

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 6 JANUARY 2009**

Councillors Lister (Chair), Newton and Thompson

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB01.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCB02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCB03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCB04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the Licensing Sub Committee B meetings held on 13 March 2007, 13 September 2007, 2 April 2008 and 12 May 2008 be approved.</p>	
LSCB05.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCB06.	<p>DRAGONFLY WHOLEFOODS, 24 HIGH STREET, HIGHGATE, LONDON N6 5DG (CROUCH END WARD)</p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on the application to provide the supply of alcohol at Dragonfly Wholefoods. Ms Barrett reported that the representation made by the Police and Fire Officer had subsequently been withdrawn, and that representations had also been received from the Planning Officer and an interested party.</p> <p>Local residents presented their objections to the application. They requested that the communal passageway used by residents never be used for storage, as this posed a hazard in the event of an emergency, and that the doorway between the communal passageway and the shop be kept locked at all times for additional security. The local residents confirmed that these were the only outstanding issues.</p> <p>In response to the statement given by local residents, the applicant reported that goods were only ever placed in the communal passage for a period of no more than two hours every week or so, when the delivery was being transferred into the shop. In respect of the doorway between the passage and the shop, it was reported that this was never used and that there was no access between the shop and the hallway.</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 6 JANUARY 2009**

	<p>In response to questions from the Committee, the applicant reported that the sale of alcohol would not result in storage problems, as alcohol would account for only a small volume of additional stock, which could easily be accommodated in the existing storage areas.</p> <p>In conclusion, local residents requested that the hallway be kept clear at all times, as it was not possible to predict when an emergency would occur. The applicant concluded by saying that the business did all it could to respect residents, and that the licence would not result in any disturbance.</p> <p>RESOLVED</p> <p>The Committee decided to grant the application as asked, subject to the following conditions:</p> <ol style="list-style-type: none"> 1) The Mandatory Statutory condition under section 19 of the Act. 2) That the licence holder complies with the provisions of the operating schedule. 	
<p>LSCB07.</p>	<p>MIZGIN RESTAURANT, 485 GREEN LANES, LONDON N4 1AS (HARRINGAY WARD)</p> <p>The Licensing Officer, Ms Dale Barrett, reported on an application for a new premises licence at Mizgin Restaurant, for the provision of late night refreshment. Representations had been received from the Noise Team and two interested parties objecting to the application on the basis of the premises' history of non-compliance with licensing conditions, and outstanding issues relating to public nuisance. Ms Barrett advised the Committee that the application was being submitted by a new applicant, but that the previous licensee at the premises was still involved in the management of the business.</p> <p>In response to a question from the Committee, the Licensing Officer confirmed that overall responsibility for the running of the business, including issues such as equipment maintenance, would rest with the leaseholder of the premises, who was the previous licensee.</p> <p>Mr Eubert Malcolm, Enforcement Response Officer, presented his representation on the application, which outlined concerns relating to the previous licensee's continued involvement in the business, the licensing history at the premises and the outstanding issues relating to the modification of the extract ventilation system at the premises. In response to questions from the Committee, the Enforcement Officer confirmed that the conditions imposed by the Magistrates on the previous licence, relating to the upgrading of the extract ventilation system, had not been complied with to date.</p> <p>Mr Ian Sygrave, Chair of the Haringay Ladder Community Safety Partnership, presented his objection to the application and stated that he was also representing the views of a local resident who had submitted a representation but was unable to attend the hearing. Mr Sygrave</p>	

MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 6 JANUARY 2009

reported on the history of late night noise and nuisance at the premises, and the history of enforcement action taken against the licensee, and expressed concern that similar occurrences would happen again if a licence were to be granted, as management of the premises had not changed significantly. Mr Sygrave added that the premises was still in breach of the conditions on its previous licence, and asked the Committee to reject the application in order to promote the licensing objectives.

The applicant, Mr Cuma Ates, introduced himself as part owner of the premises, as well as new night manager with responsibility of running the business after 8pm. Mr Ates reported that he was working to upgrade the extraction system and that a company had been engaged to carry out sound readings although, due to the Christmas break, these were not yet available. The applicant understood residents' concerns, but reported that he was committed to improving the noise issues relating to the extraction system and that he would comply with all the recommendations made by the Council. Mr Ates added that the concerns raised related to the way in which the business had been run previously, but that he would work to ensure that the same issues were not repeated if a new licence were granted and that, since he had been involved in the business, there had been no complaints other than that referred to in the written submission to the Committee. Mr Ates requested that the Committee grant the licence and allow Mizgin to compete with other local businesses, to whom it was currently losing trade from customers wishing to eat after 11pm.

In response to questions from the Committee, the applicant confirmed that he would take full responsibility for all matters occurring after 11pm, and for the issues relating to the extraction unit. The Committee enquired about Archway Metals, the company engaged to carry out the works required by the Magistrates at the premises. The applicant reported that it had not been possible to present full details of the readings carried out by the company due to unavailability of staff over the Christmas break, otherwise these would have been included. The Enforcement Officer reported that the report provided by the company contained insufficient data to demonstrate that they were acoustic specialists, and that further information would be required in order to demonstrate their experience in sound insulation matters. It was also emphasised that the agreement of the Council would be required in advance of any works being carried out. The applicant confirmed that he would be happy to co-operate fully with the Council and understood the requirement that all works and the contractor used must be agreed with environmental health in advance.

The Committee asked the applicant about the need for additional hours. The applicant responded that the premises needed to increase the number of customers, and that the present closing time of 11pm meant that they were losing customers to local competitors who were open later.

In response to a question from the Council's Legal Officer, Mr Ates

MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 6 JANUARY 2009

confirmed that he had been involved in the business as a part-owner for three months.

In conclusion, Mr Sygrave recommended that the application be refused until all the necessary works to the extraction unit had been completed and tested.

The applicant concluded by saying that the premises was doing its best to comply with the conditions previously imposed by the Magistrates and that any nuisance caused to residents would also be a nuisance to customers, so it was in everyone's interest to resolve the outstanding issues.

RESOLVED

The Committee considered the application by Cuma Ates for a premises licence at Mizgin Restaurant and decided to refuse the application.

The Committee considered the written representation of the Enforcement Response Officer, Ladder Community Safety Partnership and Mr Sharman and the oral evidence given at the hearing.

The Committee considered that there was a long history of nuisance and non-compliance with conditions on the licence of the premises. The Committee was satisfied that Mr Kovaycin is still the principal stakeholder in the business and involved in the day-to-day management of the Mizgin restaurant. The change of management after 11pm would not make a significant difference to the management of the premises.

The Committee considered the previous prosecutions for non-compliance with the licence and the revocation of the previous licence. The Committee also had regard to the fact that the Magistrates' Court had upheld the revocation of the licence only four months previously.

The Committee was satisfied that the problems with the extractor fan have not yet been resolved. Given the history of the site and non-compliance with conditions on the licence, the Committee was not satisfied that a condition that required a consultant's recommendation to be implemented and agreed with the Council would be adhered to. The Committee also considered that, based on previous problems, any condition relating to the time of closing might not be complied with.

The Committee was satisfied that it was necessary to refuse the application in order to uphold the licensing objective of the prevention of public nuisance.

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 6 JANUARY 2009**

LSCB08.	NEW ITEMS OF URGENT BUSINESS There were no new items of urgent business. The meeting ended at 21:45hrs.	
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Cllr Harry Lister

Chair