

REPORT FOR: LICENSING PANEL

Date of Meeting:	30 th October 2012
Subject:	Application for a Review of the Premises Licence held in respect of Monique Bar & Club , 59 High Street, Edgware, Middlesex, HA8 7DD.
Responsible Officer:	Caroline Bruce – Corporate Director, Environment & Enterprise
Exempt:	No
Enclosures:	<ul style="list-style-type: none">- Premises Licence- Review Application- Companies House Current Appointments Report – SV Design and Development Ltd (10/09/2012)- Companies House Current Appointments Report – Monique PL Ltd (15/08/2012)- Premises Plan- Location Map- Representations

Section 1 – Summary

An application has been made by the Licensing Authority in its capacity as a Responsible Authority under the Licensing Act 2003, to review the premises licence for 'Monique Bar & Club', 59 High Street, Edgware, HA8 7DD based on all four of the licensing objectives, namely the prevention of crime and disorder, the protection of children from harm, public safety and the prevention of public nuisance.

Two other persons, namely local residents, have submitted representations in support of the application to review the premises licence.

Representations received

Representations from Responsible Authorities

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	No representations received
Licensing Authority	Review application received
Primary Care Trust	No representations received

Representations from other parties

From	Relevant Representations details
Other Persons	Representations Received

Section 2 – Report

2.1 Brief History

- 2.1.1. There is a premises licence in force at 'Monique Bar & Club', 59 High Street, Edgware, Middlesex, HA8 7DD. A copy of the premises licence is attached to this report providing details of the licensable activities authorised, the opening times and the conditions attached to the licence.
- 2.1.2 The current Premises Licence holders, SV Design And Development Ltd obtained the premises licence by transfer on 10th September 2012. Prior to this the premises licence was held by Monique PL Ltd from November 2011.
- 2.1.3 According to Companies House the current directors of SV Design and Development Ltd are: Aaron Campbell and Merlin Diavova. A copy of the Companies House Current Appointments Report for the company is attached.
- 2.1.4 According to Companies House the current directors of Monique PL Ltd are: Mohammed Enus and Aleksandra Savina, the latter only being appointed as a director on 1st April 2012. A copy of the Companies House Current Appointments Report for the company is attached.
- 2.1.5 The current licensable activities and timings authorised by the premises licence are as follows:

Sale of Alcohol:

Mondays to Thursdays	10:00am – 11.30pm
Fridays & Saturdays	10:00am – 01.30am (the following morning)
Sundays	12.00pm – 11.30pm

Live & recorded music, performance of dance, facilities for dance & making music or anything of similar description:

Mondays to Thursdays	10:00am – Midnight
Fridays & Saturdays	10:00am – 02.00am (the following morning)
Sundays	12.00pm – Midnight

Late night refreshment:

Sundays to Thursdays	11.00pm – Midnight
Fridays & Saturdays	11.00pm – 02.00am (the following morning)

Hours Open to Public:

Mondays to Sundays	12.00am – 11.59pm (24 hour opening)
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2.1.6 The premises licence is issued subject to the mandatory conditions as required by the Licensing Act 2003 and the following conditions detailed in Annex 2 of the premises licence:

a. This licence is granted subject to the Rules of the Council annexed hereto i.e. the "Rules of Management for places of Public Entertainment R I" and to the following specific conditions

b. The maximum number of patrons accommodated at any one time should not exceed 100.

c. There shall be no new admission of persons to the premises after 2300.

d. A minimum of two security staff will be on duty Friday and Saturday evenings.

e. During entertainments, both sets of entrance lobby doors shall be kept closed except when in use for access or egress.

f. A noise limiting device shall be maintained on the amplification system at a level agreed with the Chief Environmental Health Officer.

g. A log book shall be kept recording all complaints by the public and all incidents resulting in the presence of the Metropolitan Police at the premises.

The following conditions were added on 25th January 2012 following an application for a Minor Variation:

h. After 23:00 all performers shall be at least 18 years of age or over.

i. Records of identity and address, passports and where applicable, work permits of all performers performing after 23:00 shall be held by the licensee and produced to the licensing authority or the police upon request.

j. No performance of Mujra or similar kind will be offered.

k. The performances shall not be advertised, or in any way publicised as Mujra.

l. There shall be no physical contact between members of the audience and the performers.

m. The licensee shall use a token based system to ensure that no money shall be paid by any member of the audience or other customer at the premises to any performer(s). Notices to this effect shall be placed throughout the premises.

n. Records of CCTV shall be kept for at 30 days and be made available to officers of the police or the licensing authority upon request.

o. A token system will operate as follows:

i) Patrons enter the premises and purchase coupons. A record of the transaction (i.e. coupon value) exchange is recorded in a log book.

ii) Details of each patrons name and contact telephone number are recorded.

iii) The patron uses the coupon as a tip provided to the artist via a collection box that is located in an appropriate place where coupons are placed into.

iv) The Artist tenders coupons into money at the end of the evening.

2.1.7 The premises is situated on the ground floor of an office building with commercial premises and residential properties opposite it. A location map is attached to this report.

2.2 Representations

The Licensing Authority in its capacity as a Responsible Authority has submitted an application to review the premises licence (as attached). Two other persons have submitted representations supporting the application for review and copies of these representations are also attached to this report.

2.3 Consultation

The review application was advertised at the council offices and on the premises in accordance with the requirements under the Licensing Act 2003.

2.4 Licensing Guidance Implications

The Home Office has issued Guidance pursuant to section 182 of the Licensing Act 2003 and paragraphs 11.1 – 11.33 of the Guidance covers reviews of (premises) licences.

2.5 Legal Implications

2.5.1 The Licensing Panel is required to hold a hearing to consider the review application and any relevant representations. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

2.5.2 Having considered the representations from all parties, the Panel has to determine the application for the review of the premises licence. The Panel is required to take such of the steps listed below at 2.5.3 (if any), as it considers appropriate for the promotion of the licensing objectives.

2.5.3 Where it considers it appropriate for the promotion of the licensing objectives, the options available to the Panel are:

1. To modify the conditions of the Licence;
2. To exclude a licensable activity from the scope of the licence;
3. To remove the designated premises supervisor;
4. To suspend the licence for a period not exceeding 3 months;
5. To revoke the licence.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

2.5.4 Any modified conditions should be practical and enforceable. Where the Panel takes a step mentioned in 1 or 2 in paragraph 2.5.3 above, it may specify that the modification or exclusion is to have effect for only such period (not exceeding 3 months) as it may specify.

2.5.5 The licensing authority may at any time reject any ground for review specified in an application for review if it is satisfied that either: (a) the ground is not relevant to one or more of the four licensing objectives; or (b) the application is made other than

by a responsible authority and the ground is frivolous, vexatious, or a repetition.

2.5.6 If any grounds of review are rejected on the basis set out in 2.5.5, the application for review is taken to be rejected to that extent.

2.5.7 In addition to determining the application in accordance with the legislation, Members must have regard to –

- The common law rules of natural justice.
- The provisions of the Human Rights Act 1998.
- The considerations in section 17 of the Crime and Disorder Act 1998.

2.5.8 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human Rights. The following provisions of the European Convention seem relevant: Article 6 (right to a fair trial) Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

2.5.9 In relation to section 17 of the Crime and Disorder Act 1998, this states:

‘without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.’

2.6 Community safety

Refer to the Licensing objectives, and Section 17 Crime and Disorder Act 1998 as noted above. The Borough Commander on behalf of the police has made no representation.

2.7 Financial Implications

No financial implications

2.8 Risk Management Implications

If any party is aggrieved with the decision on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a

Magistrates' Court. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 18 th October 2012		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 17 th October 2012		

Section 4 - Contact Details and Background Papers

Contact: B Forde, Principal Licensing Officer x 6256

Background Papers

Premises Licence
Review Application
Premises Plan
Representations
Location Map
Companies House Current Appointments Report – SV Design and
Development Ltd (10/09/2012)
Companies House Current Appointments Report – Monique PL Ltd
(15/08/2012)