

# **MINUTES OF MEETING Special Licensing Sub Committee HELD ON Wednesday, 27th October, 2021, 6.00 pm**

## **PRESENT:**

**Councillors: Gina Adamou (Chair), Viv Ross and Yvonne Say**

**ALSO ATTENDING: Daliah Barrett (Licensing), Michell Williams (Legal), Noshaba Shah (Licensing), Yirda Turbi Rosario (Applicant) and Glen Lake (Applicant Representative)**

## **7. FILMING AT MEETINGS**

The meeting was streamed live on the Council's website.

## **8. APOLOGIES FOR ABSENCE**

None.

## **9. URGENT BUSINESS**

Under Part 4, Section B, Paragraph 17 of the Council's Constitution, no other business was considered at the meeting.

## **10. DECLARATIONS OF INTEREST**

None.

## **11. SUMMARY OF PROCEDURE**

The procedure for the meeting was noted.

## **12. APPLICATION FOR A NEW PREMISES LICENCE AT RINCON DE YIRDA, 487 SEVEN SISTERS ROAD, LONDON, N15**

Daliah Barrett, Licensing Officer introduced the report as set out. In response to questions from Members she advised that the planning permission allowed operation from 09.00-00.00, although the Planning Service had not made a representation. She noted that the guidance stated that licence holders should operate within their planning hours.

Noshaba Shah, Licensing, presented the representation on behalf of the Licensing Authority. The licence holder had applied for an used 11 Temporary Event Notices in the past year and should be aware of the licensing conditions required to be upheld. There had been complaints received from local residents in regard to noise, and the applicant had been found to be operating without a licence. Due to these incidents, the Licensing Authority considered that the sale of alcohol should be restricted to 21.30 during the week and 22.00 at the weekend.

Glen Lake, Applicant Represented, presented the application for a new premises licence. He requested that the applicant be given a chance to operate with a premises licence and stated that the applicant would co-operate with the Licensing Authority in any way she could. The applicant had accepted the conditions put forward by the Police and Mr Lake considered that the restrictions requested by the Licensing Authority were a punishment. Mr Lake added that the applicant lived above the premises and had not experienced any noise from the premises. He added that whilst the applicant did not speak English very well, she had learned enough to take the personal licence exam.

Mr Lake responded to questions from the Committee:

- When the applicant was found to be in breach of operating without a licence, the event was a private event and Mr Lake explained that the guidance said that as long as no profit was made from selling alcohol then this was permissible.
- Challenge 25 would be implemented.
- The applicant would be co-operative with the conditions set by the Police however this would have to be a temporary measure due to the amount it would cost the applicant.

All parties summed up and the Committee retired to consider their decision.

## **RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for Rincon de Yirda, 487 Seven Sisters Road, N15. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence subject to conditions proposed as part of the operating schedule and the following additional conditions. Where any of the operating schedule conditions are inconsistent with the conditions below, the conditions set out below shall prevail.

### **Operating times:**

#### **Sale of Alcohol**

Sunday to Thursday	1100 - 2230 hours
Friday and Saturday	1100 - 2330 hours

For consumption on the premises

#### **Late Night Refreshment**

Friday and Saturday 2300 - 0000 hours

**Hours open to the public:**

Sunday to Thursday 1000 - 2300 hours

Friday and Saturday 1000 - 0000 hours

**Conditions**

1. The premises not to be operated as a bar
2. Alcohol is only to be served with a substantial meal to seated patrons
3. A digital CCTV system must be installed in the premises complying with the following criteria:
  - (a) Cameras must be sited to observe the entrance doors from both inside and outside.
  - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
  - (c) Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
  - (d) Provide a linked record of the date, time of any image.
  - (e) Provide good quality images - colour during opening times.
  - (f) Have a monitor to review images and recorded quality.
  - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
  - (h) Member of staff trained in operating CCTV at venue during times open to the public.
  - (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
4. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning

equipment

(g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

5. A minimum of 2 SIA approved contractor scheme door supervisors shall be employed on the premises on days the venue is open from 2000 hours, until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. This also includes the following:

- a) Door supervisors shall wear yellow reflective jackets so they can be easily identified
- b) Written or electronic records of the date, time, name and badge number of all door supervisors shall be kept each day and verified by the manager. These records shall be made available to Police or the Local Authority on request.
- c) The designated premises supervisor or a member of the management shall check door supervisor's registration on the Security Industry Authority (SIA) website to ensure their licenses are current. Written records of these checks shall be maintained, signed and dated by the person completing the checks. If the same people are used, these checks should be carried out monthly. The records shall be kept for 12 months and made available to Police or the local authority on request.

6. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that smoking within premises will not be tolerated.

7. Signs shall be prominently displayed on the exit doors advising customers that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

8. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:

- (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
- (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
- (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,

- (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
- (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
9. The premises licence holder shall ensure that all staff receive training on checking customer identification and in not serving those under the influence of alcohol and drugs. Records of such training shall be maintained at the premises and made available to a Police Officer or an authorised officer of the licensing authority upon request.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A direct telephone contact number for the licence holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity.
12. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

### **Reasons**

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors.

The premises are in a parade of shops with residential properties above, albeit that the flat immediately above is currently occupied by the applicant.. The Committee was keen to ensure that the public nuisance licensing objective would not be undermined and were satisfied that granting the above operating hours and hours for the licensable activities subject to the imposed conditions would promote the licensing objectives.

The Committee acknowledged that there had been issues with the licence holder possibly carrying out licensable activities without a premises licence, but gave her credit for having applied for Temporary Event Notices and for seeking to regularise the position by making the current application.

The Committee acknowledged that the applicant had accepted all of the conditions proposed by the Metropolitan Police.

The licence holder is being given a chance to demonstrate that she is able to comply with the terms of her licence but should note that if there are further concerns about the operation of the premises these could be addressed by way of a review.

**Appeal Rights**

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

CHAIR: Councillor Gina Adamou

Signed by Chair .....

Date .....