

Application to Vary a Premises Licence – The Hunter S, 194 Southgate Road, London, N1 3HT – REFUSAL

The decision of 15th February 2022

The Licensing Sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application for a premises licence has been refused in accordance with Licensing Policies LP1, LP2, LP3 and LP6 within the Council's Statement of Licensing Policy.

Reasons for the decision

The Licensing Sub-committee, having heard from the Licensing Authority and Other Persons believed that granting the application to vary the premises licence by amending condition 23 of the licence would result in the licensing objectives being undermined, and would have a negative impact on the residential area.

The Sub-committee heard from the Licensing Authority that condition 23 should be retained and it was not an unreasonable condition. The Licensing Authority confirmed that they had received complaints from local residents that condition 23 had not been complied with. The Licensing Authority subsequently investigated the complaints from local residents, and on 21st August 2021 at 22:23 the Licensing Authority witnessed that patrons were using tables and chairs at the premises as they had not been rendered unusable by the licence holder or their staff in compliance with condition 23. The Sub-committee heard that a warning letter was sent to the licence holder on 23 August 2021 regarding this non-compliance of condition 23.

The Sub-committee heard that the Licensing Authority received further complaints from local residents in September and October 2021 when condition 23 was not being complied with mainly on weekdays. The Sub-committee also heard that the licence holder was unwilling to replace the furniture to make it easier to comply with condition 23. The Licensing Authority contended that the current condition was necessary, proportionate and should not be amended.

The Sub-committee took into account the representations made by the Other Persons objecting to the application. The Sub-committee felt that the evidence presented by the local resident was reasonable and credible.

The Sub-committee carefully considered all the representations made by the applicant's legal representative, the Licensing Authority and Other Persons. However the Sub-committee were not convinced that the premises licence should be varied by condition 23 being amended. The Sub-committee took into account that the condition

was previously agreed with the Police. The Sub-committee was advised that the only way of resolving the smoking issue was by roping off the smoking area with signage (if not already in place) directing smokers to the smoking area.

The Sub-committee had concerns that conditions 28, 31 and 32 on the premises licence were not being complied with, and they had concerns regarding the licence holders understanding of the conditions on their licence in order to operate the premises responsibly.

The Sub-committee took into consideration when refusing this application to vary the premises licence that each case is considered on its merits. The Sub-committee believed that the licensing objectives could not be promoted by granting this application to amend condition 23 of the premises licence, and as such believed it was appropriate to refuse the application in its entirety.

Public Informative

There is an expectation that the Licensing Authority will carry out regular visits to the premises to ensure Conditions 28, 31 and 32 on the premises licence are being complied with by the licence holder.

Your right to appeal

If you are aggrieved by any term, condition or restriction attached to this decision, you have the right to appeal to Thames Magistrates at Thames Magistrates Court, 58 Bow Road, London E3 4DJ within 21 days of receiving this written decision.