

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 10 JANUARY 2006**

Councillors Rice (Chair), Herbert Brown and Newton

Apologies Councillor (none)

Also Present: Councillor (none)

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB43.	<p>APOLOGIES FOR ABSENCE</p> <p>(Agenda Item 1)</p> <p>None</p>	
LSCB44.	<p>URGENT BUSINESS</p> <p>(Agenda Item 2)</p> <p>No items of urgent business were received.</p>	
LSCB45.	<p>DECLARATIONS OF INTEREST</p> <p>(Agenda Item 3)</p> <p>No declarations of interest were received.</p>	
LSCB46.	<p>MINUTES</p> <p>(Agenda Item 4)</p> <p>RESOLVED</p> <p>That the Committee approves the minutes of the meetings of Licensing Sub-Committee B of 15 November 2005.</p>	
LSCB47.	<p>ROJ, 64 GRAND PARADE, N4 (ST ANNS)</p> <p>(Agenda Item 5)</p> <p>The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting that the Enforcement Services had had made a representation upon notice of the application. This was because the premises were under enforcement action for trading without a Night Café Licence and that they were concerned with accountability at the premises. Ms Barrett also highlighted that the Planning Officer had objected to the application because planning consent had</p>	

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be granted to trade until 23:00. Ms Barrett informed the Committee that there had one representation from an Interested Party, the Ladder Community Safety Partnership Board (LCSPB).

A representative of the LCSPB, Mr Ian Sygrave, asked Ms Barrett if an extension to the planning consent for the premises had been applied for to which the response was that none had been received from the licensee. Mr Sygrave also asked there had been further evidence of opening beyond permitted hours by the licensee. Ms Barrett responded that up until the Christmas 2005 period, there had been instances of late night opening beyond permitted hours. These were:

- 15 and 16 December 2005 at 02:00 and 03:30 respectively
- 18 December 2005 at 01:55
- 19 December 2005 at 01:00

The Chair invited the objector to address the Committee. Councillor Gina Adamou, also representing the LCSPB, stated that she was happy with the 02:00 closure but wanted the applicant to have the relevant planning consent. Mr Sygrave stated that it would make common sense for the licensee to apply for planning consent that matched the applied for new premises license. He also stated that he had concerns about the applicant's operating schedule in respect of the licensing objectives for the prevention of crime and disorder, public safety, and public nuisance because he felt these did not promote the objective sufficiently enough.

The Chair invited the applicant to address the Committee. The applicant, represented by Mr Sherrif Mehmet, stated that before purchasing the premises, he was told that it had necessary consent to trade until 00:00 everyday. Mr Mehmet called for licenses to be granted either until 23:00 or to 02:00 to ensure uniformity along the Haringey Green Lanes. Mr Mehmet stated that the planning service only granted consent until 23:00 and that this was a contradiction to premises licenses granted later than this. He also stated that there were no complaints from local residents and other residents association in the area relating to the premises.

Councillor Newton asked the applicant what the capacity was of the premises. The response was 60 people (52 seated customers and 6 members of staff). There was no provision for take-away food. The Chair asked the applicant to explain why he had been found to be open after his licensable hours. Mr Mehmet replied that the applicant had made a mistake and recalled that at the time the licensee was new to the premises and had to compete with other premises along Green Lanes who closed at 02:00. He claimed that he had had no response from the planning service and that his previous licenses had

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	<p>been lost by the Council. Ms Barrett confirmed that back in 1980, the planning service had refused an application to become as restaurant and therefore the current applicants would need to apply for a certificate of lawfulness.</p> <p>RESOLVED</p> <p>That the Committee grants the application in full, subject to the following conditions:</p> <ul style="list-style-type: none"> • Conditions to enforce the operating schedule • That a list of persons in control of the premises be provided to the Licensing Authority within seven days. One of those persons named on the list shall be present on the premises at all times. Any subsequent variation to the list shall be notified to the Licensing Authority within seven days prior to the said change taking effect. <p>There was an informative:</p> <p>The licence granted would not constitute consent under any other regime. It would be necessary for the licensee to obtain any other consent that may be necessary for the lawful operation of the premises. This would include an appropriate planning consent.</p>	
<p>LSCB48.</p>	<p>THE GOLDEN STOOL, 89-91 HIGH ROAD, N15 (SEVEN SISTER'S WARD) (Agenda Item 6)</p> <p>The Committee heard that this application was to be withdrawn in its entirety and that the applicant would continue with the second application to be heard at Item 7 of the Agenda.</p>	
<p>LSCB49.</p>	<p>THE GOLDEN STOOL, 89-91 HIGH ROAD, N15 (SEVEN SISTER'S WARD) (Agenda Item 7)</p> <p>The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, indicating that the applicant had offered amendments to the application since it was originally presented to the Committee. The Chair invited the applicant's representative, Sarah Clover, to table the amendments. The new hours to be applied for were as follows:</p> <ul style="list-style-type: none"> • For the sale of alcohol and provision of late night refreshments and all other licensable activities: <ul style="list-style-type: none"> ○ Monday to Thursday 10:00 to 00:00 ○ Friday and Saturday 10:00 to 04:00 ○ Sunday 10:00 to 01:00 	

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- Opening hours to the public were 30minutes after the above hours.
- To delete all references of the transmission of any international sporting event which falls outside the standard hours, timing to commence one hour before the start of the event and end one hour after the end of the event.

Ms Clover also offered to the Committee, in response to comments submitted by the Metropolitan Police Service (MPS), the provision of two registered door staff to control entry and exit of customers of the premises, and three staff on days when events were being held. Ms Clover pointed that in the operating schedule submitted as part of the application form, the applicant had offered to provide staff training to observe the measures necessary to promote the crime and disorder objective.

Councillor H Brown asked Ms Barrett if a plan of the premises was available, to which the response was regrettably, that none was available. Councillor Newton asked if the door supervisions mentioned would be SIA registered. The response was that this would be the case.

The Chair invited the representative from the MPS to address the Committee. They confirmed that they were happy with the revised hours for Sunday, and Monday to Thursday, but that they had concerns about the Friday and Saturday amended hours and insisted that these hours could cause a drain on police resources. Ms Clover asked the MPS representative about alleged disturbances in 2005. The MPS representative confirmed that there were no logs of crime incidents in the vicinity of the premises, and none directly related to the premises itself.

The Chair invited the representative from the London Fire & Emergency Planning Authority (LFEPA) to address the Committee who made a representation on the basis that insufficient information had been received on which to determine the adequacy or otherwise of the fire safety arrangements in the premises. At this juncture, the LFEPA representative informed the Committee that a list of items which the LFEPA would like to see covered from an inspection point-of-view was presented to the applicant dated 9 January 2006. Ms Clover confirmed that she had received this list ten minutes previously. The list, which was compiled as result of a visit by the LFEPA representative to the premises, in essence, included requirements to remove or fully secure any portable Calor gas heaters; the need to produce a current certificate of service; music speakers to be removed from blocking exit routes; repair push bar doors that appeared to be inoperable in places; repair self closing fire doors that appeared to be

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inoperable in places; to ensure fire equipment was secure to wall brackets and were fully serviced and certified as so; to provide fire notices in staff areas; to install and maintain a 5839 Early Warning System to the British Standard with certificates. There was an exchange between the LFEPA representative and Ms Clover to clarify what regulations were required in respect of the premises because it was established that the applicant was not present during the LFEPA representative's visit to and inspection of the premises.

The Chair invited the objectors to present their cases. The issues and evidence were presented by interested parties of seven people who had attended the hearing. Mr Samuals of Sherboro Road made a statement that highlighted that he had made calls to the Haringey Noise Team regarding the premises on numerous occasions. He also raised his concerns, shared by his neighbours, about customers from the premises urinating, parking and fighting immediately outside of the premises. Mr Samuals stated that the licensee, Mr Edward Rapheal Kessie, had told him that these problems were not his responsibility. Ms Clover asked the objector if they presumed that the offences emanated from the premises, to which the reply was that the licensee could not prove that the offenders did not come from the premises. In response to a question from Councillor H Brown, it was established that the premises were c100 feet away from the objector's own property.

Mrs Atherley of Ermine Road addressed the Committee by alleging to have found a used syringe outside of her own property. She objected to the application because she claimed that the premises were consistently open late into the night and that the noise nuisance caused by this had caused her various ailments to worsen. She claimed that her illnesses did not occur before the current licensee took control. Ms Clover asked Mrs Atherley who she had complained to about these alleged nuisances; when (if) this was done; and whether she had complained directly to the licensee. Mrs Atherley responded that she had complained to the Haringey Noise Team but did not keep a record of when this was done. She also stated that she did not want to talk to the licensee herself but had asked her son to do so because of the nuisances caused, particularly on a Friday and Saturday night.

Councillor Newton, in addressing all of the objectors present, asked if everyone had been affected by the alleged noise nuisance. The reply was a unanimous yes.

Mrs Henderson of Ermine Road addressed the Committee to raise her objection to the application on the grounds of noise concerns especially after 02:00. She confirmed that she had complained to the Haringey Noise Team and that she had not spoken directly to the licensee because she felt uncomfortably

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approaching him and the premises.

Mrs Thomas of Sherboro Road was invited to address the Committee and did so via her representative, Ms Thomas, her daughter and carer. Ms Thomas, supporting a letter of objection written by her mother on 28 November 2006, claimed that the licensee was unapproachable and alleged that on 27 November 2005 he had threatened to kill Mrs Thomas after she had attempted to complain to him. In addressing the Committee, Ms Clover refuted all of the allegations in Mrs Thomas' letter. Ms Thomas informed the Committee that she had witnessed some of the allegations and that the death threat was being dealt with the police authorities. In the interest of clarity, the Haringey Legal Representative, Maria Bilbao, referred the Committee to Mrs Thomas' letter of objection dated 28 November 2005, and read out its content.

The Chair invited Mrs Bacak of Sherboro Road to address the Committee with her objections to the application. Mrs Bacak claimed that vehicles had been vandalised in the vicinity of the premises and that emergency services vehicles could not get access to Sherboro Road because of the volume of vehicles used by patrons of the premises. She also claimed to have witnessed fighting outside of the premises only two nights previous to the hearing.

The Chair invited the applicant to address the Committee. Representing the applicant, Ms Clover gave a background synopsis of the premises. She then raised her concerns with the Fire Officer's objections. She was also concerned that her firm of solicitors had not submitted the relevant information in good time and that this may have been reflected in the Fire Officer's observations. Ms Clover pointed out to the Committee that the licensee's previous public entertainments license would have required stringent fire controls. In response to the Fire Officer's requirement for an early warning fire system within the premises, Ms Clover suggested that the managing brewery to the premises commission an independent consultation report to ensure that the licensee is not exposed to unnecessary additional expense. Ms Clover highlighted that the MPS had not produced any evidence of crime and disorder directly relating to the premises and also mentioned that she was conscious of the fact that representations from residents in Ermine Road may not reflect in vicinity rules of the 2003 Act but gave no further weight to this in her statement. Ms Clover informed the Committee that litter referred to as emanating from the premises was unfounded because items of litter were not substances provided by the premises. Ms Clover, in reference to problems of parking and vehicles blocking access to the roads around the premises, stated that the premises were not of the kind that patrons would drive to and that it was a dearly loved local pub and that there was a local car park.

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With reference to noise nuisance, Ms Clover informed the Committee that the licensee was upset that residents had not approached him personally where they had concerns. She stated that the licensee had not been invited to any of the local resident association meetings. She invited allegations of a death threat to be put aside by the Committee. Ms Clover highlighted to the Committee that a February 2005 enforcement assessment visit carried out by Haringey Council had resulted in no further action. In respect of local residents' concerns about noise nuisance, Ms Clover stated that the licensee would install a noise limiter within the premises within six weeks, which would be set and monitored by Haringey Enforcement Services – hoping that this would display the responsible attitude of the licensee. Ms Clover also stated that, save for emergency access, windows and doors would be closed to avoid noise emanating from the premises.

The Chair invited the licensee himself, Mr Kessie, to address the Committee. Mr Kessie spoke about not being invited to the resident association meetings and also that he had co-operated with the police to hold surveillance operations on drugs and prostitution prevention. He stated that he would become a member of the *Pub Watch* scheme.

There was an exchange between the objectors and the licensee, including his representative Ms Clover, in which the objectors asked how Mr Kessie would be more approachable in future. The response was that he was always open and approachable. Mr Kessie also gave his assurance that he would try to ensure that patrons of the premises would leave in an orderly fashion.

Ms Bilbao clarified some of the statements that had been made by both objectors and the licensee and his representative. During these exchanges, it was established that the licensee would provide three door supervisors for functions on Friday and Saturday nights and any other late night events during non-standard hours. It was established that there were other premises operating licensable activities within the surrounding area of the premises. Ms Bilbao raised the issue of a forged signature on the applicant's application form. Ms Clover stated that she had been made aware of this situation and this had resulted in the applicant being badly let down by his former legal advisor. Ms Bilbao referred to references made to complaints to the Noise Team and Food Team, but that both teams with the Enforcement Services had made no representations. Ms Bilbao asked the Fire Officer to confirm his position in relation to the letter he had sent dated 9 January 2006. The Fire Officer confirmed that the requirements set out in the letter were not over-the-top. Ms Bilbao asked the representative from the MPS to comment on the allegation of a death threat. The MPS representative responded by stating that a

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Crime Reference Number (CAD) had been issued to Mrs Thomas, but that there had been no outcome of the alleged incident because it was still being investigated.

In summing up their objections, Mr Samuals, speaking on behalf of his neighbours stated that things had taken a turn for the worse in terms of the nuisances relating to the premises and that noise was the main factor. He also stated that parking and the safety of residents was impacted due to the calibre of people frequenting the premises late at night.

In summing up, Ms Clover stated that the licensee was a responsible person and that the premises were well-managed. She reiterated her concerns about the Fire Officer's report.

RESOLVED

That the Committee grant the amended application in part as follows:

- An 23:00 everyday finish for the following licensable activities:
 - Film
 - Indoor sporting events
 - Supply of alcohol
- The application was therefore refused for live music, recorded music, provision of facilities for making music, and provision of facilities for dancing.
- Any non-standard hours were refused.

The reason for this decision was to promote the licensing objectives for the prevention of crime and disorder, the protection of children from harm, and the prevention of public nuisance because of the volume and weight of the evidence heard by the Committee relating to urination, anti-social behaviour, noise, and evidence of illegal substance abuse directly related to customers of the premises as witnessed by interested parties living adjacent to and in the immediate vicinity of the premises.

There were conditions to the license as follows:

- The recommendations of the Child Protection Agency on proof of age are adhered to.
- Mandatory conditions at sections 19 and 20 are imposed.
- Conditions to enforce the operating schedule

The premises shall not be opened to the public for licensable activities and the licence shall not become operative until all the matters set out in the schedule attached to the London Fire and

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	<p>Emergency Planning Authority fire safety officer's letter of 9 January 2006 are carried out to the written satisfaction of the fire safety officer. The reason for this condition is to promote the public safety licensing objective because it is considered that if these matters are not carried out, people would be at risk in the event of a fire emergency. This view was confirmed by the fire safety officer's evidence.</p>	
LSCB50.	<p>MIZGIN RESTAURANT, 485 GREEN LANES, N4 (HARRINGAY WARD) (Agenda Item 8)</p> <p>Due to time constraints, this Item was adjourned until a later date.</p>	
LSCB51.	<p>ALI BABA, 645 GREEN LANES, N4 (HARRINGAY WARD) (Agenda Item 9)</p> <p>Due to time constraints, this Item was adjourned until a later date.</p>	
LSCB52.	<p>ITEMS OF URGENT BUSINESS (Agenda Item 10)</p> <p>None</p> <p>The meeting ended at 22:45</p>	

Councillor REG RICE
Chair, Licensing Sub-Committee B