

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON THURSDAY, 28TH OCTOBER, 2021, 7.00 - 8.30 PM

PRESENT: Councillor Gina Adamou (Chair), Councillor Barbara Blake, and Councillor Viv Ross.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT ALP CAFE, 42A-44 PARK ROAD, LONDON, N8

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Alp Café, 42A-44 Park Road, London, N8. It was explained that the application requested a licence for the following licensable activities and some verbal amendments were made to the report (shown in underlined text):

Supply of Alcohol

Monday to Sunday 1000 to 2230 hours

Off-sale with food delivery until 2300 hours

Supply of alcohol **ON and OFF** the premises.

Hours open to Public:

Monday to Sunday 0700 to 2300 hours

It was stated that representations had been received from one Responsible Authority, the Licensing Authority, and a number of other persons; these were set out in full in the report.

It was explained that the premises were situated along Park Road and shared a rear courtyard with residential properties. It was noted that the use of the premises as a café was lawful, and Planning had advised there were no conditioned hours at the address. It was commented that access to the first floor flats was through the rear courtyard and that there was no other access. The Land Registry confirmed that it was a shared courtyard and so it was **not** considered to be acceptable to have anyone other than staff in the rear courtyard.

The Licensing Officer highlighted that two plans were included in the agenda pack. It was explained that the plan on page 23 was the original submission and that the plan on page 27 was the revised plan which the applicant had amended following the consideration of representations made during the consultation period. It was noted that the applicant had considered the representations and had confirmed that the unit at the rear would now be changed from a toilet to a storage area.

It was noted that the representation submitted by the Responsible Authority related to the toilet at the rear of the premises and the rear access, which had now been addressed by the applicant. This representation had also raised concerns that the process for undertaking deliveries was unclear and the applicant had clarified that deliveries would be undertaken by third party operators using the Park Road entrance.

The Licensing Officer noted that the representations from residents raised concerns including the use of the rear of the property, noise, and potential safety issues. The representations also related to off sales and online delivery matters, idling vehicles, and the possibility of increased noise and activity in a residential area.

It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions, the following responses were provided:

- It was noted that the site had been visited by the Licensing Enforcement Officer.
- Jane Gotay (supporting Paula Dixon, local resident) noted that Paula Dixon lived in a two storey house but that the Planning Officer's comments mentioned first floor flats. She stated that she did not have confidence in the accuracy of the information provided. The Licensing Officer noted that she could pass this information on to the Planning Department and that the Licensing Authority representation proposed a condition to limit the use of the rear courtyard to staff, with the requirement that staff did not congregate after 9pm.

The Committee received representations from objectors:

- Paula Dixon, local resident (supported by Jane Gotay), presented her objection. Jane Gotay stated that Paula's health was already suffering and that her doctor agreed that this was a direct result of what she was enduring and would endure if the business was allowed to operate for the requested hours. Jane Gotay noted that the business would operate every day, that there would be no soundproofing, that all rooms in Paula's house would be affected, and that her home would become unacceptable as a result. Paula added that she sometimes worked at night and needed to sleep during the day and that her son left early for work; she felt that their sleep would be interrupted by the proposed nature of the business.
- Jane Gotay stated that Paula's living accommodation had been made uninhabitable as a direct result of building works at the premises and that she had moved into temporary accommodation for three weeks. It was added that she had been without water and electricity at points.
- It was commented that the application was for a café but that it would be supplying alcohol for consumption off the premises and would have long hours, just short of the requirement to have a licence for late night refreshment. Residents were concerned that this did not fall within the definition of a café.
- It was acknowledged that the toilet in the rear courtyard would be changed into a storage area but it was noted that this had not been undertaken at present and was currently used by builders. It was stated that there would be significant access of the shared, private courtyard. It was added that it was possible to stand at Paula's front door and to touch the fire exit of the premises and that, on the plans, the fire exit was shown to be blocking Paula's front door; it was queried how this could be legal. Jane Gotay also stated that the privacy of residents would be compromised if the proposals were granted.

In response to questions, the following responses were provided:

- In response to a question about the fire exit at the premises, Paula Dixon explained that the front door was her only access and that, when the premises doors were open, they overlapped with her front door by a few inches. Jane Gotay added that the doors at the premises currently split in the middle and had hinges on both sides of the door; it was explained that, if both doors were open, they fully obstructed Paula's front door.
- In relation to the configuration of surrounding residential properties, it was confirmed that only Paula's house shared an access with the premises but that other flats overlooked the courtyard. It was also clarified that Paula's bedroom and living room were located directly above the premises.
- In response to a question from the applicant's representative, it was confirmed that the fire exit doors had not changed and had been in place for approximately 25 years. It was added that the premises had previously operated as a business. Paula Dixon stated that the premises had been a taxi office which did not use the doors. She noted that, when the premises had become a furniture shop which had used the doors, she had submitted a number of objections which were held on record.

Alper Oztaskin (Applicant) and Robert Sutherland (Solicitor) introduced the application. Robert Sutherland explained that the applicant would be following the plan set out on page 27 of the agenda pack which would include locating the toilet inside

the building. It was clarified that the existing doors from the kitchen at the premises to the courtyard were split doors and it was highlighted that there was no intention to change them; it was noted that the applicant could provide a corrected plan which would show the doors as unchanged.

Robert Sutherland explained that the applicant had planning permission to operate the premises as a café and that the only licensable activities proposed would be the sale of alcohol. It was noted that the applicant agreed the conditions proposed by the Licensing Authority. In relation to the condition that required staff not to congregate, loiter, or smoke in the rear courtyard, the applicant proposed that this would be at all times rather than only after 9pm. In addition, the applicant proposed an additional condition that alcohol would only be supplied for consumption on the premises to customers who were seated at a table and served by waiting staff. It was explained that the applicant would be required to operate the premises as shown on the plan, with a maximum of 18 seated customers and no persons standing. It was added that the premises would be food led with the option to provide alcoholic and non-alcoholic beverages and it was suggested that the proposed conditions supported this operating method. The applicant also considered that the proposed amendments to conditions would address concerns about the use of the rear area.

Robert Sutherland stated that granting licence and applying the proposed conditions would ensure the promotion of the licensing objectives and address the issues raised by the Licensing Authority and objectors. It was noted that the concerns raised included noise pollution and reference to the toilet in the rear courtyard which was due to be removed and which would become a storage room. It was explained that the applicant had acquired a lease from the council and had carried out some works, including fireproofing and soundproofing. It was anticipated that works at the premises would be completed during November, with the café opening towards the end of November. It was understood that certain works had been agreed with Building Control who were in the process of signing off the works.

In relation to the relocation of the toilet from the rear courtyard to inside the building, Robert Sutherland noted that it was possible to grant a licence with a works condition but he asked for this to be conditioned through the plan as the licence could not be used until the premises plan was completed.

In response to questions, the following responses were provided:

- In response to a question about the fire exit in the rear courtyard, Robert Sutherland confirmed that the door would not be changed and that it had been the same for at least 20 years, as explained by Paula Dixon. He noted that the Fire Authority was a consultee for licensing applications and that they had not raised an objection. He added that the Fire Authority could also require fire risk assessments and additional works if necessary. He stated that he would raise this issue with the applicant and would ask for the fire risk assessment to be reviewed. It was noted that any issues may need to be resolved by the landlord rather than by the applicant.
- It was noted that the conditions prevented loitering in the rear courtyard but did not mention the rear alleyway. Robert Sutherland explained that the applicant did not intend to allow staff to loiter or smoke in this area and stated that the relevant condition could be amended to include use of the rear alleyway.

- It was noted that the applicant intended to use a third party company for food and drink deliveries but that this was not currently finalised. Robert Sutherland confirmed that delivery drivers would not loiter outside the premises and would only access the premises through the front door.
- In relation to parking for delivery drivers, Robert Sutherland stated that vehicles were allowed on New Road but could not access Park Road from New Road. It was noted that this was an operational issue and that delivery drivers would be required to drive and park lawfully.
- In relation to a query about soundproofing, Robert Sutherland stated that he believed it had been installed and that there should not be any issues at the premises. He explained that, if there was an issue in relation to noise from the premises, this could be investigated with an acoustician.
- It was confirmed that the plan, showing the external toilet and the fire access doors as one door, had been submitted to the Fire Authority. Jane Gotay stated that it was very concerning that the Fire Authority had not raised an objection. Robert Sutherland stated that the doors would not be changing and that they would not block the entrance to the residential unit.
- Robert Sutherland confirmed that customers would only be able to buy alcohol with food and that this would apply for sales on and off the premises.
- In relation to a query about the definition of a café, the Licensing Officer confirmed that the licensing requirements were the same for all types of premises.

The objectors were invited to summarise. Paula Dixon stated that it would not be possible to enjoy her family home in private, peacefully, and safely in view of the hours requested in the application which would result in constant business operation beside and underneath her residence. She also stated that the applicant had not mentioned reassessing the fire risks at the premises and her home.

The applicant and applicant's representative were invited to summarise. Robert Sutherland believed that the application could be granted with the conditions set out on page 31 of the agenda pack, with the amendments noted during the hearing. He stated that, with the proposed conditions and the fact that alcohol for consumption on the premises would only be served to those who were seated, the application would promote the licensing objectives. It was noted that the site had permission to operate as a café and that this application only concerned the ability to supply alcohol. Robert Sutherland stated that the toilet in the rear courtyard would be removed and that a works condition could be included as part of the conditions if the Committee considered this to be appropriate. He added that, on this basis, he commended the application to the Committee.

At 8.10pm, the Committee adjourned to consider the application.

RESOLVED

The Special Licensing Sub Committee carefully considered the application for a new premises licence for Alp Café, 42A-44 Park Road, London, N8. 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 with the following conditions and amendments:

Operating times:

Sale of Alcohol

Monday to Sunday

For consumption on the premises 1000 - 2230 hours

For sale off the premises 1000 - 2300 hours
with food deliveries

Hours open to the public:

Monday to Sunday 0700 – 2300 hours

The Committee imposed the following conditions:

1. 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) Provide a linked record of the date, time of any image.
 - (d) Provide good quality images - colour during opening times.
 - (e) Have a monitor to review images and recorded quality.
 - (f) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (g) Member of staff trained in operating CCTV at venue during times open to the public.
 - (h) 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 with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.

2. 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 the incident 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.
3. 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.
 4. A direct telephone 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. Any complaints shall be remedied within 48 hours and details recorded in the incident book including the action taken by the Licence Holder/DPS/manager.
 5. The use of the rear courtyard and rear alleyway shall be by staff only. Staff will not congregate, loiter, or smoke in the rear courtyard or rear alleyway.
 6. All access to the premises to be via the front entrance.
 7. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
 8. 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.
 9. Signage to be clearly displayed notifying customers that it was a residential area and for them to leave the premises quietly and to not idle engines or loiter in the surrounding area.
 10. Alcohol will only be supplied for consumption on the premises to customers who are seated and served by waiting staff.
 11. Licensable activities not to commence until the WC has been moved inside the premises as per the amended plan.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Committee was satisfied from the representations that the noise from customers and delivery drivers could cause a public nuisance to residents.

The Committee felt that, given that the premises are located on a residential road and in very close proximity with residential properties, it was proportionate to impose the above conditions so as to promote the prevention of public nuisance licensing objective.

Although the premises are close to residential properties, the Committee took the view that the hours granted were in line with its Statement of Licensing Policy.

The Committee acknowledged that the applicant had accepted all of the Licensing Authority's proposed conditions and had proposed further conditions himself.

The Committee further acknowledged that the applicant confirmed he would review the fire risk assessment in light of concerns raised by objectors.

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