

**MINUTES OF THE LICENSING SUB-COMMITTEE B
TUESDAY, 12 JANUARY 2010**

Councillors Demirci, Newton and Patel

Apologies Councillors Lister and Thompson

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Lister, for whom Cllr Patel was acting as substitute, and from Cllr Thompson, for whom Cllr Demirci was acting as substitute.</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>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCB05.	<p>APPLICATION FOR A NEW PREMISES LICENCE AT TROCADERO, 12 ST LOYS ROAD, TOTTENHAM, LONDON N17</p> <p>At the start of the hearing, the applicant's representative, Mr Hopkins, made representations against the Police Community Support Officer present addressing the hearing, as he had not been the officer who had produced the written representation submitted and insufficient notice had been provided. Mr Hopkins additionally reported that all the conditions put forward by the Noise Team had been accepted by the applicant, and that the request for tables and chairs outside the premises and for off-sales to be permitted had been withdrawn.</p> <p>Mr Parker, Metropolitan Police, advised that the officer who had written the police representation was unable to attend due to an injury, but that the Community Support Officer present would be able to confirm the content of the written representation. The Committee was advised by the Legal Officer that they had the right to waive the rule that 10 days written notice be given for witnesses, and that the Community Support Officer present could speak regarding the content of the submission made, but could not introduce any new evidence. It was noted that this was the same for the noise team officers where, due to shift patterns, it was not possible for the officer who had made the written representation to attend the meeting. The Committee agreed that the Community Support Officer could address the hearing, and that due weight would be given to the evidence provided.</p>	

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Dale Barrett, Licensing Officer, reported that the issue of tables and chairs outside the premises was covered by a separate enforcement regime, and was not an issue for consideration by the Committee. Ms Barrett also asked for clarification on whether the applicant accepted the noise team's representation on the operating hours being inappropriate due to the close proximity of local residents, in response to which Mr Hopkins reported that the applicant accepted all the conditions proposed by the noise team. Hours of operation would be an issue for consideration by the Committee.

Ms Barrett presented the report on an application for a new premises licence at Trocadero to allow the provision of regulated entertainment, supply of alcohol and provision of late night refreshment at the premises. Representations had been received from the noise team and Metropolitan Police, and from a local resident, who referred to problems with antisocial behaviour in the area. In response to a question from the Committee, Ms Barrett reported that no representation had been made by the fire authority on the grounds that the recommendations submitted in writing directly to the applicant be implemented in full. The applicant confirmed that they had met with the fire officer and agreed to carry out all the works recommended.

PCSO Tom Marshall spoke on behalf of the written representation submitted by PC Green, and confirmed that the statement made was true. PCSO Marshall reported that the dispersal order and no-alcohol zone were still in place and that there had been issues with litter in the area around the premises. It was also reported that there were always groups of men in the area, and that the application did not make it clear how the premises would address this, particularly if smokers were congregating outside. PCSO Marshall reported that there was also a risk that anti-social behaviour in the area of the premises would divert resources away from the Police, as it would not be possible for the Safer Neighbourhoods Team to monitor the premises at all times.

The Committee asked how it was possible to identify that the litter in the area came from the premises, and not elsewhere, in response to which it was reported that the litter was commercial in nature, and very unlikely to have come from the nearby residential properties. It was also reported that the amount of litter dumped had reduced while the premises had ceased trading.

Derek Pearce, Enforcement Response, presented the representation of the noise team. Mr Pearce expressed concern regarding the proposed hours for regulated entertainment in a residential area and advised the Committee that a number of conditions had been proposed to address the concerns relating to noise, particularly the condition that no music shall be audible at or within the site boundary of any residential property. In response to a question from the Committee, it was confirmed that no customers would be permitted to take alcohol purchased on the premises outside, even to smoke. It was reported that any groups outside the premises would be subject to the dispersal order in place

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and would be asked to leave.

Mr Hopkins, the applicant's representative, addressed the Committee, and reported that the applicant only intended to play recorded music at a background level. Mr Hopkins advised the Committee that the applicant held a personal license and would provide written authority for his staff to sell alcohol. It was also reported that the applicant would put up a notice restricting the number of smokers permitted outside at any one time to three. The premises would be operated as a restaurant serving the African community, and it was emphasised that individuals drinking alcohol in the street outside were not related to the premises, especially as the premises was not trading at the present time. The applicant confirmed that customers would not be permitted to take any alcohol purchased on the premises outside and that two members of staff would be on the premises during operating hours to ensure that no alcohol was taken outside. It was confirmed that digital CCTV would be installed and would be of the standard required by the Home Office, and that the applicant would liaise with the police. Mr Hopkins advised that the applicant had agreed to all the conditions recommended by the noise team. Staff were trained in fire safety, and a fire risk assessment would be carried out.

Mr Hopkins reported that there was no direct link between the premises and the anti-social behaviour referred to by the police and local resident. In relation to the complaints of public urination, the Committee was advised that the premises had two toilets, and so it was unlikely that these incidences would be related to customers from the premises. The applicant accepted the concerns regarding customers talking loudly outside the premises, and in order to address this the applicant had agreed to notices reminding customers to be quiet when outside and any customer not abiding by this would be required to leave. Mr Hopkins reported that the applicant denied that the litter referred to by the police was related to the premises, and noted that environmental health had not made any representations on this matter. The applicant was happy to enter into a commercial waste contract agreement with the Council, in order to allay any concerns in this regard.

Mr Hopkins concluded by reporting that the premises would operate as a community restaurant, and that the objections put forward were speculative. Any problems with street drinking in the area were unrelated to the premises, as it was not trading at this time. The Committee was reminded that, were they minded to grant the application, all the conditions suggested by the noise team had been accepted, and that in the unlikely event that any problems were caused by the premises, residents had the opportunity to apply for a review of the licence. The applicant was taking his responsibilities seriously, and taking steps to address all the issues raised. The Committee was asked to grant the application.

The Committee asked about the previous incident referred to in the police statement, when alcohol was being sold at the premises without a licence. The applicant confirmed that this had been the case, but that

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this was the only occasion on which this had happened and that alcohol was not being sold at the premises now. In response to concerns raised by the Committee regarding there only being a single fire exit, the applicant confirmed that he had been concerned about this issue as well, but that the fire officer had advised that due to the small size of the premises and the location of the kitchen at the rear, a single large fire exit at the front of the premises was sufficient. The applicant confirmed that there was no door leading outside from the kitchen to the rear of the premises. Mr Hopkins confirmed that he was fully trained in carrying out fire risk assessments, and had a number of years experience undertaking these.

In response to a question from the Committee regarding the capacity of the premises, the applicant confirmed that there was space for 32 persons seated, and that customers would not be permitted to stand in the restaurant. The Committee asked how the applicant would control people standing outside the premises, and it was reported that staff would be able to check outside regularly and that this could be made a condition. The outside of the premises would also be covered by the restaurant's CCTV system. The applicant confirmed that the windows of the premises would be kept closed during operation, and the Committee asked whether there was air conditioning in place. The applicant confirmed that the toilets were air conditioned, and that he would look at installing air conditioning in the restaurant. It was confirmed that extractors were installed in the kitchen area, and that the applicant was aware of the requirement to keep this system clean and in working order and would seek further guidance from environmental health on this.

In response to a question from the police regarding the cooking facilities, the applicant confirmed that most food served in the restaurant would be barbecued on the grill. The police asked whether the applicant accepted that upholding the licensing objectives was one of his responsibilities and the applicant agreed that this was the case. Mr Hopkins confirmed that he had been through the whole application and operating schedule with the applicant in detail, and that the applicant fully understood all of his responsibilities. The police asked about the steps indicated in the application for the promotion of the licensing objectives and whether these were excessive for a premises being operated solely as a restaurant. Mr Hopkins reported that different licensing authorities expected different measures, and that the application demonstrated the applicant's responsible approach to upholding the licensing objectives.

In conclusion, Mr Hopkins reported that this was a reasonable application, amended as outlined at the start of the meeting, and that the applicant took all of his responsibilities seriously. The premises would be run only as a restaurant, and its operation would be managed by the conditions suggested, which would actively promote the licensing objectives, and were legally enforceable. The Committee was asked to grant the licence.

RESOLVED

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The Committee fully considered the application, the representations of the responsible authorities and the local resident and the representation of the applicant, and took into account the Haringey Licensing Policy and the section 182 guidance.

The Committee decided to grant the application subject to a number of conditions and on a varied basis as put forward by the applicant, namely that the conditions in the operating schedule must be met, save for the fact that no off-sales of alcohol or off-sale late night refreshment shall be permitted, and that there shall be no tables and chairs outside the premises. The hours granted by the Committee were as follows:

Provision of Regulated Entertainment: Recorded Music

Monday to Sunday 1200 to 2330

Provision of Late Night refreshment

Monday to Sunday 2300 to 2330

Supply of Alcohol (for consumption on the premises)

Monday to Sunday 1200 to 2330

Opening Hours

Monday to Sunday 1200 to 0000

The Noise Team's proposed conditions were agreed, but the Committee added a further condition, namely that the Noise Team undertake an assessment of the implementation of the sound limit measures and confirm that they have been undertaken to their satisfaction. Further requirements were that the restaurant's extractors operate to the satisfaction of the environmental health service and that installation of air conditioning is undertaken to the service's satisfaction .

In accordance with the fire authority's representations, the applicant was required to comply with the following conditions to the satisfaction of the fire authority: to replace the sliding door with a conventional opening door so that people can escape safely in an emergency without obstruction, to replace the smoke detector in the kitchen area with a heat detector system to BS 5839 Pt1 2002 to a L3 Grade standard and that a fire risk assessment and emergency plan be required. In addition, the fire authority must confirm that no second fire exit is required before the authority is deemed to be fully satisfied.

For the prevention of crime and disorder, the Committee additionally required that staff regularly check that customers of the premises were not congregating outside and were not making noise of an antisocial nature. As proposed by the applicant, the Committee also required that CCTV be installed outside the premises, which monitored the front of the premises on the same basis as the CCTV referred to in the operating

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	<p>schedule. It was also a condition that all alcoholic drinks be served in glasses made of any material.</p> <p>For the avoidance of doubt, the premises licence was to be granted on the conditions outlined above, only once the licensing authority has provided written confirmation to the applicant that it has been satisfied that all the required conditions have been met to the satisfaction of the responsible authorities.</p> <p>The meeting closed at 22:05hrs.</p>	
LSCB06.	NEW ITEMS OF URGENT BUSINESS There were no new items of urgent business.	

Cllr JAYANTI PATEL
Chair