

# **MINUTES OF THE LICENSING SUB COMMITTEE MEETING HELD ON THURSDAY 14TH SEPTEMBER 2023, 7:00PM – 9:20PM**

## **PRESENT:**

**Councillors:** Anna Abela (Chair), Barbara Blake and Luke Cawley-Harrison

### **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**

There were no items of 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 TASTY AFRICAN FOOD, 22 LORDSHIP LANE, TOTTENHAM, LONDON, N17 8NS (WEST GREEN)**

Ms Daliah Barrett, Licensing Team Leader, introduced the report as set out and informed the Sub-Committee that the application sought approval for:

- Regulated Entertainment as Recorded Music from Monday to Sunday 1100 to 2300 hours.
- Supply of Alcohol from Monday to Sunday 11:00 to 23:00 hours.
- The opening hours to the Public from Monday to Sunday from 11:00 to 23:00 hours.

In considering the representations received and what would be appropriate for the promotion of the licensing objectives, the steps the Sub-Committee could take were:

- To grant the application as requested.

- To grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- To exclude any licensable activities to which the application relates.
- To reject the whole or part of the application

Members of the Licensing Sub-Committee were asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considered it desirable to do so. It must be appropriate in order of Page 1 Agenda Item 6 Page 2 of 4 to promote the licensing objectives.

Ms Dolapo Alao (applicant) informed the Sub-Committee that:

- This application was submitted to rectify an error in her initial application. The application was initially made to supply alcohol on and off the premises. However, the supply of alcohol would be limited to on the premises only and customers would not be permitted to take any alcohol outside the premises.
- There were concerns around nuisance in the area. The installation of CCTV inside and outside the premises would help monitor nuisance, particularly outside the premises.
- Customers were not respecting signages at the premises. The signs set out rules for customers which mentioned customers should leave quietly, not cause any nuisance or disturbance to the neighbours and customers should use the toilets before leaving the premises.
- There were also concerns about the extended hours, so the operating hours were reduced from 11:00 - 23:00 to 12:00 – 22:00.
- The premises managed an incident log to record all incidents and any crime on the premises.
- There was also a complaints register to log any complaints received by residents and service users.
- Some residents had raised their concerns around a new shop/business opening in the area as this would increase traffic and noise.

In conclusion, Ms Alao would like the Sub-Committee to grant the application as requested.

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

- In terms of experience in working in the restaurant industry and licenced premises, she had previous experience in running a shop which was authorised to sell alcohol off the premises.
- She had also completed the Personal Licencing Test and was aware of all the rules and regulations.
- There were concerns around residential litter in the area. There were no litter bins available for some residents living in the surrounded flats which caused dumping in the areas around the premises.
- In terms of managing the restaurant, the premises would be managed by Ms Alao on and off site.

- The premises would provide dine in, takeaway and delivery options. The takeaway orders would be just as busy as dining in. The busier period was expected to be during lunchtime and after working hours.
- In terms of the interior of the premises, there would be 3 tables with 4 chairs in the open area, there would be a counter at the back for takeaway orders and on the left side of the premises there was a hallway leading to the toilets.
- The premises would not have a bar, drinks would be ordered at the table.
- For deliveries, the food would be prepared and ready in advance. The kitchen staff would receive an alert once the delivery driver arrives.
- When queried about interest in having outdoor seating area at the premises, she confirmed there were no plans to have outdoor dining.
- Ms Alao would be a committed to working with neighbours and residents to understand their concerns and to be flexible to mitigate the pre-existing issue around anti-social behaviour in the area.
- In terms of antisocial behaviour at the other branches, the Sub-Committee heard that there was no history of any antisocial behaviour at any of the other branches for this chain of restaurant.

The Chair asked Ms Alao to sum up and the Sub-Committee heard that Ms Alao would like to create positives changes on Lordship Lane by cooperating and collaborating with local residents as soon as the application is granted.

The Sub-Committee retired to consider the application, and informed all parties present that the decision would be provided in writing following the meeting.

## **RESOLVED**

The Sub-Committee carefully considered the application for a new premises licence for Tasty African Food, 22 Lordship Lane, Tottenham, London N17 8NS and the representations made by the applicant and Cllr Ali on behalf of the residents, as well as the Council's statement of licensing policy and the Licensing Act 2003 Section 182 Guidance.

Having fully considered the written and oral representations and questioned the applicant, the Sub-Committee decided to grant the application with the following conditions:

### **Opening Hours**

Monday to Sunday 1200 to 2200 hours

### **Supply of Alcohol**

Monday to Sunday 1200 to 2130 hours

For Consumption ON the premises

The following conditions are added to the licence:

1. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with training records kept for inspection. The premises will close 30 minutes after the licensing activities have ceased to allow customers to finish their drinks and leave in a quiet and orderly manner.
2. The premises will use CCTV to an appropriate standard. The CCTV equipment shall be maintained in good working order and continually record when the premises are open. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. The correct date and time will be generated onto both the recording and the real time image screen. If the CCTV equipment (including any mobile units in use at the premises) breaks down, the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence, other responsible person, informs the Licensing Authority as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the date, time, means of reporting and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as it is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.
3. The Premises Licence holder shall ensure that there are trained members of staff available during opening hours to be able to reproduce and download CCTV images into a removable format at the request of a Police Officer or Council Officer.
4. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.
5. The DPS will keep an up to date DPS Authorisation sheet which will show the list of staff members who have been given the authority to sell alcohol on the premises.
6. An incident record shall be kept at the premises to record all crimes, incidents of disorder and/or antisocial behaviour. The incident log shall be made available on request to the Police or Council officers.
7. A refusals log for the sale of alcohol shall be kept and made available to the Police or Council Officers upon request.
8. A complaints register shall be held on the premises to record details of any complaints received from neighbours or the general public with a note of the remedial action taken. The complaints register shall be made available to the Police or Council Officers upon request.
9. Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they shall call the police.

10. An on-site incident book will be in operation to record any accident or injury incurred on the premises. This document will be retained by the business for inspection for a period of three years.
11. Signage shall be displayed asking customers to leave quietly and use bathroom facilities, if required, before leaving the premises. Customers will be reminded of their responsibility to leave the premises without causing disturbance to any properties who may be affected.
12. Only photographic ID will be accepted (passport, driving licence, proof of age card with PASS hologram, or military ID).
13. Challenge 25 will be in operation and anyone who appears to be under the age of 25 shall be asked to provide ID. If the customer is unable to provide identification, then no sale shall be made. Challenge 25 Posters will be on display in the shop. Any staff members who may be under the age of 18 must call a staff member over 18 to take over the sale and complete the transaction. If it is known that a customer intends to purchase alcohol to provide to minors, then that sale will be refused. All refused sales will be recorded in the refusals book.

## **Reasons**

The Sub-Committee considered the representations made against application and noted the concerns regarding public nuisance, litter and street drinking in the vicinity of the premises. Whilst these complaints were not directly linked to the premises, the Sub-Committee noted that the applicant had made appropriate concessions by agreeing to only have a licence for the sale of alcohol for consumption on the premises and agreeing to close one hour earlier than originally proposed.

The applicant proposed a range of conditions to address the residents' concerns about public nuisance and showed a willingness to work with residents and the local community. The Sub-Committee therefore felt that the above conditions would be appropriate and proportionate to promote the four licensing objectives.

## **7. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT OUSIA 162 FORTIS GREEN ROAD, HORNSEY, LONDON, N10 3DU.(MUSWELL HILL)**

Ms Daliah Barrett, Licensing Team Leader, introduced the report as set out and informed the Sub-Committee that the application sought approval for:

- Supply of Alcohol on the premises from Friday to Saturday 12:00 to 23:00 and Sunday 12:00 to 22:30.
- The hours to be open to Public from Friday to Saturday were 12:00 to 23:30 and Sunday 12:00 to 22:45.
- The Sub Committee noted that during the consultation period, the Noise officer had made a representation.

- The premises was situated along a terrace of retail units and there was residential housing above and facing the premises.
- The premises was initially licenced in February 2022.
- The space at the front of the premises was a part of the public highway and does not belong to the premises. A pavement licence would be required if the premise had intentions on using this area for dining.

In considering the representations received and what could be appropriate for the promotion of the licensing objectives, the steps that the Sub-Committee could take were outlined as follows:

- To grant the application as requested.
- To grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- To exclude any licensable activities to which the application relates.
- To reject the whole or part of the application.

Members of the Licensing Sub Committee was asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considered it desirable to do so. It must be appropriate in order to promote the licensing objectives.

Mr John Yianni (applicant) informed the Sub-Committee that:

- He was not the DPS but was the Director of the business.
- the variation on the hours were for an additional 30 minutes on Friday and Saturday with the closing time of 23:00. An additional 30 minutes on Sunday, with the closing time of 22:30. The opening times and licencing activity from Monday to Thursday would remain the same.
- The extension requested was in line the with the usual restaurant licencing hours within the area and was seen as a standard closing times for restaurants in the local area.
- The initial application did not include the new proposed time, this was due to factors including operational and staffing issues.
- On Fridays and Saturdays, there were regular occurrences of customers wanting to dine for an extra 30 minutes. The customers were told they were not able to stay longer due to the current licensing agreement.
- Since the opening of the restaurant, there had been no findings of any noise complaints from the police or any other commissioners.

In conclusion, Mr Yianni would like the Sub-Committee to grant the application as requested, without any additional conditions.

In response to questions, Mr Yianni informed the Sub-Committee that:

- The Council's Noise officers had requested a copy of the restaurant's Noise Policy. This policy was not provided, and this was due to logistical issues and

- staff, including Mr Yianni being away on holiday abroad during the summer season.
- The last correspondence by Ms Barret regarding this was on the 2nd of August 2023. However, Mr Yianni and Co-director was away on holiday during this time and was unable to provide a copy of the noise management policy.
  - The request for this policy was seen as an irrelevant request and he did not think this policy was required as there was no suggestion that the business was in breach of any condition relating to noise.
  - My Yianni confirmed that he had been on holiday from the end of July 2023 until the end of August 2023 and providing the Noise Policy to the council's noise officers was not a priority at the time.
  - The restaurant had a noise management policy, but the policy was simple as most diners were middle aged and not a lot had to be done in order to keep the noise down.
  - In terms of noise management, the music in the premises would be lowered 30 minutes before the closing time. This was seen as an effective method to control noise, as when the music was lowered, the tone of people talking also lowered.
  - The premises also had sophisticated lighting system where the lights could be brightened and dimmed in certain areas of the restaurant. The restaurant used a technique where the lights turned brighter as the evening went on, this alerted customer that the restaurant was due to close and prompted them to leave.
  - Regarding the representation, it was not financially viable to have a staff to always operate a CCTV at the premises.
  - Mr Yianni requested that he would like the Sub-Committee to reject or accept the application without any further additional conditions.
  - There were plans to apply for a pavement licence as the premises would like to extend their dining area outside with at least 10-12 seats. The condition to limit 4 people smoking at a time outside the premises would not work if a pavement licence were granted where up to 12 people could be seated.
  - Currently there were two tables with two chairs outside the premises, which was used for smoking.
  - Security would be needed to enforce any limit to the amount of people who leave the restaurant for smoking at any given time, and this would come at a financial cost together with a reputational cost.
  - It would be difficult to control or restrict the number of diners who would leave the premises and smoke while waiting for taxis or others to pick them up.
  - In terms of complaints, there had been a complaint from a resident who lived two floors above the premises. The resident had made complaints relating to smoke from an extractor fan from premises, premises operating beyond licensing hours and the supply of alcohol beyond licensing hours. During investigations, there were no findings of any noise or nuisance complaints from residents from the first floor.

The Sub-Committee sought clarification regarding whether Mr Yianni would prefer to withdraw the application altogether rather than accepting the conditions proposed by the noise team.

Mr Yianni raised concerns around three conditions which were around CCTV, smoking and music and sound from the premises. Mr Yianni would prefer to withdraw the application, keep the conditions as they were and operate with current opening hours, if the three conditions mentioned would apply.

Jennifer Barrett, Noise & Nuisance Manager presented the representations and informed the Sub-Committee that:

- The Noise and Nuisance Team received 13 complaints about noise, dust, odour, and allegations of opening after hours since the 13th of February 2023 which were not substantiated.
- The team visited the premises on two occasions in response to anonymous noise complaints, during this visit the team did not establish any noise issues. However, the concerns raised by the residents were considered and sought to refine the conditions on the current premises licence, which was granted on the 24th of February 2022, in a hope that the refinements would enable the team to address any similar complaints in the future.
- The premises was not permitted to have any tables or chairs for smoking outside on the public highway. This was a licensable matter and any tables and chairs outside the premises must be removed.
- A pavement licence should be submitted for this. The application would be assessed against standards and ensure that there would be required clear space maintained for pedestrian flow. However, pavement licences in the borough does provide a provision for smoking.
- The Noise and Nuisance Team visited the premises, conducted various checks, and had concluded that four people would be the ideal number of people that would be able to stand outside the premises to smoke and talk, without causing any nuisance.
- The panel would determine the exact wording of the conditions to ensure that there would be no conflict if the pavement licence would be granted at a later date.

The Chair asked all parties present to sum up.

Mr Yianni expressed that the extended time request would be proportionate and consistent with other restaurants in the area. He had requested to Sub-Committee to grant or reject his application.

Ms Barrett advised the Committee that there were 5 recommended conditions to the variation of the licence if granted. These conditions were based on the current operations of the premises and would also help address issues that may be raised in relation to public nuisance.

The Sub-Committee retired to consider the application, and informed all parties present that the decision would be provided in writing following the meeting.

## **RESOLVED**

The Sub-Committee carefully considered the application for a variation to the opening and sale of alcohol hours for Ousia, 162 Fortis Green Road, Hornsey, London N10 3DU and the representations made by the noise team and the premises licence holder, as well as the council's statement of licensing policy and the Licensing Act 2003 Section 182 Guidance.

Having fully considered the written and oral representations and questioned those present, the Sub-Committee decided to grant the application to extend the opening hours and licensing hours of the premises and modify/impose additional conditions on the licence as follows:

### **Opening Hours**

Sunday to Thursday 1200 to 2245 hours

Friday and Saturday 1200 to 2330 hours

### **Supply of Alcohol**

Sunday to Thursday 1200 to 2230 hours

Friday and Saturday 1200 to 2300 hours

For Consumption ON the premises

The following conditions are added to the licence:

1. A written Noise Management Policy will be in place that sends out sound attenuation to prevent or control noise breakout from the premises and a copy of the policy is to be provided to the Council's noise team within 10 working days of a request for a copy.
2. CCTV must be installed and maintained. Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g., CD/DVD so that Police can make an evidential copy of the data they require. Copies must be made available to an Authorised Officer or Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request free of charge. There will always be a member of staff on duty during opening times who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business, the Police and the Council must be informed.
3. After 2200 hours every night smoking outside the front of the premises shall be limited to five (5) people at a time, so as to minimise disturbance to residents and other members of the public. Ashtrays bins must be provided, and the area must regularly be swept to remove cigarette ends.

4. A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council Officers.

Where there is inconsistency between these conditions and those attached to the existing licence the new conditions apply.

## **Reasons**

The Sub-Committee heard evidence that the premises sit in close proximity to residential premises, with flats on the floors immediately above. The Council's noise team have received since February complaints about noise, dust, odour and allegations of opening after hours but none of those complaints have been substantiated.

The Sub-Committee considered that noise management would become more important with the premises opening later at night, given the close proximity to residential premises. It was concerned to note that a request for a copy of the noise management plan that is a condition of the licence, was not complied with. In order to clarify the position and promote the prevention of public nuisance licensing objective, the Sub-Committee is modifying the current condition to make it clear that the noise management policy must be in writing and a copy provided to Council officers when requested.

The council's noise team reported multiple complaints had been made against the premises within the last year, however these were unable to be substantiated. CCTV is an important tool in addressing crime and disorder and providing evidence in relation to other licensing objectives. It can also assist the licence holder as well as other stakeholders in substantiating any claims or counter claims made. The Sub-Committee consider that the current condition regarding CCTV is not sufficiently robust.

The CCTV condition has therefore been modified to make it appropriate for a business opening late into the night in order to promote the licensing objectives. The Sub-Committee considered the representations made by the licence owner about such a condition being too onerous and the Sub-Committee has therefore modified the condition in such a way that no member of staff has to be at the premises 24 hrs a day to operate the CCTV but footage must be made available and trained staff on the premises when open.

Disturbance to the flats above by people smoking outside the premises was considered and the Sub-Committee felt it appropriate to promote the prevention of public nuisance, particularly as it got later into the night, to limit the number of people smoking outside the front of the premises.

The extension of the opening and sale of alcohol hours may give rise to more complaints and a complaints log is an appropriate and proportionate measure to keep track of complaints and actions taken to address them.

**Informative**

The Sub-Committee would remind the licence holder of the importance of co-operating with residents, the local community and the licensing authority in order to successfully promote the licensing objectives.

**8. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair .....

Date .....