

## THE LONDON BOROUGH OF CAMDEN

At a meeting of LICENSING PANEL A held on MONDAY, 12th FEBRUARY 2007 at 11.05 a.m. in Committee Room 4, Town Hall, Judd Street, WC1H 9JE.

### 6. ESTABLISHMENT, 135 FINCHLEY ROAD, LONDON NW3 6JH

Consideration was given to a report of the Director of Culture and Environment.

Members of the Panel agreed to allow Councillor Roger Freeman to speak as a witness.

The Licensing Officer reported that there was a page missing from the report. The page was tabled and is attached to these minutes as **APPENDIX A**. He added that the closing time of the premises would be 30 minutes after the terminal hour for the sale of alcohol. He confirmed that the representation made by the Metropolitan Police had been withdrawn as the applicant had agreed to accept the suggested conditions.

Lindy Treasurer of the Harben Estate Residents' Association, an interested party, summarised the points made in her written submission.

Ed Fordham, an interested party, summarised the points made in his written submission.

Councillor Freeman, a witness for Ms Treasurer, remarked that in recent weeks he had been contacted by two local residents who were continually disturbed by the noise from the street at around the time that the Establishment was closing. Although one of these residents had contacted the Council, they had not yet made a formal complaint.

The interested parties and the witness made the following points in response to questions:-

- There were no other late night bars in the immediate vicinity.
- People leaving the premises in the early hours of the morning would often talk loudly in the street for up to 20 minutes before leaving the area. The problems mainly occurred on Thursday, Friday and Saturday nights.
- There had been no communication with the management since the premises changed hands about three years ago.
- The police had been called on occasion to speak to people causing disturbance in the street.

Craig Baylis representing the applicant, assisted by Gavin Hovingh and Adrian Lee of the applicant company, highlighted the key points of the application and made the following additional remarks and responses to questions:-

- The premises manager regularly attended Pubwatch meetings and was in contact with Sergeant Bob Dear of the Police Licensing Team.
- There had been no complaints from Environmental Health or local residents to the management.
- The Walkabout public house in the O2 Centre was open until 2am on Fridays and Saturdays and there did not appear to be any evidence that disturbance was being caused by patrons of the Establishment.
- There were six security personnel at the premises on Thursdays, Fridays and Saturdays and security staff made regular patrols along Belsize Road from closing time until customers had dispersed encouraging customers to leave quietly. Security staff also used a dog patrol as frequently as possible as this tended to cause people to disperse more quickly.
- The phone number and web address of the premises were currently displayed outside the buildings but they were never used by local residents to contact the management.
- Mr Hovingh was happy to accept conditions requiring the use of a dog patrol at closing time and the provision of his and the manager's mobile numbers to local residents.
- There was no sale of alcohol for consumption off the premises so this could be removed from the application.
- The applicant would be happy to work with the local Safer Neighbourhood Team.
- Customers tended to take longer to disperse in the summer as they were more inclined to stand in the street and talk.
- The clientele was mainly couples and large groups of young men were not admitted.

The Licensing Officer confirmed that there had been some complaints in July. This had led to a visit in August by Licensing Enforcement Officers who had agreed measures with the management to address the complaints. There had been no further complaints since.

Ms Treasurer then summed up her submission.

Mr Baylis then summed up his submission.

## **RESOLVED -**

THAT the press and public be excluded from the proceedings of Licensing Panel A on 12th February 2007 during consideration of part of Item 6 on the grounds that it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that, if members of the public were present during part of the consideration of part of that item, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 and Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. Specifically, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Panel withdrew at 1.33p.m.

The Panel's Legal Adviser reminded Members of the options open to them and drew their attention to paragraph 1.7 of the report. He also advised them that they could not reduce the hours currently permitted.

The meeting restarted at 1.36p.m.

In deliberation, Councillor Graves remarked that, in the light of the representations heard by the Panel, he was not comfortable with extending the hours for the sale of alcohol although he was content for the variations to all other licensable activities to be granted. He also wished to see conditions requiring the manager's mobile phone number to be made available to local residents, requiring a dispersal policy and requiring the use of a dog patrol to disperse customers at closing time. Councillor Callaghan concurred with this approach.

## **RESOLVED □**

- (i) THAT the application to vary the hours for the sale by retail of alcohol on the premises be refused;
- (ii) THAT late night refreshment be permitted from 23.00 to 03.00 Thursday and 23.00 to 04.00 Friday and Saturday;
- (iii) THAT recorded music, live music, provision of facilities for making music and provision of facilities for dancing be permitted from 10.00 to 23.00 Tuesday to Wednesday, 10.00 to 03.00 Thursday, 10.00 to 04.00 Friday and Saturday and 10.00 to 22.30 Sunday;
- (iv) THAT the premises be permitted to remain open to the public from 10.00 to 23.00 Tuesday and Wednesday, 10.00 to 03.00 Thursday, 10.00 to 04.00 Friday and Saturday and 10.00 to 22.30 Sunday.
- (v) THAT all the above be subject to the existing conditions, the conditions agreed with the Metropolitan Police and the following:-