

LICENSING PANEL

24 FEBRUARY 2004

Chair: * Councillor O'Dell

Councillors: * Branch * Knowles

* Denotes Member present

[Note: Councillor Camilla Bath also attended this meeting in a speaking role. See Minute 96].

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**87. **Attendance by Reserve Members:**

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

88. **Declarations of Interest:**

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

(See also Minute 89).

89. **Councillor Knowles' Statement:**

1) Item 8, Referral Back to the Panel of the Application for the Renewal of a Public Entertainments Licence – The Trinity Bar, 378/380 Station Road, Harrow: Councillor Knowles wanted it recorded that whilst he did dine at Eden Restaurant which is owned by one of the licensees of the Trinity Bar he had no prejudicial or personal interest in the application.

2) Councillor Knowles made a statement that he wished to be recorded. He said that he was making the statement as a result of a contact from a third party. He was not going to disclose either that person's name, the item on the agenda to which he was referring, or which way he was asked to vote.

He said that any decisions he made would be an objective decision and not as a result of a threat that he should vote a particular way. He did not take lightly a threat of report to the Standards Board for England if he did not vote in a particular way.

90. **Arrangement of Agenda:**

RESOLVED: That all items be considered with the press and public present.

91. **Minutes:**

RESOLVED: That the minutes of the meeting held on 22 October 2003 be deferred until printed in the Council Bound Minute Volume.

92. **Public Questions:**

RESOLVED: To note that there were no public questions to be received at this meeting under the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution).

93. **Petitions:**

RESOLVED: To note that there were no petitions to be received at this meeting under the provisions of the Committee Procedure Rule 15 (Part 4B of the Constitution).

94. **Deputations:**

RESOLVED: To note that there were no deputations submitted to this meeting under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).

95. **Referral Back to the Panel of the Application for the Renewal of a Public Entertainments Licence - The Trinity Bar, 378/380 Station Road, Harrow:**

The Panel received an update from the Chief Environmental Health Officer of an application for the renewal of a public entertainments licence for the Trinity Bar. An application was previously submitted by the owners Shaun Eyles and Martin Blake on 29th July 2003 when the Panel renewed the licence application with variations for a 6 month trial period. The trial period expired on 28th January 2004 and the Panel were asked to determine the renewal following that period.

The Panel were informed that during the trial period there had been no complaints and in addition the Metropolitan Police were not objecting to the renewal.

Councillor Knowles congratulated the licensees on the effectiveness of the measures taken by the Management of the Bar to clear up the problem of fly-posting associated with the bar.

RESOLVED: That the application be granted for a full 12 months starting from 29th January 2004 and that the applicants pay a fee equivalent to 6 months of an annual licence as 6 months' fee had previously been paid.

96. **Application for a New Public Entertainments Licence - The Crazy Horse (formerly known as The Stanley Moors Public House), 43 Church Road, Stanmore, Middx:**

The Panel received a report of the Chief Environmental Health Officer detailing an application for a new public entertainment licence for The Crazy Horse, 43 Church Road, Stanmore as submitted by Patricia Negus Fancey, solicitor representing Food and Drinks Ltd who own the lease for the premises, together with Peter Batkin, owner, and Daniel Ovide, manager of the premises.

The premises are situated in a mixed residential and commercial part of the town centre. The application is for a capacity of 200 persons for the whole premises with limited parking on site for patrons' cars. Additional works to install CCTV and ventilation systems to the premises are yet to be completed. Recently a new residential block of apartments, The Pynacles, was built adjacent to the Crazy Horse.

The officer outlined the case and informed the Panel that the application has been referred to the Panel as the hours were outside the Council's standard hours. In addition, objections were received from local residents and the Metropolitan Police. However, further to the Police's letter of objection, the applicants met with the Police and agreed to accept conditions to satisfy their concerns. Accordingly, the Police withdrew their objections to the application.

The Panel agreed to Councillor Mrs Bath, Ward Councillor for Stanmore Park, making a statement on behalf of her constituents from whom she had received several letters of objection to the application. She told the Panel that the high density of the area and the fact that part of Stanmore was a Conservation area were sufficient reasons not to grant such an application. She raised concerns over the age of the building, which at the time had no soundproofing. She wanted reassurance from the owner that air conditioning would be installed by the summer in order to keep windows and doors closed thereby preventing any noise leakage from the premises. The constituents had also raised the issues of the lack of Police in the area, and the additional crime that may be associated with a venue with a capacity of 200. Councillor Mrs Bath wanted to know where the patrons were expected to park, as there were only 20 spaces at the rear of the property. In addition she asked if there was going to be female door security in order to facilitate the searching of females. She also raised the issue of the closing hours and the noise from patrons leaving the premises. Summing up, she asked the Panel to consider her constituents' objections and not to grant the application.

Responding to Councillor Mrs Bath's statement, Patricia Negus Fancey informed the Panel that out of the 22 objections 3 had been withdrawn. She also advised Members that some of the issues raised by Councillor Mrs Bath and the objectors had been addressed by the owner, who was also happy to comply with the conditions set by the Police in their letter.

Peter Batkin, owner of the premises, confirmed that he had invested £280,000 on the refurbishment, air conditioning and soundproofing of the property. He informed the Panel of the previous establishment known as the Stanley Moors Pub and the historical problems associated with it. Mr Batkin assured the Panel that his venue was aimed at young professionals who wanted a quiet drink locally and did not want the bother of travelling to the West End. He confirmed that all the windows were soundproofed and did not open and that the air conditioning was in its final stages of installation. In addition, notices were placed throughout the premises asking patrons to leave quietly.

The door staff regularly patrolled the car park and nearby vicinity at closing times to ensure that patrons were not causing a disturbance. Door staff also reminded patrons not to park in Pynacles Close, but to park at Sainsburys' car park and 2 other allocated car parks. Mr Batkin had made an assurance to the police that there would be no entry after 11pm, as stipulated in their letter of objection. He also addressed the issue of the car park light, which glared into one of the flats on Pynacles Close; he confirmed that it would be adjusted to get rid of the nuisance. He had invited residents to come and inspect the premises and make their own minds up, as the Elm Parks Residents' Association had done.

A Panel Member asked Mr Batkin about the preventative measures taken to ensure that the maximum capacity of 200 patrons was not exceeded. In response, he told Members that the premises had 2 door entries which were controlled by security staff using door clickers, and 6 exits which were a push bar facility.

The Director of Gemini Security, Frank McFarlane, introduced himself to the Panel. He explained his role as Director and told Members that he also sometimes worked on the door. He explained the systematic way in which his staff pick and choose and search the clientele. His staff are required to patrol the car park and the immediate surrounding area to ensure there is no anti-social behaviour from patrons leaving the premises. In addition they ensured that there was no noise leakage from the venue. He advised Members that he had never had the need to call for the Police as back up, but would not hesitate if he had to.

A Panel Member queried the effectiveness of the sound insulation and the incident of noise emanating from the premises on New Year's Eve. Responding, Daniel Owide, Manager, explained that most evenings a sound check was made immediately outside the premises to ensure no noise leakage. He told the Panel that the level of music noise was adjustable from inside the premises so that the sound level could either be increased or decreased. He explained that the entertainment used on New Year's Eve had been hired and was not their own. They did not realise the amount of noise emanating from the venue and he and Mr Batkin reassured the Panel and the objectors that such an incident would not recur.

Doctor P Malde, an objector speaking on behalf of Pynacles Close Residents' Association, was then allowed to present her case to the Panel. She explained that 90% of the residents were elderly and the other 10% were young professionals with families, and that the venue's location, which was only 6.5 metres away from their block of flats, was unsuitable for that reason. She went on further to give examples of noise from the venue particularly on New Year's Eve when there was excessive noise until 3am in the morning. The residents felt that it was an infringement of their privacy. The residents were also concerned about the overspill of cars into Pynacles Close, a private road with parking restrictions until 11pm, which was resulting in a lack of parking spaces provided. It was understood that patrons could use Sainsburys' car park although it was believed that no formal agreement had been made; notwithstanding that, there was a concern, if Sainsburys' car park was not available, about where the overspill would be expected to go. The Chair advised that he also held the Portfolio Holder responsibility for traffic and the environment and would take up the issue of the parking enforcement in Pynacles Close outside the meeting. Another issue was the increase of crime and disorder associated with venues with such large numbers of patrons. Dr Malde felt that the properties in Pynacles Close would be devalued and that when she bought her property she did not know that such an establishment was going to be on her doorstep. She also asked for the light in the car park to be adjusted as the beam shone directly into one of the residents' flats. Dr Malde asked the Panel not to grant the application based on the concerns of the residents of Pynacles Close.

Replying to Members' questions, Dr Malde said she had lived in Pynacles Close for 6 months and that she had kept a log of complaints, which she had not addressed with the owner. She felt that it was more convenient to bring those concerns to the Panel meeting. She had not visited the Crazy Horse and did not agree with the views of the Elm Park Residents' Association, as they did not live so close to the premises. Dr Malde did not agree that the refurbished venue, in contrast with the run-down venue and the trouble previously associated with that site, would add value to her property. Summing up, Dr Malde told the Panel that the proximity alone was sufficient grounds not to grant the application and she asked the Panel to consider her request.

Summing up, Miss Fancey told Members that the client wanted to cater for the residents of Stanmore, particularly those who did not want to travel to the West End. She reassured the Panel that the major refurbishments, soundproofing, CCTV and the experienced staff would make the venue more inviting to the locals. They certainly did

not want to alienate the residents but wanted to live harmoniously with them. Having considered the representations of the objectors and the applicant, the Panel

RESOLVED: To grant the application for the times stated in the application after conciliation with the police for a full 12 months, with the following conditions attached:

CONDITIONS:

1. A colour CCTV is operated in the premises and is to be maintained in good working order. A 31 day tape storage system is to be used and adhered to.
2. All entry/exit routes are to be monitored by CCTV cameras.
3. An analogue CCTV system must record in SVHS quality; a Digital CCTV must have the facility to download images to a CD.
4. The CCTV recording equipment must be kept in a secure cabinet or office.
5. Door supervisors are used on the nights that entertainments take place/the licence is used.
6. Door supervisors are registered.
7. Door supervisors are in possession of a 'Magic Wand' or similar metal detecting device.
8. Door supervisors are to be employed on a ratio of 1 door supervisor to 50 patrons.
9. One of the door supervisors is to be female to facilitate searching of female customers.
10. No entry or re-entry to the premises by patrons every night after 11pm.
11. Numerical counters are to be used on all doors to ensure the maximum capacity of the premises is not exceeded.
12. A noise limiter is to be fitted to the satisfaction of the Chief Environmental Health Officer.
13. Air conditioning is to be fitted throughout the premises so that the doors and windows can be kept closed at all times except for the purposes of admission to and exit the premises.
14. That no entertainments will take place until outstanding works have been completed and the emergency arrangements at the premises have been finalised to the satisfaction of the Chief Environmental Health Officer.

REASON: To safeguard the amenity of the local residents.

[Note: The Chair asked Mr Batkin and Mr Owide if they consented to the conditions listed above. Responding, they both agreed to the conditions].

(Note: The meeting having commenced at 7.40 pm, closed at 10.05 pm)

(Signed) COUNCILLOR PHILLIP O'DELL
Chair