

# **MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB-COMMITTEE HELD ON TUESDAY, 25TH JANUARY, 2022, 7:00PM – 8:47PM**

## **PRESENT:**

**Councillors: Gina Adamou (Chair), Luke Cawley-Harrison and Reg Rice**

### **1. FILMING AT MEETINGS**

The Chair referred to the filming of 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 none.

### **5. SUMMARY OF PROCEDURE**

The Chair explained the procedure for the meeting.

### **6. APPLICATION FOR A NEW PREMISES LICENCE AT THE BROADWAY, 266 MUSWELL HILL, BROADWAY, LONDON N10 2QR**

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- This was an application for a new premises licence.
- The application was seeking regulated entertainment, live music and recorded music from 11:00 to 00:00 Sunday to Thursday and 11:00 to 02:00 on Fridays and Saturdays.
- The sale of alcohol was sought from 11:00 to 00:00 Sunday to Thursday and 11:00 to 00:00 and 11:00 to 02:00 on Fridays and Saturdays.

- The premises would be open Sunday to Thursday 11:00 to 00:30 Sunday to Thursday and 11:00 to 00:00 and 11:00 to 02:30 on Fridays and Saturdays.
- Additional seasonal variations were also sought by the applicant and in all cases, licensable activity would cease 30 minutes before the premises closed. The premises proposed to be open until 03:30 on the night of New Year's Eve. The premises would be open from 11:00 until 02:00 on any Sunday proceeding a bank holiday Monday.
- Representations had been submitted by the Licensing Authority, Police, residents and ward members.
- The premises were situated on a parade of retail units. The residential units above the premises which had operated as a café that's old alcohol for many years.
- The premises later changed into operating as a nightclub and the premises licence holder at the time took over the premises in 2015.
- The premises was subsequently subject to a review application in 2017 from the Police due to concerns regarding antisocial behaviour and failure to manage issues rising, not cooperating with the Police and not upholding or promoting the licensing objectives.
- Police had requested that additional conditions be imposed on the licence at the review hearing but the Sub-Committee at the time determined to revoke the licence.
- The decision to revoke the licence was appealed and the court agreed that the licence should be reinstated, but with a number of conditions imposed on it. There was also a slight reduction in operating hours and premises was not allowed to be operated as a nightclub. Furthermore, after 23:00, alcohol could only be sold with table meals only and any sound coming from the premises should not be audible at the front facade at any time. There would also be no new entry to new patrons after 01:00 on any day.
- The licence holder then sold the premises to the current premises licence holder in February 2020.
- Mr Savvas Morgan became the premises licence holder and was also the DPS.
- The area in which the premises was located was home to a number of licenced premises.
- There had been significant changes in the area in recent times. The area had three nightclubs, a public house and a late-night kebab premises which had been subject to review applications (apart from the public house).
- Recently, residents reported incidents of antisocial behaviour in the area. Some of the concerns related to the premises and to other premises in the area.
- Residents had expressed concerns regarding private carpark area and people congregating in the streets.
- The licensing authority had communicated with Ms Bianca Morgan, but had no contact with Mr Savvas Morgan who was the named DPS and licence holder.
- Concerns that were raised had been discussed with Ms Morgan.
- The premises had a planning permission since 1968 to be used as a restaurant, but it was under the condition that there would be no noise nuisance to residents.

- In September 2021, a new premises licence had been granted to a premises a few doors away on 272 Muswell Hill Broadway. The premises operated under the name 'N10'. The latest hours operated at that premises was until 00:00 on Friday and Saturday. Another premises, Mossy Wells had a terminal hour of 01:00 Thursday to Sunday, but sometimes did close earlier.
- The Licensing Authority's representation could be found on pages 61–91 of the agenda papers.
- A list of complaints could be found on page 92 of the agenda papers.
- Page 103 of the agenda papers contained the warning letter sent out to the premises licence holder.
- Page 55 of the agenda papers contained the representation made by Police and residents representations started from page 27.
- The applicant had agreed a condition whereby the premises would not operate as a nightclub, but the applicant had requested a terminal hour of 02:00 for licensable activity.

In response to questions, Ms Barrett informed the Sub-Committee that:

- Mr Morgan was the holder of licence. He was the designated DPS and this had been transferred to him in February 2020.
- No application had been made to review the licence since the last review hearing.
- A temporary event notice was submitted in 2020 by the applicant for licensable activity until 02:00.
- A temporary event notice was submitted in 2022 by the applicant for licensable activity until 02:00.
- No temporary event notices were submitted in 2021.

Ms Noshaba Shah, Licensing Officer, informed the Sub-Committee that:

- The representation submitted from the Licensing Authority was mainly on the basis of public nuisance.
- The premises had been associated with antisocial behaviour and noise emanating from the premises in the late evenings. This was due to noise from patrons, including patrons congregating in the area and around parked cars, allegations of drug use and playing of loud music.
- The car park area near to the Pinnacle was used to congregate and this had been witnessed by officers.
- ASBO (antisocial behaviour) enforcement officers carried out a visit on 19 November 2021 and a warning letter was sent to the licence holder due to non-compliance of conditions. This could be found on page 103 of the agenda papers.

- CCTV footage had been requested but had not been complied with and ASBO Enforcement officers found that alcohol was being sold to patrons without a table meal and the premises was being operated as a nightclub.
- The Licensing Authority had not been able to speak to the DPS any time.
- There were doubts as to whether or not the newly named DPS had day-to-day knowledge of the running of the premises. Most of the communication that had taken place was with Ms Bianca Morgan who was willing to work to address concerns and had advised that a noise limiter had been purchased but it was not clear that it had been installed.
- The operating hours sought by the applicant would lead to continue antisocial behaviour and issues of concerns for residents. No conditions had been put forward to control the potential issues arising on the premises if it was operated on Friday and Saturday evenings until 02:00. This would have an impact on residents due to noise and the behaviour of patrons.
- The premises had received at least 18 complaints based on its current licence.
- The operating schedule stated that music would be played at a reasonable level, but there was no clear definition regarding what that level would be.
- The vibration from the noise at the premises could go through the building and reach across the road.
- The area of Muswell Hill had been going through various changes and many residential properties had been built in the area.
- Many of the licensed premises in the area had undergone a review application.
- The current licence had been restricted due to the restrictions brought in as a result of the review application brought in the past to ensure the prevention of crime and disorder and the prevention of public nuisance.
- The Licensing Policy stated that densely populated areas close to each other could affect residents especially if licensed premises were trading beyond midnight.
- The restrictions on the licence had been put in place to stop the premises from leading into operating as a nightclub, but the premises still was subject to complaints regarding nuisance.
- The Licensing Authority proposed that if the application was granted, then the hours the premises was proposed to be operated on Friday and Saturday be reduced to 00:00 and the hours applied for on a Sunday proceeding a bank holiday be refused.
- The sound limiter to be installed at the premises was to be approved by the Council's Environmental Health team to ensure that noise could not be heard by nearby residents.

In response to questions, Ms Barrett stated that the role of the DPS was to authorise the sale of alcohol and the DPS did not need to be at the premises to ensure the sale but should be contactable at all relevant times. Mr Dadds, representing the applicant, stated that he disagreed that the DPS authorised the sale of alcohol and that a personal licence holder

authorised the sale of alcohol. The statute at section 15 did not define the role of the DPS. The DPS acted as a point of contact and did not need to be at the premises.

Mr Dadds further stated that each premises could operate as it saw fit and there was no requirement for the DPS to be present at the premises every day. The premises had a director of the company, a general manager and a point of contact in Ms Bianca Morgan.

In response to questions, Ms Barrett informed the Sub-Committee that:

- The applicant was not applying for the playing of live music. However, if the premises licence was granted for sale of alcohol on the premises, it allowed the premises to be able to offer live and recorded music between the hours of 08:00–23:00 without the need for it to be specifically approved as part of the licence.

In response to questions, Ms Shah informed the Sub-Committee that:

- She had not witnessed any antisocial behaviour or drug dealing occurring at the premises. However, residents had informed that such occurrences were happening at the premises.
- There was no evidence otherwise of any drug dealing at the premises.
- Officers had not witnessed any antisocial behaviour at the rear or the front of the premises.
- On 19 November 2021, alcohol was being sold at the premises without having sold a table meal. She had not witnessed it herself or had witnessed any noise nuisance herself.
- The operating hours applied for by the applicant were the same as the hours operated by the existing licence

PC Justyna Golota informed the Sub-Committee that:

- Problems had been identified regarding contacting Mr Morgan. It was agreed that there would be a change of DPS to Ms Morgan.
- She was happy with the parking conditions to offered by the applicant.
- She had found the DPS to not be contactable and complaints had been made directly to the Police regarding public nuisance and antisocial behaviour. Neither of these had been substantiated by the Police.
- The Police had concluded that in the event of a change of DPS (in the next coming weeks), then the Police will be happy to withdraw their representation.
- She understood that there would be additional security staff and parking cones at around 23:00.

- To ensure public safety, patrons would disperse in an appropriate manner and Police had been informed that a noise limiter had been installed and would be used appropriately.
- The Police had attended the premises and spoken to Ms Morgan and had been in contact with the applicant's representative and were happy with the resolutions that had been reached.

In response to questions, PC Golota informed the Sub-Committee that:

- A notice would be put up on the website to ensure that parking was not permitted at the back of the premises and that there would be security to ensure patients were not parking at the rear of the property. They would also be advised to move their cars if parking did take place there.
- It was possible to put a condition on the licence which would state that the licence could not be granted until the DPS had changed from its designated person (which was currently Mr Morgan).
- A meeting had been held with Mr Morgan whereby he was informed that the DPS needed to be contactable. The meeting had agreed that the DPS would be changed and that Ms Morgan would be responsible for the day-to-day running of the premises.
- Antisocial behaviour could range from nuisance to criminal activity. Some cases involved individuals in the area being drunk and this was what was being resolved. Such antisocial behaviour was not occurring at the premises and the Police were satisfied with the progress as more security would be present outside the premises between 23:00 and closing time.
- It was difficult to predict future prospects, but the premises deserved a chance to be successful and the proposition of more visible staff and additional measures suggested that the premises should be given a chance to succeed.
- The applicant had written to Uber and other taxi companies to ensure that the patrons were not picked up in the area.
- There had been one allegation of assault in relation to the premises but this had not been confirmed. No further action had been taken and no antisocial behaviour had been witnessed by the Police.
- She was satisfied that she had means of contacting the DPS and that the DPS would be transferred to Ms Morgan.
- In relation to allegations of antisocial behaviour at the premises, these had been partially resolved through Ms Morgan.
- Any reported issues would be investigated.

The Sub-Committee was then addressed by residents. Ms Barbara Hall informed the Sub-Committee that:

- The premises would be operating as a nightclub and it was not clear what the intention was with the application of the new premises licence.

- It was important to note the premises would not be selling food with drinks.
- The premises had been operating without a proper licence and it was important that the residents do not have their peace and quiet disturbed every weekend.
- Residents had many young children who lived in the area and families who lived in front of the building facing the road.
- The building had four flats with a further eight that have been created since the premises was granted its first licence.
- In the last six years, residents living in the area had witnessed drug dealing and urination in the pavement.
- Bottles had been dropped in the streets and parked cars on the pavements had been slashed.
- The premises was not located in a suitable area for the type of licence being sought.
- Patrons frequenting the premises often occupied the outside area and premises staff did not disperse them.
- A resident had recently attended the premises at 02:00 to complain and the manager at the door had said it took time to get people out of the building. The resident enquired as to why patrons were not dispersed sooner as the closing time was 02: 00. The premises was not keeping to its schedule.

Dr Keith Mount informed the Sub-Committee that:

- Simply saying that Council officers and Police had not witnessed public nuisance did not affectively mean that public nuisance was not taking place at the premises.
- The premises was being run as a nightclub and was not meant to be run as a nightclub.
- The noise carried on late into the night and nuisance telephone lines for the Council closed after 02:00.
- Patrons could be seen partying in the streets and beeping their horns.
- It would be a concern to simply walk past the area at night.
- There was a consistent smell of marijuana when he walked in front of the premises.
- People came out the premises smelling of smoke and many people congregating outside including with the security staff.
- He was concerned that the application would be granted.

The Sub-Committee then heard from Mr Sebastian Oliver. At this point in the proceedings, Mr Dadds stated that he would like to apply for an adjournment as Mr Oliver was not listed as having made a valid representation.

At 8:32pm, the Sub-Committee withdrew from the meeting to consider the application.

At 8:45pm the Sub-Committee reconvened the meeting. The Sub-Committee resolved that after having heard from member of public who had not raised objections in accordance with the regulations for the licensing hearings, the application would be reconvened to be heard at a future date. This was in the interest of article 6 and in the right of a fair hearing. The application would be subject to a new hearing.

CHAIR:

Signed by Chair .....

Date .....