MINUTES OF
LICENSING SUB-COMMITTEE

Tuesday, 31 July 2018
(7:00 - 7:45 pm)

Present: Cllr Moin Quadri (Chair), Cllr Peter Chand and Cllr Amardeep Singh Jamu

1. Declaration of Members' Interests

There were no declarations of interest.

2. Application to Vary Premises Licence (Licensing Act 2003) - Kings Bull, 2 North Street, Barking IG11 8ET

The Licensing Enforcement Officer presented a report to the Sub Committee in regard to an application, received on 6 June 2018, from OG’s Real Dreams Ltd in respect of the Kings Bull, 2 North Street, Barking.

A copy of the licence application and current licence were appended to the report.

The Sub Committee were advised that the application was to vary the current premises licence to permit the use of the car park area for recorded music and the supply of alcohol until 23:00 daily. At the request of the Metropolitan Police, the applicant had subsequently agreed to reduce the hours applied for to 22:00 daily. As the current licence was conditioned to allow the serving of food and drink outside the premises until 22:00 (condition 33 of the current licence) this meant the only matter to be determined was the playing of recorded music outside until 22:00 daily.

The Licensing Enforcement Officer advised that two representations had been received from interested parties (borough residents) and one from the Environmental Health Officer as a responsible Authority.

The Chair then invited Mr Andrew Martin, Environmental Health Officer, to address the Sub Committee, who advised that:

- That the Noise Team had been contacted 19 times regarding the premises and following visits it was concluded that the noise coming from the premises was not classed as a statutory nuisance; and
- The car park area, where the premises had applied to play amplified music, was only a few metres away from the nearest residential properties and this would cause continuous noise at a low level for long periods meaning residents would have to close their windows to reduce the noise.

The Chair then invited Mr Andrew Boff, a registered speaker, to address the Sub Committee to set out his concerns, which included:

- Current noise levels had on adults and children living in the area;
- Numerous complaints made regarding the premises and his concerns that it was not managed well;
- Anti-social behaviour in the area which could be exacerbated by the requested variation to the licence; and
- A petition had been set up against the premises with over 180 signatures so far.

Mr Valéry Fongang, the applicant and the Designated Premises Supervisor, addressed the Sub Committee advising that he wished to withdraw part of the application relating to playing recorded music outside until 22:00 and therefore sought only to allow food and alcohol to be served outside of the premises to 22:00 daily in the “Car Park Shisha Bar & Grill” area, which was not an area included within the current licence plan.

Mr Fongang also advised that:

- That he felt noise levels would not be significantly increased by extending the serving of food and alcoholic drink to the car park area, without recorded music in the background;
- He was experienced in running a business and engaged with residents regarding complaints; and
- The premises was only open on Fridays and Saturdays.

In response to questions regarding the revised application, Mr Martin advised that the objection from Environmental Health as a responsible authority would be withdrawn as it was only in relation to amplified music, which was now not part of the application.

The Chair then invited all parties to sum up before the Sub Committee retired to deliberate their decision.

DECISION

The Sub Committee, in reaching its decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Council’s Licensing Policy.

The Sub Committee considered all the evidence before it, including all written documentation and oral submissions.

The Sub Committee resolved to grant the application (as amended) to permit use of the car park area (known as the “Car Park Shisha Bar & Grill”) area for the supply of food and alcohol until 22:00 daily.