

Decisions of the Licensing Sub-Committee

1 September 2016

Members Present:-

Councillor Maureen Braun
Councillor Alison Cornelius
Councillor Alison Cornelius
Councillor John Hart

Officers:-

Daniel Pattenden – Licensing Officer
Bob Huffam – HBPL Legal Officer
Naomi Kwasa – Governance Officer
Abigail Lewis – Governance Officer

Applicant:-

Travel Lodge Representative – Dale Potter
Travel Lodge Representative – Jessica Jackson
Legal Representative – Anna Mathias

Objector:-

Jonathan Barr – spoke on behalf of Mr Nick Morris and Mrs Veronica Morris

1. **APPOINTMENT OF CHAIRMAN**

RESOLVED: That Councillor Maureen Braun be appointed as Chairperson.

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

5. **NEW PREMISES APPLICATION, TRAVEL LODGE, WINSTON HOUSE, 2 DOLLIS PARK ROAD, FINCHLEY, LONDON, N3 1HF**

The Sub-committee considered a New Premises Licence application for Travel Lodge, Winston House, 2 Dollis Park Road, Finchley, London N3 1HF, together with submissions from the Licensing Officer, Applicant and Objector.

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 Chairperson conveyed the Sub-Committee's decision as follows:

This is an application for a new premises licence in respect of Travel Lodge, Winston House, 2 Dollis Park Road, Finchley N3 1HF. The applicant requests a 24 hour licence seven days a week for the sale of alcohol and opening times, and late night refreshment between 11.00pm and 5.00am every day.

While no responsible authorities have made representations, there have been six from members of the public and a petition with 44 signatures.

The objections refer in part to the existence of other licensed outlets in the area, and there being no need for another. These are not issues that we are permitted to consider under the Licensing Act 2003.

The remaining issues raised need to be considered by us. They relate to the premises being in a residential area, and therefore being more likely to cause public and/or noise nuisance; the proximity of a school thereby engaging the prevention of harm to children; and likely crime and disorder.

We should mention the petition. It refers to the licensing objectives but gives no reasoning or evidence as to why it should be considered that these premises would undermine the licensing objectives. Very little weight is therefore given to the petition.

The guidance to the Licensing Act makes it clear that in respect of crime and disorder that the Police are the main providers of information and evidence. In this instance the Police have not made an objection. This does not mean that local residents may not raise this issue, but we must consider the weight to be given to it. There is no evidence or even any reasoning as to why these premises should cause an increase in crime and disorder in the area.

We note that children walk passed the premises on the way to a local school, but it is difficult to see what harm would be caused by the sale of alcohol here when there is a

pub (certainly open when children are leaving school) on the ground floor of the building which is presumably far more visible to passers by. The applicant has confirmed that there will be no signage at street level advertising the bar. It is of note that Safeguarding have not made any objection and they would be the main source of information on harm to children issues.

The objectors have made the point that other hotels in the area stop selling alcohol much earlier, while the applicant has produced evidence to show that this is not so, and that the hotels named have 24 hour licences. We are bound to consider each case on its merits and do not regard arguments about the hours of other establishments as being particularly helpful unless they would likely result in a large number of customers leaving such premises at the same time potentially causing a nuisance. That does not apply here. It does not seem to us that the numbers leaving these premises would be such as to make noise nuisance likely.

We come down therefore to the question of whether the premises would cause a nuisance in the area either by the conduct of its customers or by noise. Again no evidence is provided as to why this should happen, nor any reasoning even without evidence. The premises are to be on the 4th to 6th floors of Winston House, and the applicant has today amended its application so that entry after 10.00pm is by a key card provided to hotel guests only. Alcohol is to be served only to hotel customers or to their guests, and only to hotel guests after 10.00pm, when their visitors will be asked to leave. It is therefore most unlikely to encourage passing trade looking for a very late drink. There will not be the common problem of people making a noise leaving the premises as most of the customers will be staying at the hotel. It is difficult to see how this would cause a public or noise nuisance. The sale of alcohol to any guests of hotel residents will not be allowed again until 10.00am.

The final issue relates to the emptying of bottles into outside bins, which was intended to take place between 7.00am and 9.00pm. The objectors feel that 7.00am is too early and the applicant has agreed that it should only take place between 10.00am and 9.00pm.

In the circumstances we can see no reason to refuse the application, which is therefore granted subject to the amendments set out above.

RIGHT OF APPEAL

The parties to the application were advised that they may at any time before the expiration of a period of 21 days from notification, appeal to Willesden Magistrates Court, 448 High Road, London NW10 2DZ by way of complaint for an order. The Court may dismiss the appeal; substitute its own decision for that of the Sub-Committee; or remit the case back to the Sub-Committee; and make such order for costs as it deems appropriate.

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

None.

The meeting finished at 11.57