

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 5 August 2020

LICENSING ACT 2003:

APPLICATION FOR A NEW PREMISES LICENCE FOR

APR EVENTS LTD, REAR OF, 63 NORTH ACTON ROAD, PARK ROYAL, NW10 6PJ

This meeting was a virtual meeting and therefore did not take place in a physical location pursuant to regulations made under Section 78 of the Coronavirus Act 2020.

DECISION

The sub-committee carefully considered the Application for a new premises licence as set out in the agenda pack and the verbal submissions made by the Applicant's agent, Mr Sajad Al-Hairi and by the Applicant's representative, Mr Majed Salim; together with the written and verbal representations from the Metropolitan Police and the Ealing Council Noise Nuisance/Pollution team (both being Responsible Authorities). There were also written and verbal representations from objectors who were residents in the area and written representations from the ward councillor, Councillor Kate Crawford. The sub-committee took into account Ealing Council's Statement of Licensing Policy, the Home Office Revised Guidance (April 2018) issued under S.182 of the Licensing Act 2003 and the Licensing Act 2003.

The sub-committee's decision was to refuse to grant the licence application.

REASONS FOR THE DECISION

The application is refused for the following reasons:

- The sub-committee did not have sight of a dispersal policy or parking plan;
- There are concerns about noise nuisance that could not be addressed by conditions;
- The sub-committee had no confidence in the management of the premises due to their lack of cooperation with the responsible authorities, and in particular, the police;
- The applicant had a lack of understanding about the Licensing Act 2003 and there was ambiguity about what they were asking for in the application.

The Sub Committee considered the case on its own merits and was satisfied that to refuse the new premises licence application on this occasion was the appropriate way to promote the licensing objectives and address the residents' concerns about noise nuisance and parking.

The applicant via his agent demonstrated a lack of knowledge of the provisions of the Licensing Act with regard to the definition of regulated entertainment, arguing both that

a licence was not needed for recorded music before 23:00, and at the same time that there would be no recorded music at all.

Further, the Sub Committee was not satisfied that the applicant's proposals relating to parking (involving a rota for leaving events, parking some distance away and relying upon an as yet unarranged third-party agreement) would address the residents' and responsible authorities' concerns about the nuisance caused by parking and dispersal.

The Sub Committee additionally gave consideration to the evidence put forward by the responsible authorities that, there was still a connection between the previous owner and management of the premises and the current management. The Sub Committee was disappointed that the applicant did not reply to police requests for further information during the application process.

Hence, the Sub Committee was satisfied that to refuse the new premises licence application in its current form was most appropriate for the promotion of the licensing objectives and proportionate for what was intended to be achieved by those objectives.

RIGHT OF APPEAL

The Applicant, licence holder or any person who made relevant representations may appeal against the Sub-Committee's decision. An appeal must be made to the Ealing Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Date: 11 August 2020