

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 22 AUGUST 2022, 7PM – 8.15PM

PRESENT:

Councillors: Ajda Ovat (chair), Lester Buxton, and Nick da Costa

Officers: Daliah Barrett (Licensing Officer), Sadikur Rahman (Legal Representative), and Jack Booth (Principal Committee Co-ordinator)

Objectors: Sneha Raithatha (first objector) and Pooja Raithatha (second objector)

Applicant: Julio Cesar Da Silva (applicant), Rose Cesar Da Silva, Manuel Rocha (agent)

1. FILMING AT MEETINGS

The chair referred to the filming of meetings, this information was noted.

2. APOLOGIES FOR ABSENCE

None.

3. URGENT BUSINESS

None.

4. DECLARATIONS OF INTEREST

None.

5. SUMMARY OF PROCEDURE

The chair summarised the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT RANCHO BRASIL, 2 QUEENS PARADE, BROWNLOW ROAD, WOOD GREEN, LONDON, N11 (BOUNDS GREEN)

a. Licensing Officer's Introduction:

Licensing Officer, informed the sub-committee that:

- Committee members had notified the Licensing Officer that the limited company name had changed as of the 19 August 2022;
- The application is seeking to:
 - o Supply alcohol on and off the premises Monday-Sunday 10am-10.30pm;
 - o The applicant had agreed to forfeit the ability to offer regulated entertainment such as live and recorded music. This condition had been agreed through their agent. However, if the license was granted with the ability to sell alcohol as an on-sale, then the license would be

automatically exempt from a prohibition against regulated entertainment;

- The committee had received two representations. These two objectors had submitted documents from previous license applications for the premises pertaining to different applicants. There was no relation between the previous occupants of the premises and the current applicant;
- The police had submitted a representation which asked the applicant to ensure that measures such as the installation of CCTV were taken. These measures had all been agreed by the applicant. Subsequently the police had withdrawn their representation;
- The applicant had agreed to not offer regulated entertainment, due to resident concern, the objectors still wished to provide a representation, as their concerns about the license were not only about regulated entertainment;
- The premises was located on the first floor of a shop unit, with residential properties laterally and above. It has been owned and operated with different licences as a wine bar. One of these licensees had their licence revoked due to complaints from residents;
- The licence did not contravene planning restrictions;
- Key information within the application were:
 - o On page 14 regarding the operating schedule;
 - o On page 16 the size of the premises was outlined; and
 - o On page 24 the police representation, which had now been agreed to by the applicant.

In response to questions, the Licensing Officer provided the following answers:

- The Licensing Act 2003 covered live and recorded music, not background music, meaning that this legislation did not cover all types of audio that could be played at a premises;
- The walls of the premises adjoined residential properties, it was part of a mixed-use terrace; and
- It was explained that hours of use, outlined in planning stipulations on a building could be augmented through the Licensing Act 2003.

b. Objectors' representations

The first objector outlined the following points from their representation:

- The objector lived above the premises;
- They were related to the second objector. They had both put in objections to previous applications relating to other businesses;
- They objected to the current application because of:
 - o The prevention of crime and disorder;
 - o Public Safety; and
 - o Prevention of public nuisance.
- They had lived in the premises for a decade, in that time businesses had been allowed to operate in the shop below their property. These businesses had operated as bars, offering regulated entertainment;
- They lived at the premises with their parents, both were over 70 years of age, one of whom had a disability;
- The music played at these businesses was an issue, in addition there were issues related public nuisance such as cigarette smoke from

patrons of the venue going into the objector's property. There was also urination and vomit around the property thought to be from patrons of the premises. These incidents were being caused by drunk and disorderly behaviour, which would continue should a licence for onsite alcohol consumption be granted;

- The premises had its licence revoked last year by the Licensing Sub Committee. A central factor for the resolution was that the premises was judged to be unsuitable 'to be run as a late bar because of its proximity to residential premises' [first objector quoted directly from the minutes of that meeting]; and
- Before applying for a license the applicant had decided to serve alcohol and play music on 9 April 2022. In addition, there was a noise nuisance report on 12 June 2022.

In response to questions, the first objector gave the following responses:

- There were two incidents associated with the applicant that this objector was aware of. The first, an incident on 9 April 2022. The second a noise nuisance on 12 June 2022.

The second objector outlined the following points from their representation:

- The application for a new licence gave them anxiety based on past negative experiences with previous licence holders at the premises; and
- Past licences had conditions attached to them that had not been followed. For example, noise limiters had been installed previously. In her opinion, these had not worked.

In response to questions, the second objector gave the following responses:

- The two events of noise nuisance on 9 April and 12 June 2022 were the only incidents of which she was aware. The noise on these occasions was where music was coming through the floor into their residence;
- The property they lived in was split into two levels. The first level was affected by the premises which was directly below. This premises was an anomaly on the parade, in that historically it had operated as a bar, the rest of the businesses in the area kept sociable hours; and
- Both noise nuisances occurred around 9pm.

c. Applicant's representation

The applicant's agent outlined the following points from his representation:

- The applicant wanted a positive relationship with the neighbours and the council;
- It was felt that the majority of the objectors' issues were linked to previous businesses on the premises;
- The applicant's business was a restaurant not a bar. Therefore, issues related to having a bar would not apply in the running of a restaurant. The condition proposed was that alcohol could only be served with food. In addition, the applicant would not look to provide regulated entertainment;
- The noise nuisance on 9 April 2022 was the date that the restaurant opened. They invited friends, they did not sell any alcohol. However, they did play music, the applicant admitted that this was a mistake;

- The noise nuisance on 12 June 2022 was caused by playing an acoustic guitar;
- The applicant had worked with the police, who had since withdrawn their representation, ensuring measures were taken to protect the licensing objectives. It was suggested that limit of people smoking outside the premises could be set, to minimise the impact of second-hand smoke for residents in the properties above; and
- It was suggested that the residents in the vicinity would be better served if the premises had a licence as it would ensure that alcohol consumption in the area was properly regulated.

The applicant outlined the following from their application:

- Their business was a restaurant;
- They would serve alcohol with food; and
- The restaurant did not want to disturb anyone, they wanted to be able run their business which was their only source of income.

In response to questions the applicant's agent provided the following answers:

- In his experience restaurants did not have the same problems as bars in terms of dealing with patrons. For example, patrons urinating and vomiting outside the premises they were attending, were issues particular to bars. The agent felt that this problem did not pertain to restaurants;
- Regarding noise, it was felt that the noise that the restaurant made was offset against the fact that the area had a busy road next to it;
- The applicant would ensure that no alcohol would be taken outside for consumption. Off licence sales were not relied on by the applicant, by implications there would be a low volume of sales in this area meaning that any impact it could have would be diminished. Off sale of alcohol would only be sold with food;
- The restaurant was described as a typical Brazilian restaurant. Dishes were similar to Portuguese cuisine, there was lots of grilled meat and stews;
- The position of the CCTV cameras had been discussed with the police. This was not included in the application, they were happy to send this information to interested parties;
- The noise nuisance incidents had ceased since the last incident on 12 June 2022. The applicant acknowledged that it was mistake and had since desisted from providing regulated entertainment;
- Food waste would be as minimal as possible. This would be ensured through the fact that the restaurant had a small menu. This was necessitated through high inflation and issues with supply chains;
- No sales of alcohol had happened since the restaurant had opened; and
- The restaurant was mitigating against future challenge and review of licence through positively engaging with residents, services, and the council. It was emphasised that the applicant would do their utmost to engage with the single residence that had objections to the licence, as well as all residents in the area.

d. Summaries

The Licensing Officer summarised that it was important that clear reasoning be given for any decision taken.

The first objector relayed that they have nothing against people operating their business. Judging by previous experience over the last decade, and despite the good intentions that previous licence holders at the premises, it was felt that it was difficult to make patrons behave in a certain manner based on regulation. The first objector had little faith that a restaurant can operate in the premises in a way that was not disruptive.

The second objector said that she wanted to be able to live in her property without the anxiety of what would happen at the premises at the weekends. Her quality of life had been impacted when a new licence holder operated at the premises.

The applicant's agent summarised that the current applicant's business was not involved with the previous businesses that had been on the premises. The applicant's business was a small family restaurant. The application was for hours that the applicant considered reasonable, the conditions set by the police had been agreed to by the applicant to protect the licence objectives. It was better for the neighbours that they had a license to regulate behaviour of patrons. The addition of CCTV to the premises would assist with any behaviour that needed to be regulated on the premises. They could also assist with crime prevention in the area. The applicant was also happy to adhere to the condition of not having regulated entertainment at the venue.

The Licensing Sub Committee carefully considered the application for a new premises licence for Julio Cesar Da Silva under Rancho Brazil Ltd at 2 Queens Parade, Brownlow Road, Wood green, London, N11 2DN. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, section 182 Guidance, the report pack, the additional papers submitted by the applicant and the applicant's 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 the following conditions to promote the licensing objectives.

The Licence is granted as follows:

Operating times:

Supply of Alcohol

Monday to Sunday 1000 to 2230 hours

For supply of alcohol ON and OFF the premises between the hours above

Hours open to the public:

Monday to Sunday 1000 to 2300 hours

The following conditions are imposed to promote the four licensing objectives:

1. Regulated Entertainment which includes live and recorded music must not be played at the premises.
2. Any background music that is played must be at reasonable level at all times; not above speaking volume and must stop at 2230.
3. The License holder must inform customers and place a notice discouraging customers from smoking in front of the premises.
4. **General – all four licensing objectives (b,c,d,e):** 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.

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Local Authority.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act Staff Training regarding the 4 x License Objectives.

5. **The prevention of crime and disorder:** A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. Cameras must be sited to observe the entrance doors from both inside and outside and cover all areas to which public have access ,excluding toilets.

A head and shoulders image to identification standard shall be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises is open to the public.

The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

Provide HD digital quality images in colour during opening hours.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

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.

CCTV signage will be displayed, reminding customers that CCTV is in operation.

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) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately.

Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.

All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

6. **Public safety:** There shall be no vertical drinking at the premises. Table service only.

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

The Business will have a fire and health and safety risk assessment.

7. **The prevention of public nuisance:** Deliveries and waste collection will be done within the times recommended by the Local Council.

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to neighbours.

8. **The protection of children from harm:** A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.

Alcohol shall not be located in the immediate vicinity of the entrances and exit too the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.

For all orders taken over the phone or via the internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the Local Authority.

Reasons

The Committee gave serious consideration to the submissions by the applicant & their representative, and to the concerns raised by the objectors again both of which were made in writing and orally.

The Committee did note that there had been two incidents of noise nuisance since the business had opened, but they were within the permitted hours and stopped shortly after it was notified to the license holder within a reasonable period of time. The Committee also noted the impact the noise had had on the occupants of the flat above.

However, it was noted that although there had been previous complaints in respect of these premises whilst businesses had been operating a restaurant and supplying alcohol with food, those complaints had no connection or relation to the current applicant.

It was noted that in light of the objections raised, the applicant had willingly offered to forego the exemption provided by the grant of this license to allow regulated entertainment, and agreed for it to become a condition on the grant of this licence.

The Committee also found that the business is already operating as a restaurant and there was potential for customers to bring their own alcohol, congregate outside the premises without restrictions. As such the premises and all parties concerned would benefit from the grant of the license with strict conditions as stated above.

The Committee is of the view that an appropriate balance has been struck between the wishes of the applicant, the objections of local residents and the overriding licensing objectives with the conditions proposed.

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.

Date: 30 August 2022

7. NEW ITEMS OF URGENT BUSINESS

None.

CHAIR:

Signed by Chair

Date