provisions relating to CCTV, and various other conditions. As a result of this the Police have not objected to the application and neither have any other responsible authorities.

There have however been valid objections from 28 members of the public. There have been numerous invalid objections but the Panel has not considered nor indeed seen them and they form no part of the decision. The premises are on the corner of Penschurst Gardens, a residential area, and the residents are concerned in particular about the possibility of increased crime and disorder, anti-social behaviour, litter, and noise nuisance especially from live and recorded music and the anticipated extra people on the streets. Some of the anxieties are based on the unpleasant experience of a pub close by until a few years ago. While the Panel appreciate the concern the application is for a restaurant not a pub and there is little to suggest that the same problems will arise.

The guidance to the Licensing Act states that the Police are the main source of information on crime and disorder. While they are not the only source consideration must be given to the weight of any objection based on this objective especially where the Police have not objected and there is no real evidence of these premises potentially causing additional crime and disorder.

There is little to suggest that the area has a problem with anti-social behaviour or nuisance caused by the restaurants nearby. As stated above many of the objections have more to do with a pub that closed down some years ago. There is no reason to believe that these premises would lead to an increase in noisy rowdy drunken crowds.

The main concern for the panel is the potential noise nuisance caused by music from the premises and by people leaving at a very late hour. It is of note that the noise nuisance team of the environmental health department has not made an objection. We do believe however that the proximity of residential properties and the concerns of the residents do require some action to protect against public nuisance.

The music is intended to be incidental to meals only. There is however a danger of noise escaping and it is therefore appropriate to require that all music be relayed through a noise limiter which shall be set at a maximum decibel level agreed with the Environmental Health Department of the council.

While the condition of no vertical drinking is noted, it is appropriate to require that alcohol will only be supplied before during and after the consumption of a substantial meal. This will prevent customers drinking alcohol without eating and thereby increasing the possibility of later incidents of public nuisance.

Finally the hours for Sunday to Thursday remain as in the application save that the sale of alcohol shall not commence until 10.00am as proposed by the applicant. The hours for Friday and Saturday will be reduced similarly and as follows:-

The sale and supply of alcohol; the provision of live music indoors only; the provision of recorded music indoors only; and the provision of late night refreshment shall end at 12.30am

The premises shall remain open to 1.00am

The Sub-Committee believes that these conditions are appropriate in order to prevent public nuisance in reducing the likely noise nuisance that would be caused to local residents in view of their proximity to the applicant's premises.

Right of 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 magistrates' court within 21 days of notification of this decision.

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

None

The meeting closed at 1.00 pm