

**MINUTES OF THE MEETING OF THE LICENSING SUB
COMMITTEE A HELD ON THURSDAY, 30TH NOVEMBER, 2017,
7.00 - 9.25 pm**

PRESENT:

Councillors: Natan Doron (Chair), Zena Brabazon and Clive Carter

65. FILMING AT MEETINGS

Noted.

66. APOLOGIES FOR ABSENCE

None.

67. URGENT BUSINESS

None.

68. DECLARATIONS OF INTEREST

None.

69. MINUTES

RESOLVED that the minutes of the meeting held on 19 September 2017 be approved as a correct record.

70. SUMMARY OF PROCEDURE

Noted.

71. ALL STAR FOOD AND WINE, 459 GREEN LANES, N4 1HE

This item was withdrawn from the agenda.

72. 272 MUSWELL HILL BROADWAY, N10

Daliah Barrett, Licensing Officer, introduced the report as set out. The application was for a new premises licence at 272 Muswell Hill Broadway, N10. Representations had been received from the Metropolitan Police, Enforcement Response, Licensing Authority and number of local residents. The applicant had reached an agreement with both the Metropolitan Police and Enforcement Response, and the representations had been withdrawn.

Councillor Viv Ross addressed the Committee on behalf of local residents and his fellow ward councillors. There had been numerous noise and anti-social behaviour

issues associated with the premises, and although it was accepted that this was a new application, it was hard to see how the clientele would change from those who used the old premises. Local residents in Pinnacle Close and Dukes Avenue had reported many problems when the old premises had been open. Councillor Ross referred to the mediation meeting carried out by the applicant and the suggestion put forward by the applicant in relation to limiting the membership to people living within a 5 mile radius. Councillor Ross considered that this suggestion was meaningless, as 5 miles was a large radius and would continue to attract the same clientele as before. He requested that the Committee refuse the application.

The Committee heard from a number of local residents who spoke in objection to the application. A number of issues were raised, mainly that the previous premises had caused considerable disruption to the lives of people living close to the premises due to anti-social behaviour and noise nuisance. Residents understood that this was a new application and should be judged on its' own merit, however they felt that the reopening the premises would attract the same clientele as before. They felt that the applicant had not sufficiently demonstrated how they would comply with the conditions on the licence, or promote the licensing objectives. It was also pointed out to the Committee that the Police representation had been withdrawn because the applicant had agreed to the conditions set out by the Police – it did not necessarily mean that the premises was considered to be appropriate for the area, or would not cause a nuisance or crime in the vicinity. Many residents also felt that the applicant was applying for reduced hours in order to obtain an licence, and would soon return to the Licensing Authority to apply for increased hours. They requested that the Committee refuse the application.

Robert Sutherland, Applicant's Representative, presented the application for a new premises licence. He responded to the objectors in relation to the withdrawal of the Police's representation and pointed out that this meant that the Police had no concerns in relation to crime and disorder. Mr Sutherland suggested to the Committee that the conditions on the licence should satisfy any concerns that the licensing objectives would be upheld.

Mr Sutherland explained that the applicant had modified the application in order to ensure that the if the licence were to be granted then it would not be possible to operate as a nightclub, and hoped that this would address the concerns raised by local residents. The applicant felt that a reduction in hours would also discourage previous clientele from visiting the premises.

Mr Sutherland submitted that the applicant had responded appropriately to all concerns raised by local residents and Responsible Authorities, and that the amendments to the application showed this.

In response to questions from the Committee, Mr Sutherland explained that there had been a lack of understanding at the start of the process on the Applicant's part as to the issues experienced by local residents. He had since met with residents and amended the application. The applicant had not yet appointed any staff, this would be done if the licence was granted.

Mr Sutherland added that not all noise and anti-social behaviour issues could be attributed to the venue, as there were a number of late night venues in the area.

Residents expressed concern over the membership and the difficulties in checking ID. Mr Sutherland informed the residents and Committee that after 2100hrs the premises would be run as a private venue, and all customers would be required to provide identification and sign up as members. The membership card provided would then be swiped on arrival, and linked to a photograph of the member to ensure that membership cards were not used by other people.

All parties gave a short closing summary, and the Committee adjourned to consider the application. The Chair informed all present that the decision would be provided in writing.

RESOLVED

The Committee carefully considered the application for a new premises licence, the representations made by the Licensing Authority, local residents, the local ward councillor, the representations made by the Applicant and his representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing Act s182 guidance.

A number of local residents appeared before the committee, and described their experience of the nuisance and crime and disorder that had previously occurred at premises and the anti-social behaviour in the vicinity of it. Residents informed the Committee that since the previous premises had closed the level of nuisance and anti-social behaviour in the local area had significantly reduced. The residents were deeply concerned about the risks that re opening the premises would present, with attendant consequences for their quality of life.

The committee noted that it was the Applicant's claim to install a 'team of experts' to run the premises but heard evidence that the applicant had not taken steps to put this team in place. The Committee noted that the team had not been appointed and no system was in place to ensure that the premises would comply with the licensing conditions and promote the licensing objectives.

Having heard the parties evidence, the committee was not satisfied that the applicant would be in a position to uphold the Licensing Objectives with respect to the Prevention of Crime and Disorder.

The committee noted that having originally intended to run the premises as a nightclub, the Applicant had proposed in light of opposition to the granting of a license to run the premises in a radically different way. The committee did not consider the applicant's proposals to run the premises other than as a nightclub to be credible. These proposals appeared to the committee to have arisen at relatively short notice, having not formed part of the applicant's original business model.

The committee was well aware that a succession of nightclubs in the local area (which is a largely residential area) had been a source of serious crime and disorder and the

committee was not prepared to risk the resumption of such behaviour by allowing this club to re-open under a different guise.

The Committee noted that the representations made by both the Metropolitan Police and Enforcement Response had been withdrawn due to the acceptance of a number of conditions and a reduction in hours by the applicant. Notwithstanding this, the Committee considered that there would still be a risk of public nuisance and crime and disorder to the local community. The committee also heard credible evidence about facilities for both the children and elderly residents being situated in close proximity to the premises. The committee was satisfied that there was an increased risk of harm to children if the premises re opened.

The Committee also noted the history of the Applicant at previous premises although this did not weigh heavily with the committee.

The Committee felt that given the proximity to residential properties, the local circumstances, the history of violence in the area, the risks to young people, that in all the circumstances, it would not be appropriate to grant the application. The Committee therefore resolved to REFUSE the application.

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.

73. ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Natan Doron

Signed by Chair

Date