

**MINUTES OF THE LICENSING SUB COMMITTEE B
THURSDAY, 26 JANUARY 2012**

Councillors Beacham, Demirci (Chair) and Waters

Apologies Councillor Brabazon

Also Present: Dale Barrett (LB Haringey (LBH) Licensing Officer), Noshaba Shah (Licensing Team), Tony Michael (LBH Principal Lawyer), Natalie Cole (LBH Committee Clerk), Applicants, their representatives and Objectors

MINUTE	SUBJECT/DECISION	ACTION BY
PRCE14.	<p>APOLOGIES FOR ABSENCE</p> <p><i>Clerk's note: The Committee convened at 19:10hrs and agreed to adjourn until 19:30hrs due to the meeting being inquorate.</i></p> <p>RESOLVED to adjourn the meeting until 19:30hrs.</p> <p><i>Clerk's note: The meeting reconvened at 19:30hrs.</i></p> <p>An apology for absence was received from Cllr Brabazon. Cllr Waters acted as a substitute for this meeting.</p> <p>An apology for lateness was received from Cllr Beacham.</p>	
PRCE15.	<p>URGENT BUSINESS</p> <p>None.</p>	
PRCE16.	<p>DECLARATIONS OF INTEREST</p> <p>None.</p>	
PRCE17.	<p>MINUTES</p> <p>The minutes of the Licensing Sub Committee B held on 18th October 2011 and the Special Licensing Sub Committee held on 12th and reconvened on 19th December 2011 were confirmed as a correct record and signed by the Chair.</p>	
PRCE18.	<p>SUMMARY OF PROCEDURE</p>	

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The summary of procedure was noted.

PRCE19. DEVRAN RESTAURANT, 485 - 487 GREEN LANES, LONDON N4

The Licensing Officer, Dale Barrett, introduced the application to allow the Supply of Alcohol and the Provision of Late Night Refreshment at Devran Restaurant, 485-487 Green Lanes, London, N4 1AJ, as laid out in the agenda pack, including:

- The opening times requested within the application documents (pages 46-48 of the agenda pack) differed to those in the covering report (page 2 of the agenda pack) as the Applicant had agreed to the representations suggesting that the restaurant closed at the same time as other businesses in the Green Lanes area.
- The Applicant had agreed to the Police conditions (pages 60-61), namely to install CCTV, which the Applicant's representatives confirmed had been completed, and to cease the supply of alcohol 30 minutes before closing time.
- The comments of the planning service were noted and the Service was in dialogue with the restaurant owner relating to a separate enforcement matter which was not relevant to the licensing application.
- The majority of representations by interested parties had been withdrawn due to agreement of the recommended opening times.

The Committee noted the statement of Mr Sharman, who lived above the premises, regarding nuisance from the extractor flue, including:

- Mr Sharman was pleased to report that the Applicant had taken steps to reduce the noise from the extraction system and a dialogue between the Applicant and Mr Sharman had been established.
- There were still concerns about noise and smell from the extraction system and the late opening hours and conditions should be imposed to ensure the Applicant continued to maintain the extraction system regularly.
- In response to questions Mr Sharman confirmed that he owned the property which had been visited by a representative of the Applicant during a day when the restaurant had not been particularly busy. The Applicant had agreed that the extraction unit would not be set higher than a maximum setting of 7 when the restaurant was busy.

The Committee noted the statement from Mr Ballay, Chair of

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the Gardens Residents' Association, regarding the potential detrimental event on the local neighbourhood of the original opening hours requested, including that a closing time of 02:00hrs on weekdays was still excessive but residents had been reassured about the application as the opening hours were now in line with other businesses in Green Lanes.

The Committee noted the statement of the Applicant's representatives, Mr Jun Simon and Cecil Gutimore including:

- Confirmation of acceptance of the Police conditions and that the installation of CCTV had been completed as had the maintenance works to the extraction system.
- The premises had not received any complaints further to recent temporary notices during the Christmas period.
- Most interested groups were satisfied with the new closing time of 02:00hrs and they had the right to request a review of the license should there be non-compliance of any conditions imposed.
- In response to questions it was noted that the Applicant had employed a specialist to conduct maintenance and repair works to the extraction system to reduce the noise and Mr Sharman had been provided with contact details of the Applicant's representatives if any issues arose. The Applicant would continue to maintain the extraction system.
- It was acknowledged that little could be done to reduce the smell of food emitting from the extraction system.

The Committee noted the statement from Shefik Mehmet, Chairman of the Harringay Traders Association, supporting the application, including that until recently the area in which the premises was situated had been poorly kept and the applicant had improved the visual outlook by replacing the restaurant signage. Mr Mehmet believed that the Applicant would continue good communications with local residents.

All parties were offered and declined the opportunity to summarise their cases and the Committee adjourned at 20:03hrs.

The Committee reconvened at 20:30 hrs and it was:

RESOLVED

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The Committee carefully considered the application, all representations, the Council's Licensing Policy and the Section 182 Guidance. The Committee decided to grant the application but imposed a number of conditions considered necessary and proportionate to promote the licensing objectives.

The prevention of public nuisance was the only objective that required particular attention based on the nature of the representations.

The revised opening hours are agreed, namely:

Monday – Sunday 08:00 hrs to 02:00 hrs the following day

Supply of alcohol:

Monday to Sunday Noon to 01:30 hrs the following day

Provision of late night refreshments:

Monday to Sunday 23:00 hrs to 02:00 hrs the following day.

All of the conditions within the operating schedule area were imposed except where they contradicted the agreed conditions from the police, which were also imposed.

In relation to the extractor fan and flue system it was noted that there was a real risk of public nuisance particularly in relation to Mr Sharman, who lived above the premises and who addressed the Committee. It was noted that through constructive dialogue the concern of the extractor fan and flue (in relation to noise and smell) had already begun to be addressed. The Committee required that the applicant regularly maintains the system in order to optimise its effectiveness in keeping noise and smell to an absolute minimum. The applicant was also required to keep the setting of the extractor fan at the most minimal level possible taking into account the level of demand on the kitchen at any given time.

The Committee considered the applicant credible and therefore did not consider it necessary to be any more specific in this regard.

As an informative the Committee expected the dialogue between the applicant and affected parties such as Mr Sharman, to continue indefinitely.

The Committee also advised that it would be in the applicant's interest to keep a record of the maintenance works to the extraction system.

PRCE20. ITEMS OF URGENT BUSINESS

None.

The meeting ended at 20:40hrs.

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CLLR ALI DEMIRCI

Chair