

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY, 23RD APRIL, 2018, 7.00 - 9.45 pm

PRESENT:

Councillors: David Beacham, Reg Rice and Ann Waters (Chair)

1. FILMING AT MEETINGS

Noted.

2. APOLOGIES FOR ABSENCE

None.

3. URGENT BUSINESS

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business was to be considered at the meeting.

4. DECLARATIONS OF INTEREST

None.

5. SUMMARY OF PROCEDURE

Noted.

6. THE BANC, 261-263 WEST GREEN ROAD, N15

Daliah Barrett, Licensing Officer, introduced the application for a review of the premises licence at The Banc, 261 West Green Road. The application had been submitted by local residents, on the grounds that the premises had failed to uphold and promote the licensing objectives relating to the prevention of public nuisance and crime and disorder. The review requested a reduction in operating hours to 2230hrs across the week.

Representations had been received in support of the review and in support of the premises. There had been no representations made by the Responsible Authorities.

Ms Barrett provided some background to the premises. The licence was transferred to the existing licence holders in 2010, and two variation applications had been granted in 2012 to allow use of the garden until 0100 and to alter the layout of the garden area. At the time of these applications, no representations were made by Interested Parties or Responsible Authorities, and so the applications were granted.

Ms Barrett informed the Committee that under s131 of the Licensing Policy, “The licensing authority may consider withholding some or all of a person’s personal details where that person can demonstrate they have a genuine and well-founded fear of intimidation and the circumstances justify such action”. Mr Dadds made a request for the details of the applicants and supporters, and as no incidents of intimidation were found, these details were provided to Mr Dadds.

In response to questions from the Committee, Ms Barrett advised that:

- There were two noise nuisance complaints made against the premises in 2017, however this had been provided to the Committee for information, and was not a representation made by the noise enforcement team.
- Although residents referred to traffic nuisance in their representations, the application for a review had been made on the grounds of crime and disorder, and prevention of public nuisance.

Elizabeth Haggerty spoke on behalf of some of the residents to request clarification on the submissions made by the premises licence holder, and whether these had been made within the prescribed time period of 28 days. Mr Dadds advised that as the respondent to the application, the premises licence holder was invited to respond after the relevant Responsible Authorities had made their representations in the 28 day timescale. Khumo Matthews, Legal Advisor, concurred with Mr Dadds.

Gen Doy, one of the applicants, presented the application for a review of the premises. The application requested that the closing time of the premises be reduced from 0200 to 2230, due to the excessive noise nuisance created by the premises. The premises was situated in a residential area, and it was not fair that the local residents should have to submit an application to prove that they had the right to quiet enjoyment of their local area. Ms Doy referred to the expert report submitted by the premises and disagreed with the conclusion that any noise was caused by residents. She informed the Committee that residents experienced noise issues from cars and customers leaving the premises, but also illegal drug use, aggressive behaviour and motoring offences. Residents had met with the owners of the premises, who had admitted that there were serious problems, but dismissed incidents of aggression and noise as just ‘chit chat’. There had been no assurances made by the owners of the premises that a solution would be found to address the issues raised.

Ms Doy informed the Committee about the issues experienced by the local residents – customers shouting and laughing late at night, empty alcohol bottles and laughing gas canisters left in the street, the whole local area being used as a carpark by customers. Residents felt that The Banc had outgrown its current premises, and was having a bad impact on local residents.

Ms Doy asked the Committee to listen to the voices of the local residents, and reduce the closing time of the premises to 22.30hrs.

The Chair asked other residents present to provide their views on the premises.

Fatima Ahmed informed the Committee that the noise affected her family to the point where it was waking her children at 0100hrs.

Councillor Noah Tucker informed the Committee that he had witnessed the issues described by residents, and that the issues experienced had been regularly raised with him during his door knocking sessions. The hours of the licence were unusual in any area, and were not acceptable in a residential street. He accepted that the owners were local people, running a local business, but this could not be a reason for negatively affecting the quality of life for people in the area.

Elizabeth Haggerty wished to emphasise two points – that the current licence was not being abided by, and a large part of the problem to residents was the disturbance to residents from car noise. The premises operated in two hour slots, which led to a lot of waiting around by customers outside the premises, both on the streets and in idling cars.

David Dadds, representative for The Banc, presented the response to the application. The premises had been licenced and run by the current owners since 2010. He put to the Committee that the claims made by the local residents had been exaggerated. There had been no evidence of complaints made to the Council's Environmental Health department or any other department in relation to anti-social behaviour. There had been no representations made by any Responsible Authorities. The owners had tried to work with residents to address the issues raised, and parking had been raised as the main issue. The owners had commissioned Mr Studd to provide an expert report, and it was his observation that parking was available on the street. Mr Dadds added that not all of the parking spaces would have been taken by customer of the premises. There was also no evidence to provide a direct link between the issues experienced and The Banc's customers. There was no evidence to link customers from the premises, and the premises itself, with any other issues raised by local residents. One submission referred to empty vodka bottles left in the street, Mr Dadds informed the Committee that the premises did not sell bottles of vodka.

Mr Dadds explained that the premises was predominantly food-led, with alcohol sold mainly ancillary to meals. The food was for consumption on the premises, and no takeaways were sold, so there was no evidence to link any food rubbish left on the street with the premises.

In response to the Committee, Mr Dadds explained that the owners had approached the local school in relation to using the carpark. The school had asked for in excess of £100k per year for rent, which was not sustainable for the premises. He reminded the Committee that parking was not linked to the licensing objectives.

In response to a comment made by a resident, Mr Dadds informed the Committee that the premises security guards are asked to clear any rubbish away close to the premises, but that this was not necessarily rubbish created by the premises.

Ms Khan, local resident, spoke in support of the premises. She explained to the Committee that her property was in direct view of the premises, and whilst parking was an issue in the area, this could be attributed to other premises in the local area, as well as The Banc. The owners took care to promote good behaviour of their customers, and the safety of the area had improved since the premises had opened. Ms Khan added that she had never been disturbed by noise from the premises.

Matthew Maran, local resident, spoke in support of the premises. He explained that parking was an issue where he lived, but that parking was also an issue anywhere in London. It would be unfair to penalise The Banc on the basis of parking. The owners should be celebrated for growing a successful business.

Sarah Lawson, local resident, spoke in support of the premises and informed the Committee that there were many residents in the local area who were in support.

Councillor Tucker spoke in response to the submission made by David Dadds, and stated to the Committee that all of the concerns raised by local residents were valid, and had not been exaggerated and tacked on to the parking issues.

Elizabeth Haggerty summed up on behalf of the applicants. She reiterated that the late licence was impacting on the neighbourhood, and the increase of cars into the area had an impact on the objectives of the prevention of public nuisance, and crime and disorder.

David Dadds summed up on behalf of The Banc, and reminded the Committee that any decision must be evidence based, and the action taken had to be proportionate to the licensing objectives. He reiterated that no objections had been raised by Responsible Authorities, and there was no evidence to link the premises with the issues raised by the applicants. He requested that the Committee take a proportionate approach when considering the application.

The Committee adjourned to consider the application, and informed all parties present that the decision would be provided in writing within five days of the hearing.

RESOLVED

The Committee carefully considered the application for a review of the premises licence, the representations made by and on behalf of local residents, the Licensing Authority, the representations made by the Premises Licence Holder and their representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance, the Licensing Act 2003 and Licensing legislation

The Committee resolved to vary the premises licence as follows:

The opening hours of the premises

Sunday to Thursday	0900 to 0100
Friday and Saturday	0900 to 0200

For outside back garden area ONLY:

Sunday to Thursday	1000 to 0000
Friday and Saturday	1000 to 0100

Provision of regulated entertainment: Films

Sunday to Thursday	0900 to 0030
Friday and Saturday	0900 to 0130

Provision of regulated entertainment: Indoor sporting events and performance of dance

Sunday to Thursday	1200 to 0030
Friday and Saturday	1200 to 0130

Provision of regulated entertainment: Live music, provision of facilities for making music and provision of facilities for dancing

Sunday to Thursday	1800 to 0030
Friday and Saturday	1800 to 0130

Provision of regulated entertainment: Recorded music

Sunday to Thursday	0900 to 0030
Friday and Saturday	0900 to 0130

Supply of alcohol

Sunday to Thursday	1100 to 0000
Friday and Saturday	1100 to 0130

For outside back garden area ONLY:

Sunday to Thursday	1100 to 0000
Friday and Saturday	1100 to 0100

For consumption ON the premises only

Provision of Late Night Refreshment

Sunday to Thursday	2300 to 0030
Friday and Saturday	2300 to 0130

For outside back garden area ONLY:

Sunday to Thursday	2300 to 0000
Friday and Saturday	2300 to 0100

The Committee accepted that no representations had been made by the Police or Enforcement Response in relation to public nuisance or issues of crime and disorder. However, the Committee was satisfied that representations made by local residents regarding public nuisance linked to the premises were credible, and the Committee felt that there was no reason to disbelieve the accounts of the residents in relation to some of the public nuisance that they had experienced.

The Committee considered that a small reduction in the hours would help to mitigate the noise issues experienced by the local residents in the early hours of the morning.

The Committee also noted the submission by the Premises Licence Holders Representative of the implementation of a dispersal policy and wished to add a condition to the licence to that effect:

“There shall be a documented dispersal policy as agreed with the relevant responsible authorities implemented at the premises”.

The Committee also noted that as part of the dispersal policy, the Premises Licence Holders had committed to providing two SIA door supervisors to help with the dispersal, and considered it appropriate to add a separate condition to that effect:

“The premises shall employ a minimum of SIA door supervisors from 7pm until 30 minutes after closing to patrol the curtilage of, and the area around the exterior of the premises throughout the evening to encourage patrons to move away from the venue and disperse from the area quietly.”

The Committee did note the submissions made in support of the premises but felt that the levels of nuisance described by other residents warranted the reduction in hours and additional conditions.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties’ representations. The Committee considered that the decision was appropriate and proportionate.

Informative

The Committee noted that the premises had made attempts to control the issues with parking, and wished to suggest to the premises that they continue with their endeavours to improve the situation.

CHAIR:

Signed by Chair

Date