

# **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON THURSDAY, 6 JULY 2023, 7:00PM – 8:30PM**

**PRESENT:** Councillors Sheila Peacock, Barbara Blake and Anna Abela (Chair)

## **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**

There was no urgent business.

## **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 95 WEST GREEN ROAD, LONDON, N15 (NORTHUMBERLAND PARK)**

Upon opening the meeting, the Sub-Committee adjourned and reconvened at 7:23pm.

### **Presentation by the Licensing Officer**

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

- The applicant had initially requested the hours outlined on paragraph 1.2 on page 1 of the report. However, on page 48 of the agenda papers, a Police representation could be found and there were revised hours requesting that the premises be open Sunday to Thursday 08:00 to 22:30 and 08:00 to 00:00 Friday and Saturday.
- The applicant had accepted the revised hours and the list of conditions found on page 49 of the agenda papers of the Police representation.
- The application was received and was subject to a 28 day consultation period. Representations had been received from Noise and Nuisance and from residents.
- Some mediation had been completed, but the residents wished to maintain their representation.
- The premises had previously operated as a retail tyre shop. The applicant now wished to operate as a restaurant.

- The applicant wished to operate a late night venue and add a shisha lounge. In the initial application the applicant had a garden area, but at the end of the process, the applicant decided, but subsequently changed the plan and decided not to have any shisha activity in the area.
- The ward of the premises was actually located in Tottenham Central and not Northumberland Park.
- Page 22 of the agenda papers which referred to Islington was not relevant to the application.

### **Presentation by the applicant**

Mr Tewodros Gebremdhim, the applicant and Mr Rezene Debescu, representative for the applicant, informed the Sub-Committee that:

- The applicant had two children.
- The applicant had taken an opportunity to open a restaurant during a difficult time. Initially he lacked knowledge of the application process.
- The applicant was intending to run the premises until 02:00.
- The applicant wished to thank the Noise and Nuisance team for visiting the premises.
- The premises was intended to be a cafe and a restaurant, specifically an Ethiopian restaurant and not an establishment for live music and would have low levels of background music.
- After feedback from Police and Licensing, the applicant had agreed to the proposed conditions of the operating schedule.
- The applicant's priority was to make residents happy.
- The applicant tried to communicate with the local residents including communicating with around 20 nearby residents regarding what he was planning to do with the premises.
- The applicant understood the concerns of the residents and was prepared to address them.
- The applicant acknowledged the existing problems and noted that he had received many pictures of people loitering on the corner, which was a concern.
- Once the business was opened, the area would be clear of loitering.
- Notices would be displayed informing patrons to leave the area quietly.
- Alcohol would only be served to those seated.
- The outside area would be kept clean.
- The collection of refuse would be restricted to 07:00 and 22:30 Monday to Saturday and no collection would be made on Sundays or Bank Holidays.
- Patrons would not be permitted to take drinks outside.

In response to questions, Mr Gebremdhim and Mr Debescu informed the Sub-Committee that:

- The recorded music was intended to be classical and unique to the Ethiopian or Eritrean culture. There would be no dancing and the purpose of the music was to make patrons feel comfortable and at home.
- The emergency gas services visited the premises because there were builders working at the premises at that time and one of the builders wished to smoke shisha and wanted to visit the premises. An attempt by him to smoke shisha triggered the alarm. This was a good lesson for the applicant. This should not have happened and he wished to apologise for this.
- The heating up of the shisha coal generated a lot of smoke and caused the fire alarm.

- The applicant intended to serve a normal English breakfast which included toast, eggs, bacon, coffee and tea. The serving of food would begin from 08:00.
- Initially, the applicant had intended for parties to take place on the roof area, but upon taking advice from responsible authorities, this would not take place. Instead, patrons would sit and enjoy food.
- The applicant was very pleased to work with the local area to make sure residents were happy.
- The applicant was aware that he lacked experience in running a restaurant, but he had learnt a lot by receiving feedback.
- The applicant would be supported by his representative to ensure smoothness of operation of the premises.
- Once the premises was open, it was unlikely that there would be any loitering. The photos regarding people loitering was a concern for the applicant. Signs would be put up and CCTV cameras would be installed and this would prevent people loitering including patrons. This was important to the applicant in order to maintain a good image of the premises.
- The smoking area would have a camera outside and due to feedback the number of people allowed to use the smoking area would be reduced from 5 to 2.
- Once the premises was opened, if there was still loitering, the applicant would need to consider appointing SIA trained staff between 21:30 to closing time, especially on Friday and Saturdays.
- A refuse company would be sought for the business.
- An assistant would be hired by the applicant if the application was granted.
- Parties would be held on Christmas and New Year's Eve.

At this point in the proceedings, Ms Daliah Barrett stated that the hours relating to bank holidays was part of what had already been agreed with the Police. Should the licence be granted, if the applicant wished to hold anything beyond the agreed hours, then a temporary event notice could be applied for. The additional agenda papers stated all music and amplified sound would be kept at background levels. If music was being kept at background levels, then the requirement for the regulated entertainment would fall away. If the licence was granted and the applicant could sell alcohol on the premises then he could benefit from being able to offer live and recorded music without it needing to be explicitly placed on the licence. This would be every day between 08:00 to 23:00.

In response to questions, Mr Gebremdhim and Mr Debescu informed the Sub-Committee that:

- From September 2021 the premises could be changed into a restaurant or café. There was a dispute with the landlord regarding how the premises could be used as a restaurant and the use of the premises for later hours.
- Alcohol would only be sold with food and for people seated with meals.
- Smoking would take place by patrons standing at the front and not on the residential side of the road.
- There was a door at the back of the premises and patrons would not be permitted and to leave by that door to congregate. This would be used as a fire exit only.
- The maximum capacity levels had been taken. The premises could hold between 24 to 26 people at any one. A full risk assessment would be done.
- Sale of alcohol off the premises would not be part of the application.
- At the moment the premises was closed. The premises would have CCTV and signage as well to deter loitering. Reporting to the Licensing Authority and the Police would be done if necessary.

- Traditional coffee ceremonies would be performed at the premises. Roasting the coffee would not generate any harmful fumes. An internal extractor would be used to remove any smoke generating from the coffee being made.
- The air gap where the speakers had been placed would be sealed to ensure that smoke would not escape through the gap.
- The lease agreement stated that half cooking and over cooking was allowed at the premises. The lease did not disallow the premises from having a licence. Legally the applicant was allowed to use the premises for licensable activity but the landlord was not happy with the arrangement as he was concerned about noise disturbance.
- The premises would not serve takeaways.
- The applicant was considering installing an air conditioner.
- The shutter was in the back dining room and the window would be installed in the side near the shutters.

### **Presentation by interested parties**

Ms Jennifer Barrett, Noise and Nuisance Team manager, informed the Sub-Committee that:

- Objections were raised to the application due to the inability to come to a firm agreement on conditions of the licence.
- The belief was that the rear area would be used as opposed to the garden area, which had since been amended.
- A rear dining area had been proposed, raising different issues, particularly relating to the shutter.
- If the shutters were down, the fire exit could not be used.
- There was no clarification regarding capacity, making it hard to know if front or rear fire exits could be used.
- An issue was raised about the plasterboard used as a side ward in a previously open area to service cars.
- The part of the wall that was covered over with plastic foliage did not provide any resistance to sound.
- If that area was used for background music, there would be a need to clarify the condition of the area.
- It was still not clear how the area would be used and if noise and public nuisance issues would be addressed.

Ms Monica Pooley, resident, Informed the Sub- Committee that:

- Images had been sent in for review, which depicted not just gatherings of people on the one side and corner of the premises, but also on the other side and the back of the premises.
- Concerns had been raised about people urinating on the backboard of the premises and on a tree in an adjacent area.
- The situation had not improved since more licenced premises had opened in the area. There had been instances of shootings and machete wielding. Another licensed premises would only make things worse and the community in the area felt intimidated, sometimes changing the part of the area they walked on including on the road. This included traffic enforcement officers when issuing tickets.
- CCTV or putting up notices would not likely help as premises staff would not be brave enough to ask customers outside to leave.
- The application should not be granted.

Mr Colin Pooley, resident, informed the Sub-Committee that:

- He was doubtful about the financial viability of the applicant's business plan as other applicants had tried to operate similar licensed premises and had not been successful. There were too many licensed premises in the area that were similar in any case.

Ms Kate Coulson, resident, informed the Sub-Committee that:

- There was concern about health safety and security.
- Granting the application would increase anti-social behaviour not decrease it.
- Groups who congregated on doorsteps could be intimidating if the groups became aggressive.
- The landlord for the premises had written to her via email stating that the terms of the conditions had already been breached by as the sale of alcohol on the premises itself was a breach of a licence for a coffee shop, even it closed at the correct time. The applicant had already operated the premises past the agreed hours.
- If the licence was granted, some of the property could be used to have customers smoking shisha.
- On one occasion, the carbon monoxide alarm had gone off and emergency gas services were called. A similar strong smell had emanated a few weeks later.
- It was unclear what action could be taken regarding the breaching of the tenancy agreement.

In response to questions, Ms Jennifer Barrett, Ms Pooley, Mr Pooley and Ms Coulson informed the Sub-Committee that:

- The party held under Ms Coulson's home was held at the premises.

At this point in the proceedings, Ms Daliah Barrett stated that if the applicant had installed speakers to the point where carbon monoxide had infiltrated residential part of the buildings, the landlord may take an opinion the issue.

The applicant was recalled to address matters arising. In response to questions, Mr Gebremdhim and Mr Debescu informed the Sub-Committee that:

- A fire re-assessment would be done.
- The premises had not yet been opened. The front part opened in the morning to serve coffee.
- The event held at the premises was not a party but a gathering of workers who were ending an evening after a day of work. Music was being played.
- The applicant did not hold a party at the premises until 06:00.

To summarise, Mr Gebremdhim and Mr Debescu stated that the applicant was anxious to do the right thing. The applicant had discussed issues with anti-social behaviour. CCTV footage would be provided to the Police and the Licensing Authority where required. The applicant was not actually creating a drinking establishment. The applicant was happy to take a feedback. The Sub-Committee had made some very important points for the applicant which he would take on board and he would also like to thank the Sub-Committee.

To summarise, Ms Jennifer Barrett stated that one of her concerns was the rear extended area. It was important to ensure that the appropriate measures had been taken to soundproof that area. The Sub-Committee, if minded to grant the licence, should consider the proposed conditions submitted.

To summarise, Ms Pooley stated that the extended rear area contained concerns about noise. People who lived in the sheltered accommodation could hear the noise from groups of men

and any cars that were parked at the end of Anchor Drive with their radios on so this was a concern.

To summarise, Ms Coulson stated that the applicant was in direct breach of his tenancy and the applicant may be risking eviction and could contact the landlord.

**7. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

CHAIR:

Signed by Chair .....

Date .....