

# **MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 12 DECEMBER 2024, 7:00PM – 9:00PM**

**PRESENT:** Councillors Gina Adamou, Sheila Peacock (Vlce Chair) and Adam Small

## **1. FILMING AT MEETINGS**

The Chair referred to the filming of meetings and this information was noted.

## **2. APOLOGIES FOR ABSENCE**

There were none.

## **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 78 WEST GREEN ROAD, TOTTENHAM, LONDON N15 5NS (TOTTENHAM CENTRAL)**

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

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

- The application sought late night refreshment and the sale of alcohol, which would be supplied on and off the premises. The premises would be open to the public Sunday to Thursday 11:00 to 01:00 and 11:00 to 02:00 Friday to Saturday.
- The applicant was also requesting a terminal hour of 02:00 on Valentine's Day, Christmas Eve and New Year's Eve.
- Representations had been submitted by the Noise team, Police and a resident.
- Page 17 onwards had the proposed conditions put forward on the application itself.
- The applicant had been informed earlier in the day in relation to the use of the premises regarding the hours. The current planning permission for the premises meant that the applicant would not be able to operate beyond its allowed planning hours, shown at section 2.1 in the report.

## **Presentation by the applicant**

Mr Nick Semper, representative for the applicant, informed the Sub-Committee that:

- The applicant was an experienced and successful operator. He had been involved in running restaurants for many years and owned two other businesses in the same road, so he knew the area and the people.
- In all those years, the premises he ran never came to the attention of any responsible authority.
- The premises used to be a top-class Caribbean Grill which opened from 10:00 to 23:00 daily.
- The premises would be a restaurant called Love Latin and would specialise in Mediterranean cuisine. Alcohol would only be served to seated diners and would be ancillary to a substantial table meal.
- Alcohol would only be served by waiter or waitress service. Only alcohol for consumption off the premises would be sold only via take away or collection order. These may only be provided in sealed containers, marked as originating from the premises itself and provided to the customer within the packaging of a takeaway food order.
- Patrons would not be permitted to remove drinks in open bottles or glasses or any other open vessel from the premises.
- The hours applied for were not excessive, because having dealt with many restaurants in the night time economy himself, the hours applied for were less than quite a few of the ones he had dealt with in the past.
- The applicant sought for a terminal hour of 01:00 Sunday to Thursday and 02:00 on Fridays and Saturdays.
- The conditions proposed in the operating schedule were designed to ensure robust promotion of the licencing objectives and a safe, legal and compliant operation in every respect.
- It was not until earlier this afternoon that he finally managed to obtain documents relating to the planning permission to convert the premises into a restaurant. This dated from 2020 and the planning decision made then still stood.
- The premises could not operate in any form after 2300 and the applicant would not operate beyond those hours due to planning restrictions. However, the applicant was also in the process of engaging a planning consultant to apply for later opening times.
- If the application was granted at the terminal hour of 23:00, then a variation application would need to be submitted. This was why the applicant was respectfully asking for the later terminal hour, in the full knowledge that the later hours could not be traded upon lawfully, until the planning process was concluded.
- The burden was on the applicant to show that the proposed operation supported by the proposed operating schedule was capable of promoting the licencing objectives and was unlikely to undermine them.
- The objectors had the burden to show that the premises trading under the operating schedule would undermine the licencing objectives and demonstrate it with evidence.
- Any Sub-Committee properly advised could only refuse this application if it was found on the evidence of the objectors to be not capable of promoting the licencing objectives.
- In Paragraph 9.43 in section 182 of the guidance clearly stated that the Sub-Committee's determination must be evidence based, justified as being appropriate for promotional licencing objectives and proportionate to what it was intended to achieve.
- There was no evidence in the agenda papers which challenged, criticises or even referenced the operating schedule, the applicant or the designated premises Supervisor. This included any other business operated by the applicant.

- There was no history of disorder, noise complaints, underage sales, or any other cause for concern evidenced involving the premises or the applicant or any other of his operations. This was an undeniable and self-evident fact.

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

- The applicant intended to have a delivery collection facility over the counter, but also to work with companies like Just Eats and Uber Eats. This was the normal operating model for most restaurants around the UK in the night time economy.
- If delivery drivers made too much noise, the applicant would not be dealing with them again, would advise them of it and get rid of them and make a complaint to the delivery company. The applicant would not work with delivery drivers creating a disturbance outside their premises because that was not in their business model and was bad for business.
- Based on the current opening hours, if the business wanted to succeed and serve the community it had known for a long time, restricting the hours would restrict the promotion and the expansion of the business. Extended hours would create jobs for the local people and have a positive impact.
- The premises was not a vertical drinking establishment. It was an intimate dining experience for people that liked Latin or Mediterranean food. It was for patrons such as couples.
- Patrons typically smoked at the back area of the premises, but there was no designated smoking area. The applicant could offer a limit of four or five smokers outside.

The Licensing Officer informed the Sub-Committee that premises used to be a West Indian Caribbean take away. The applicant was now wanting to open up a new business. The applicant was not currently operating at the premises.

### **Presentation by interested parties**

PC Pantelitsa informed the Sub-Committee that:

- The premises was embedded within a parade of shops with residential premises above and opposite it.
- The Police had submitted a representation and the applicant had agreed to four conditions being added to the operating schedule, but not to reducing the operating hours.
- The four conditions included a direct telephone number for the management at the premises to being made available to all the residents and businesses in the vicinity, the supply of alcohol at the premises only being to a seated patron ordering a substantial table meal, the supply of alcohol being served by waiter and waitress service only and that all sealed containers of alcoholic drinks for consumption off the premises must being clearly labelled and marked with the name and post code of the premises.
- The Police were objecting to the operating hours the applicant had put forward as the area was a residential area and there was a risk that loud noise from the premises would carry over and cause disturbance to nearby residents, disrupting their sleep.
- Patrons leaving the premises when it closed at 01:00 and 02:00 were likely to leave intoxicated by loitering or walking down the road.
- There was likelihood of antisocial behaviour.

- The noise would be worse for local residents and likely to cause a significant sleep disturbance on nights prior to their working day, especially if they had to get up early in the morning to go to work.
- The hours proposed would mean the premises will be open for longer than any other licenced premises on West Green Road.
- All the other premises in the area Sunday to Thursday closed around 23:00 or 23:30 and at 01:00 on Friday and Saturday.
- If the application was granted with the hours applied for, then patrons would be leaving from other establishments that closed earlier and make their way to the premises and become even more intoxicated.
- Other operators in the area would hear about the hours granted by the Sub-Committee and would apply to vary their operating hours.
- This would have an effect in the whole area, disrupt disrupting residents, quality of life and peace in their house.
- She objected to the hours requested and thought they were excessive given the geographical and the proximity to resident homes.
- If the applicant agreed and accepted operating hours in line with other premises in the area which was a terminal hour of 23:00 Sunday to Thursday and 01:00 Friday and Saturday, she would not object to that.

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

- The initial representation raised concerns about the proposed hours of operation. The offer of late-night refreshment until 02:00 on Fridays and Saturdays, along with the concerns regarding the operating schedule did not provide sufficient detail.
- Discussions had been held with the applicant to clarify their proposed business model. The applicant had clarified that the premises would not be a nightclub but a 'sit-down' restaurant.
- Operational aspects of the business had been discussed and concerns had been addressed, namely, noise from public nuisance. The only remaining issue was the issue were the operating hours.
- Planning had clarified that the hours of operation requested by the applicant were not in accordance with the planning permission. The permission stipulated that the operating hours should be shorter than the hours applied for.
- There was no objection to the application in principle or the provision of late-night refreshment. However, the operating hours requested exceeded permitted hours and were not in accordance with the planning permission.

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

- She would accept the Police's proposed terminal hour of 23:00 Sunday to Thursday and 01:00 Friday and Saturday.

To summarise, Mr Semper stated that the silent party in this application was a resident who had objected to the application, but was unable to attend the meeting. The resident had raised concerns about crime and disorder in the area and feared that granting the application could exacerbate issues. The representation described the premises as a bar within a club, which aligned with the behaviours observed outside vertical drinking establishments. It was crucial to emphasise that the premises would offer an intimate dining experience for couples who primarily consumed alcohol as an ancillary purchase to a substantial table meal. He appreciated the Police's suggestions for the application, however, he found it difficult to accept the notion that after 23:00, drunken patrons would descend upon an intimate dining

establishment and cause disruptions. The scenario did not align with the customer clientele or the applicant's business objectives. The application was supported by a comprehensive set of effective conditions and he hoped the Sub-Committee would grant it.

To summarise, PC Pantelitsa expressed objection to the application's terminal hours of 01:00 and 02:00. Whilst the applicant had clarified that the premises was generally for couples, the premises would host parties possibly with up to 15 guests. The specific food and beverages of these patrons remained uncertain. The restaurant's current designation as a "couples-only" establishment, but there were no other restaurants that exclusively catered to couples. There were potential risks associated with hosting parties at the premises, including the possibility of intoxicated guests engaging or loud talking. The premises needed to adhere to the established 23:00 terminal hour along with the 01:00 terminal hour for Fridays and Saturdays.

To summarise, Ms Jennifer Barrett stated that there was some a lack of clarity in the initial application as to the business model and this had been clarified. The applicant had specified the hours requested, but this was in excess of what was currently permissible under the planning regulations. If the applicant was minded to consider the hours as suggested by the Police, she would have more comfort about the applicant's ability to implement the public nuisance controls.

The Sub-Committee would later withdraw to consider the application.

#### RESOLVED:

The Licensing Sub Committee carefully considered the application for a Premises License at 78 West Green Road, Tottenham, N15 5NS.

In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, and the applicant's and objector's representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application subject to the conditions below:

#### **Late Night Refreshment**

Sunday to Thursday 2300 to 0100 hours  
Friday to Saturday 2300 to 0200 hours

#### **Sale of Alcohol**

Sunday to Thursday 1100 to 2300 hours  
Friday to Saturday 1100 to 0100 hours subject to planning restrictions being varied  
Supply of alcohol **ON** and **OFF** the premises.

**The above licensable activities extended to 0200hrs on Valentine's Day, Christmas Eve and New Year's Eve.**

#### **Hours open to Public**

Sunday to Thursday 1100 to 0100 hours  
Friday to Saturday 1100 to 0200 hours

**Extended to 0200hrs on Valentine's Day, Christmas Eve and New Year's Eve.**

#### **CONDITIONS:**

**The Committee requires the Applicant to adhere to the Conditions proposed by**

**the Applicant at pages 17-19 of the Committee papers (sections 18-21 of the Application pack) in addition to the following conditions:**

1. There must be no alcohol drunk outside the premises.
2. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
3. The supply of alcohol shall be by waiter or waitress service only.
4. All sealed containers of alcoholic drinks sold for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.
5. No more than 3 smokers outside the premises at any one time.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

#### REASONS:

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors.

It was noted that there were objections to the very late hours proposed by the applicant from both the Police and the Noise Team. Those objections can be summed up by the view there would be a contravention of the principle to prevent public nuisance and crime and disorder. It was very likely that customers leaving at such late hours may be intoxicated causing significant sleep disturbance, likely to cause noise nuisance. It was also noted by the Police that other premises close earlier and their patrons may be tempted to come to this establishment due to its late hours thereby causing further nuisance on leaving.

It was noted, to the credit of the applicant that he had agreed additional conditions with the Police to alleviate the above concerns and the notice team also indicated that there was no objection in principal once these conditions were agreed- save the late hours being in excess of the current planning permission. That also remained the objection of the Police, particularly as the hours requested would be well in excess of the times for similar nearby premises. The Applicant maintained that the business was mainly a restaurant for couples to create a romantic environment. However, the Police representations maintained and the Committee found credible, that it was more than likely the restaurant would operate like all Restaurants with more than just couples as clientele and would as normal attract groups and parties.

It was also noted and acknowledged by the Applicant that there is in fact a planning restriction in place which means, even if the Committee granted the extra hours the applicant cannot operate beyond 0700-2300 hours. The Applicant gave assurances that the premises would not operate beyond these hours, even if granted until planning permission was obtained.

It was evident to the Committee that the late sale of alcohol in such a premises would contribute to potential public nuisance and & disorder and agreed to reduce to the hours for late sale of alcohol to 11pm, as per the norm with similar business and the planning restriction, but did allow up to 1am on Fridays and Saturdays (subject to the planning restriction), which is again in line with nearby business.

In light of the above, it was deemed that a grant of the application with the above variations and conditions balanced the interest of the applicants, the residents and the licencing objectives.

### **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 applicant is notified of the decision. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

## **7. APPLICATION FOR A NEW PREMISES LICENCE AT CHEZ NICKY, 295 WEST GREEN ROAD LONDON N15 (ST ANNS)**

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

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

- The application sought sale of alcohol from 07:00 Monday to Thursday until 00:00 Friday to Sunday. The premises would be open to the public from 07:00 to 02:00. The application also sought late night refreshment and regulated entertainment until 02:00.
- There were various additional days that were specified in the application such as Christmas Eve, Christmas Day, New Year's Eve and New Year's Day where the application sought operating hours from 07:00 until 03:00. This included the day preceding bank holidays.
- Representations had been received from the Police, the Noise team and a resident.
- The premises had a rear area which has had been operated as a shisha area and the applicant's representative had stated that it would be used as a shisha area.
- The rear area of the premises did not have planning permission to operate as a shisha lounge or as a restaurant, as it was still designated as a garage. However, the applicant intended to operate it differently.
- The application included a dispersal policy and representations had been received from the Police and Noise team.
- The applicant's representative had agreed to reduce the hours of operation. The proposed terminal hour was 23:00. However, the applicant's representative had subsequently requested that the rear area be allowed to remain open until 02:00. This would have been the most noise-sensitive area, as it was not properly structured.

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

- Shisha smoking was not a licensable activity. It was rare to receive applications stating that the premises would be used for shisha smoking. This information was usually found out long after the application was submitted and usually by then, shelters would have been built and often they were non-compliant or had planning permission.

### **Presentation by the applicant**

Mr Olusola, representing the applicant, informed the Sub-Committee that:

- The application sought the following licensable activities: supply of alcohol Monday to Thursday from 07:00 to 00:00 and on 07:00 to 02:00 Friday to Sunday, playing of

recorded music from 23:00 to 02:00 Friday to Sunday, late night refreshment, 23:00 to 02:00 Friday to Sunday.

- The application also requested special timings for Christmas Eve and New Year's Eve which would be 10:00 to 03:00.
- Representations had been received from the Police, Noise team and a resident. The Police based their objections on the four licensing objectives and believed that the requested timings were excessive due to the geographical location and proximity to the residents.
- When considering the weekend timings, the applicant had included a comprehensive set of conditions. Approximately 23 conditions were attached to the application.
- In accordance with the Police's recommendations, the applicant agreed to the stipulated conditions, with the exception of the prohibition on patrons from accessing the rear side of the premises from 22:30 onwards.
- In light of the recent information regarding the rear side of the premises, the applicant had come to the conclusion that patrons could not use that part of the premises.
- The sale of alcohol would commence at 11:00 on Sunday to Thursday and conclude at 23:30. On Friday and Saturday, the sale of alcohol would commence at 11:00 and conclude at 00:30.
- Additionally, recorded music would only be for Fridays and Saturdays from 23:00 to 00:30. These modifications had been approved by the Police.
- In relation to the objection from the Noise team, there were approximately three issues that required attention.
- The first was the applicant outlining the use of the rear of the premises to confirm it was intended to be used for shisha smoking. Half of the premises was also required to be unenclosed to be for shisha smoking to take place.
- In order to have shisha smoking, the applicant had to comply with the recommendations of Environmental Health who would conduct a visit to the premises. The applicant had to also complete a planning application.
- The applicant also had to agree to some recommended timings and conditions, which aligned with the Police's recommendations. The applicant agreed with the proposed conditions with one exception and this was for a condition requiring the applicant to employ SIA staff on all days of the week. The applicant proposed that the SIA staff be employed on Fridays and Saturdays only as those were the only days that the premises would operate until 01:00.
- The applicant had a dispersal policy and this applicant and management intended to do to ensure that all licensing objectives were met, including promoting public safety and preventing public nuisance.

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

- The primary hour for the sale of alcohol would be amended so that alcohol would be sold from 11:00 on all days of the week.
- The area where alcoholic drinks would be sold was secure and was located behind the 'bar' so anybody coming into the premises cannot simply have access to the alcohol. A Challenge 25 policy would also be used.
- The applicant was not rigid on the opening times.
- The music would be put at a reasonable level. In one of the proposed conditions, it was mentioned that a noise limiting device would be installed and would be fitted to the music amplification system. The music would not disturb the neighbours.
- This music generated on the premises or any associated band emanating from the premises would not give rise to any nuisance.



- A dedicated phone number of the DPS or contact person at the premises will be displayed. If any of the residents had any concerns, then they would have a direct contact number which would be displayed at the premises.
- The Noise team also recommended that a sound engineer would conduct an assessment to make sure that noise would not come out of the premises and disturb neighbours.
- Smoking was covered in the dispersal policy - not more than three people would be allowed outside, at any point in time to smoke. It would also be monitored by the DPS.
- Patrons would not be allowed to take alcohol outside 30 minutes before the close of the premises.
- Recorded music would only be used to create ambiance for the entertainment of the patrons that come on that premises. It would not be loud. It was quite a small premises anyway.
- The extension at the back area would not be used until an assessment had been carried out.
- The outdoor area would be closed at 22:30.

At this point in the proceedings, Ms Barrett stated that the applicant's representative had stated that the rear area would not be in use until any planning issues had been resolved. However, should the licence be granted the applicant could still offer the use of the rear area during the daytime up until 23:00 along with recorded music. The application had originally requested the playing of recorded music until 02:00, but the applicant's representative had stated that this would no longer be the case and would agree to the hours requested by the Police. This implied that the premises would close at 00:00 or 00:30.

### **Presentation by interested parties**

PC Pantelitsa informed the Sub-Committee that:

- The applicant had appeared to agree to the terminal hour of 22:30 for the rear area which had been requested by the Police.

Ms Charlene Thornycroft, Noise, informed the Sub-Committee that:

- Her main concern was the terminal hour of 02:00 for licensable activity on Friday and Saturday and the hours that the premises would be open to the public generally.
- There was concern regarding the noise from amplified music.
- The use of the rear area appeared to have been agreed by the applicant and therefore she had nothing further to say on the matter.

Ms Bernadette McCann informed the Sub-Committee that:

- She was opposed to any music being played after 00:00.
- She had concerns regarding noise as the premises was close to her bedroom window.
- It was not likely anybody could provide any guarantees regarding limiting noise.
- Patrons would spill out onto the pavement area outside creating noise.
- She would be disappointed if the application was granted as it would lower the tone of the area and cause huge problems with noise for local residents.
- She had no issues with the consumption of food at the premises, but the music after 00:00.

- The premises appeared to be an entertainment venue and the premises actually operated as a nightclub.

At this point in the proceedings, the Licensing Officer stated that the premises did not operate as a nightclub as far as she was aware.

To summarise, PC Pantelitsa stated that there were concerns that had been raised originally as per the objection made by the Police. She would ask that if the Sub-Committee were minded to grant the application, then it should be subject to the conditions that the applicant had agreed at this meeting. This included the use of the outside area.

To summarise, Ms Thornycroft stated that the conditions were reasonable and proportionate and would have a minimal impact in the local area.

At this point in the proceedings, Mr Max Lemba stated that he was concerned that the rear area would not be allowed for use and would appreciate if the use of the rear area could be granted as there was not enough seating area at the front. Noise could be controlled.

The Licensing Officer stated that the applicant's representative had informed the Sub-Committee that the rear area would not be used until any planning issues had been dealt with. The area did not have any insulation or any barrier to stop noise and therefore there would be no noise barrier to residents.

Mr Lemba stated that the rear area would be used as a seating area where patrons could each have a quiet drink, not used for shisha. The area would be changed to have it completely soundproof.

PC Pantelitsa stated that if the area was going to be used for eating, the area needed to close at 22:30.

Mr Lemba stated that the premises had small speakers, the area would be soundproofed and the music would not be played loudly.

Ms Thornycroft, stated that no amplified sound should be allowed to be played at the premises.

Ms McCann stated that the applicant trying his best to control the noise was not reassuring enough as the rear area was an open area between the premises residents and the noise would travel into residents' homes.

At 8:36pm, the Sub-Committee withdrew to consider the application.

#### RESOLVED:

The Licensing Sub Committee carefully considered the application for a Premises License at Chez Nicky, 295 West Green Road, London, N15.

In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, and the applicant's and objector's representations.

Having considered the application and heard from all the parties, the Committee decided to GRANT the application subject to the conditions below:

**Regulated Entertainment:**

Recorded Music Friday to Saturday 2300 to 0030 hours

**Late Night Refreshment:**

Friday to Saturday 2300 to 0030 hours

**Recorded Music & Late Night Refreshment on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day from 2300 to 0130 hours.**

**Sale of Alcohol**

Sunday to Thursday 1100 to 2330 hours

Friday to Saturday 1100 to 0030 hours

Supply of alcohol ON premises

**Christmas Eve, Christmas Day, New Year's Eve and New Year's Day 1100 to 0130 hours.**

**Hours open to Public**

Sunday to Thursday 0700 to 0000 hours

Friday to Saturday 0700 to 0100 hours

**Christmas Eve, Christmas Day, New Year's Eve and New Year's Day from 10:00 to 0200 hours.**

**CONDITIONS:**

The Committee requires the Applicant to adhere to the Conditions proposed by the Applicant at pages 69-70 & 79-81 of the Committee papers (section M of the Application pack) in addition to the following conditions:

1. Any recorded music being played must have a noise limiter.
2. Alcohol shall not be supplied otherwise than to persons taking table meals for consumption by such persons as ancillary to the meal.
3. Should the premises remain open for non-licensable activities customers shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.
4. No more than 3 persons shall be permitted to smoke outside the front of the premises at any one time. The area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance.
5. Notices shall be displayed in the area specifying the terms of its use and asking patrons to use the area quietly.
6. Staff shall actively discourage patrons from congregating around the outside of the premises.
7. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

8. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
9. Deliveries will not be made to the premises between the hours of 18:00 and 09:00 hours.
10. Couriers collecting orders to act in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
11. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and pedestrians by not gathering in groups or loitering outside the premises. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
12. The outside garden area to be closed to all patrons at all times.
13. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
14. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
15. Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and be accompanied by an adult. If there is no one available to take in the delivery, the courier shall not leave it in an unattended safe place for collection later. It can be left with a neighbouring property only if the Challenge 25 condition above is taken into account.
16. Delivery can only be made to a domestic dwelling or place of business.
17. Toilets at the premises shall be checked for any sign of drug use on average of every two hours between 18:00 hours and closing time. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police upon request.

#### REASONS:

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors.

It was noted that there were objections to the very late hours proposed by the applicant from both the Police and the Noise Team. Those objections can be summed up by the view there would be a contravention of the principle to prevent public nuisance and crime and disorder. It was very likely that customers leaving at such late hours may be intoxicated causing significant sleep disturbance, likely to cause noise nuisance. The resident indicated that there would be significant disturbance to her enjoyment of her property which was directly above the premises.

The Committee were also particularly concerned about the very early hours for alcohol sales proposed, given two local schools nearby, hence the later hours agreed for opening for alcohol sales.

There was also a distinct lack of any plans for managing sales and delivering off the premises or plans to limits gathering, delivery rider traffic, noise, congregating or facilities for them hence the refusal to grant OFF premises sales of alcohol.

There was some confusion with regards to the application as it was not entirely clear what was being sought. Initial the representative for the applicant clearly indicated that they were agreeable to all the conditions proposed by the Police and most importantly would not be using the rear/garden area for the purposes of the business. On that basis both the police and Noise Team withdrew their objections on the proposed conditions.

However, contradicting his own representatives, the Applicant later indicated, that although he agreed with the conditions and timings, he still wanted to use the rear/garden areas. Despite the confusion the Committee resolved to take that as the basis of the application as it was made directly by the Applicant.

It was noted, to the credit of the applicant that he had agreed additional conditions with the Police to alleviate the above concerns and the notice team also indicated that there was no objection in principal once these conditions were agreed.

The Committee note objections that the late hours and alcohol sales would turn the restaurant into a nightclub-, but accepted the applicant's representations that it was an ordinary Restaurant seeking to play some ambient background music.

It was also noted and acknowledged by the Applicant that there is in fact a planning restriction in place which means the rear/garden area could not be used in any event.

It was evident to the Committee that the late sale of alcohol in such a premises would contribute to potential public nuisance and & disorder and agreed to reduce to the hours for late sale of alcohol to the times above.

In light of the above, it was deemed that a grant of the application with the above variations and conditions balanced the interest of the applicants, the residents and the licencing objectives.

### **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 applicant is notified of the decision. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

CHAIR:

Signed by Chair .....

Date .....