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## Licensing Sub-Committee A

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TUESDAY, 14TH FEBRUARY, 2006 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Haley (Chair), Beacham and Rice

### **AGENDA**

**1. APOLOGIES FOR ABSENCE:**

**2. URGENT BUSINESS:**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at Item 10 below).

**3. DECLARATIONS OF INTEREST:**

A member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

**4. MINUTES: (PAGES 1 - 4)**

To approve the minutes of the previous meeting of the Licensing Sub-Committee A held on 13 December 2005 (attached).

**5. SUMMARY OF PROCEDURE: (PAGES 5 - 8)**

The Chair will explain the procedure that the Committee will follow for each of the hearings considered. A copy of the procedure is attached.

**6. ASEQUBAMICHAEL RESTURANT, 52 WIGHTMAN ROAD N4 (HARRINGAY):  
(PAGES 9 - 12)**

To consider an application for a NEW Premises License.

**7. JAH MEK YA RESTURANT & WINE BAR, 513 SEVEN SISTERS (SEVEN SISTERS  
WARD)**

To consider an application for a NEW Premises License.

**8. ITEMS OF URGENT BUSINESS:**

To consider any new items admitted under item 2 above.

**YUNIEA SEMAMBO**  
**Head of Member Services**  
5<sup>th</sup> Floor  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

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**MINUTES OF THE LICENSING SUB-COMMITTEE A (2003 LICENSING ACT)**  
**13 December 2005**

Councillors \*Haley (Chair), \*Reynolds \*Beacham

\* denotes members present

**LCA66 APOLOGIES FOR ABSENCE** (Agenda Item 1)

No apologies for absence were received.

**LCA67 URGENT BUSINESS** (Agenda Item 2)

No items of urgent business were received.

**LCA68 DECLARATIONS OF INTEREST** (Agenda Item 3)

No declarations of interest were made.

**LCA69 DEPUTATIONS/PETITIONS** (Agenda Item 4)

No deputations or petitions were received.

**LCA70 MINUTES OF 1 NOVEMBER AND 23 NOVEMBER MEETINGS:** (Agenda Item 5)

**RESOLVED:**

1. That the minutes of the meeting of Licensing Sub-Committee A on 1 November 2005 be approved as an accurate record.
2. That the minutes of the meeting of Licensing Sub-Committee A on 23 November be approved subject to the correction of the first part of the final sentence to read "Informed by the Chair that the applicant take on board the suggestion of the objectors..."

**LCA71 LOCAL SHOPPING, 171 PARK LANE, N17** (Northumberland Park Ward) (Agenda Item 6)

The Licensing Officer, Ms Barrett, presented the report to the Committee. She informed members that no objections to the application had been received from the Police, Enforcement Services, the Food Team, the Health and Safety team, Trading Standards, Safer Communities Service or the Fire Officer. However, the Planning Officer had made a representation on the matter.

Ms Barrett stated the Planning Service was concerned that the applicant, who held a lease from Haringey Council for the shop, had moved the toilet and kitchen facilities from the rear of the shop and installed them in the rear yard. This had been done without seeking planning permission. Haringey Council, as the landlord, had also not given consent for this to be done.

**MINUTES OF THE LICENSING SUB-COMMITTEE A (2003 LICENSING ACT)  
13 December 2005**

Ms Barrett informed the Committee the Planning Service were considering enforcement action. In addition, Property Services stated they were investigating taking action as the landlord.

The Committee was advised by the representative from Legal Services, Mr Mitcheson, that the concerns expressed about the tenants' breach of covenant were not relevant to the deliberations of Licensing Committee. This was because they did not relate to the licensing function of the authority but to its functions as a landlord and as a planning authority.

In her application, the applicant, Mrs Cicekli, had stated that there would be two people on duty in the shop who would be able to sell alcohol. The Committee asked Mrs Cicekli who those people would be.

Mrs Cicekli informed the Committee that she and her husband would be the two people on the premises who would be selling alcohol.

Mrs Cicekli stated that she was currently in possession of a personal licence to sell alcohol. However, this licence was an old licence. She stated that she was in the process of applying for a new licence.

**RESOLVED:**

That the application for a new premises licence be granted, subject to the following conditions:

1. The statutory mandatory conditions 19 to 21 of the Act;
2. That the recommendations of the Child Protection Authority on proof of age be complied with ;
3. That the provisions of the operating schedule be enforced;
4. That the designated premises supervisor be in possession of a valid personal licence; and
5. That the licensing officer be shown the current personal licence of any people named as designated premises supervisors.

**LCA72 ICE BAR, 18-20 PARK ROAD, CROUCH END, N8** (Crouch End Ward)  
(Agenda Item 7)

The Licensing Officer, Ms Barrett, presented the report on this application. It was an application for a new premises licence for the sale of alcohol and regulated entertainment as the old licence had expired.

Ms Barrett said representations had been received from the Metropolitan Police. They had requested that two accredited door supervisors be on duty while the premises were open.

**MINUTES OF THE LICENSING SUB-COMMITTEE A (2003 LICENSING ACT)  
13 December 2005**

The Noise Team had provided details of previous complaints and correspondence relating to the Ice Bar. This was in Appendix 2 of the report.

The objector, Ms Wallace, addressed the meeting. She was a resident of the flat above the premises. She stated that the noise from the customers of the bar was excessive and that the smell from cigarettes smoked inside and outside the bar was entering her flat. She also claimed that there had been disorder outside the bar previously.

The applicant, Mr Cooney, responded to the points made in objection. He stated that a full survey had been done by surveyors and acoustic specialists. Noise-proofing measures had been brought in. However, some of the noise-proofing work had been negated by the lowering of the floor in the flat above.

Mr Cooney stated that given the report of surveyors that the noise problems had been significantly worsened by the actions of the objector in lowering the floor of her flat, the Noise Team had lifted the noise abatement order that they had previously taken out against the Ice Bar.

**RESOLVED**

That the application be granted in full, subject to the following conditions:

1. The statutory mandatory conditions in sections 19 to 21 of the Act;
2. That the provisions of the operating schedule be enforced; and
3. That the recommendations of the CPA with respect to proof of age be complied with.

**LCA73 MIZGIN RESTAURANT, 485 GREEN LANES, N4** (Harringay Ward) (Agenda Item 8)

This item was withdrawn from consideration.

**The meeting ended at 20:40 hrs**

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**Councillor BRIAN HALEY**  
Chair of Licensing Sub-Committee A

Date.....

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<p><b><u>LICENSING SUB-COMMITTEE HEARINGS</u></b>  <b><u>PROCEDURE SUMMARY</u></b></p>	<p>Tick box to record action / decisi on</p>
<p><u>INTRODUCTION</u></p>	
<p>1. The Chair introduces himself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.</p>	
<p>2. The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them</p>	
<p>3. The Chair explains the procedure to be followed by reference to this summary which will be distributed.</p>	
<p><u>NON-ATTENDANCE BY PARTY OR PARTIES</u></p>	
<p>4. If one or both of the parties fails to attend, the Chair decides whether to:</p>	
<p>(i) grant an adjournment to another date, or</p>	
<p>(ii) proceed in the absence of the non-attending party.</p>	
<p>Normally, an absent party will be given one further chance to attend.</p>	
<p><u>TOPIC HEADINGS</u></p>	
<p>5. The Chair suggests the “topic headings” for the hearing.</p> <p>In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:</p> <p><b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b></p>	
<p>(i) the prevention of crime and disorder,</p>	
<p>(ii) public safety,</p>	

(iii) the prevention of public nuisance, and	
(iv) the protection of children from harm.	
6. The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.	
<u>WITNESSES</u>	
7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.	
8. <u>Only</u> if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.	
<u>DOCUMENTARY EVIDENCE</u>	
9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.	
10. If so, the Chair will ask the other party if they object to the admission of the late documents.	
11. If the other party <u>do object</u> to late admission, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i) What is the reason for the documents being late?	
(ii) Will the other party be unfairly taken by surprise by the late documents?	
(iii) Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv) Is the late evidence really important?	
(v) Would it be better and fairer to adjourn to a later date?	
<u>THE LICENSING OFFICER'S INTRODUCTION</u>	
12. The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and	



<p>the comments of the other Council Services or outside official bodies. This should be as “neutral” as possible between the parties.</p>	
<p>13. The Licensing Officer can be questioned by Members and then by the parties.</p>	
<p><u>THE HEARING</u></p>	
<p>14. This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:</p>	
<p>(i) an introduction by the Objectors' main representative</p>	
<p>(ii) an introduction by the Applicant or representative</p>	
<p>(iii) questions put by Members to the Objectors</p>	
<p>(iv) questions put by Members to the Applicant</p>	
<p>(v) questions put by the Objectors to the Applicant</p>	
<p>(vi) questions put by the Applicant to the Objectors</p>	
<p><u>CLOSING ADRESSES</u></p>	
<p>15. The Chair asks each party how much time is needed for their closing address, if they need to make one.</p>	
<p>16. Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.</p>	
<p><u>THE DECISION</u></p>	
<p>17. Members retire with the Committee Clerk and legal representative</p>	

<p>to consider their decision including the imposition of conditions.</p> <p>The decision is put in writing and Members return to the meeting.</p>	
<p>18. The Chair should read out the following statement before asking the Committee Clerk to read out in public a summary of the Committee's Decision:</p> <p><i>“The Committee Clerk will read out a summary of the Committee’s Decision. The Parties will receive a written Decision Notice in which the Decision will be formally set out. Please note that the written Decision will be substantially the same although the wording might vary slightly from the summary read out.”</i></p>	

**Licensing Act 2003 Sub-Committee on 14<sup>th</sup> February 2006**

<b>Report title: Application for a New Premises Licence ASEQUBAMICHAEL RESTURANT, 52 WIGHTMAN ROAD, LONDON, N4 1RU</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected: HARRINGAY</b>	
<b>1. Purpose</b>  <b>To consider an application by ALMAZ SEREKE EQUBAMICHAEL to provide a licensable activity in the form of Sale of Alcohol</b>	
<b>2. Recommendations</b>  <b>2.1 (a) Grant the application as asked</b> <b>(b) Modify the conditions of the licence, by altering or omitting or adding to them</b> <b>(c) Reject the whole or part of the application</b>  <b>The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.</b>	
<b>Report authorised by: Robin Payne.....</b> <p style="text-align: right;"><b>Assistant Director Enforcement Services</b></p>	
<b>Contact Officer: Ms Daliah Barrett</b>	<b>Telephone: 020 8489 5103</b>
<b>3. Executive summary</b>  <b>For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence</b>	
<b>4. Access to information:</b>  <b>Local Government (Access to Information) Act 1985</b> <b>Background Papers</b> <b>The following Background Papers are used in the preparation of this Report:</b> <b>File: ASEQUBAMICHAEL RESTAURANT</b>  <b>The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22</b>	

## 5. REPORT

### Background

5.1 Application by **ALMAZ EQUBAMICHAEL**, for a New Premises Licence in respect of **52 WIGHTMAN ROAD** under the Licensing Act 2003.

### 5.2 Details of new Premises Licence application

#### Opening Hours for Public

Monday to Sunday 11.00 to 02.00

#### Supply of Alcohol

Monday to Sunday 11.00 to 02.00

#### Late Night Refreshment

Monday to Sunday 11.00 to 02.00

### 5.2 Crime and Disorder

Provision of CCTV and Surveillance monitor

### 5.4 Public Safety

Fire safety equipment will be checked regularly and any requirements made by the fire safety officer will be complied with.

### 5.5 Public Nuisance

Signs will be displayed to ensure and reminding customers and staff leave the premises quietly, arrangement are to be made for customers to park their cars in a manner that does not disturb local residence. Arrangement will be made to ensure that any waste bottles from the premises do not cause any detrimental environmental effect in the vicinity.

### 5.6 Child Protection

All staff will be trained that alcohol will only be sold to persons who can produce photographic, identification where there is any doubt of age.

Person under the age of 18 will not be permitted to use any gambling machines.

**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

**6.2 Comments of Enforcement Services:**

Noise team Have no comments on this application.

**Food Team**

Have no objections to this application

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Fire Officer**

The Fire Officer has made a representation against this application.

**6.4 Planning Officer – App 3**

Planning has no objections to this application.

**6.5 Comments of Child Protection Agency or Nominee**

No comments to make on this application.

**7.0 Interested Parties**

No letters of representation have been received against this application.

**8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**

