

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE B HELD ON THURSDAY, 11TH MAY, 2017

PRESENT:

Councillors: Toni Mallett, Zena Brabazon and Clive Carter

1. FILMING AT MEETINGS

Noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beacham and Carroll. Councillors Brabazon and Carter were in attendance as substitutes.

3. URGENT BUSINESS

None.

4. DECLARATIONS OF INTEREST

None.

5. SUMMARY OF PROCEDURE

The Chair outlined the procedure that the hearings would follow.

Clerks Note – the order of the agenda was varied to take item 8, item 7 and then item 6. The minutes follow the order of the agenda.

6. SIRA VANADOKYA RESTAURANT, 13-15 GRAND PARADE, N4 1LA

Daliah Barrett, Licensing Officer, introduced the application for a new Premises Licence at Sira Vanadokya Restaurant, 13-15 Grand Parade, N4 1LA. The application requested opening hours of 0800-0200, sale of alcohol (on and off sales) 0800-0130 and Late Night Refreshment 2300-0130. Representations had been received from Enforcement Response, Planning and Local Residents (Interested Parties). A number of conditions had been put forward by the Applicant, and Ms Barrett explained that these were standard conditions which would automatically be included on a licence. Ms Barrett had therefore included a set of model conditions as appendix three to the report. The representation made by Planning referred to the lack of planning permission at the premises, and stated that it was unlikely that planning permission would be granted due to the potential for noise disturbance to the neighbouring properties. Ms Barrett advised that Planning and Licensing were separated regimes and that the lack of planning permission should not be taken into

account when decided on whether to grant a Premises Licence. Ms Barrett also advised that the conditions requested by Enforcement Response had been agreed to by the Applicant, and therefore the representation had been withdrawn.

Lee Tassie, Interested Party, outlined his representation against the application. His objection was in relation to noise nuisance, particularly as he could hear noise from the premises during the renovation works, which would only increase once the premises became a restaurant full of people.

Nilgun Canver, Applicant Representative, presented the application for a new Premises Licence. The premises was not currently operating, and the Applicant had submitted a planning application to convert the use of the premises. The Applicant was a personal licence holder with many years experience, and would be at the premises whenever the premises was open. There would be no alcohol sold without food, no alcohol to be taken out of the premises, no live or amplified music, and no rubbish collections at night. The Applicant had accepted all of the conditions put forward by the Responsible Authorities and considered that this would address all concerns raised in relation to the application. Ms Canver informed the Committee that the Applicant had taken steps to ensure that the premises would be soundproofed.

In response to questions from the Committee, Ms Canver explained that there would be no seating in the rear external area, but that it would be used for smoking, rather than patrons using the street at the front of the premises. She advised that this area would be supervised.

The Committee adjourned to consider the application and advised all present that the decision would be communicated in writing following the meeting.

RESOLVED

The committee carefully considered the application for a new Premises Licence, the representations made by the Planning Service, local residents, the representations made by the Applicant and her representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Sunday to Thursday 0800 to 0000

Friday to Saturday 0800 to 0100

Supply of alcohol

Sunday to Thursday 0800 to 2330

Friday to Saturday 0800 to 0030

Late Night Refreshment

Sunday to Thursday 2300 to 2330

Friday to Saturday 2300 to 0030

Supply of alcohol ON and OFF the premises

The Committee resolved to add the following conditions to the licence:

- Alcohol both on and off sales shall only be ancillary to food.
- There shall be no use of the rear garden for licensable activities.
- There shall be no more than six people using the rear garden for smoking at any one time, and all use of the garden shall cease at 2200.
- A digital CCTV system to be installed in the premises.
- Cameras must be sited to observe the entrance doors from inside.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- Provide a linked record of the date, time of any image.

- Provide good quality images - colour during opening times.
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- Have a monitor to review images and recorded quality.
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- Be regularly maintained to ensure continuous quality of image capture and retention.
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- Member of staff trained in operating CCTV at venue during times open to the public.
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- Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

- Challenge 25 Policy Implemented:

- A valid passport.
- A photo driving licence
- A proof of age standard card system
- A citizen card, supported by the Home Office.

The Committee noted that the Applicant had accepted the model conditions set out by the Licensing Authority.

The Committee considered that it would be appropriate to lower the hours from the hours requested in the application due to the size of the premises, and the possibility of large groups of patrons leaving the premises at the same time late at night. The Committee took into consideration the representation made by the local resident in relation to noise heard from the premises currently.

The Committee noted that the premises did not currently have the correct planning permissions in place.

The committee only made its decision after having heard all the parties' evidence and considered the decision to be appropriate and proportionate.

7. THE HILLY KITCHEN, 96 ALEXANDRA PARK ROAD, N10 2AE

Daliah Barrett, Licensing Officer, introduced the application for a variation to the Premises Licence for The Hilly Kitchen, 96 Alexandra Park Road. The application requested an extension in hours to allow the premises to close at 0200hrs, with Late Night Refreshment and the Sale of Alcohol to finish at 0130hrs. The application also requested an extension to the licensable area of the premises, which included using the basement. Representations had been made by Enforcement Response, Planning, Police and local residents, although the conditions put forward by the Responsible Authorities had been accepted by the applicant. Ms Barrett informed the Committee that the current planning permission permitted the premises to open until midnight, and only allowed the basement to be used as storage. The Applicant had confirmed that they would be submitting a planning application to amend the current permission.

Youlia Ouzounova, Interested Party, outlined her representation against the application. She had lived next to the premises with her young family for the past year, and was concerned that extending the closing time until past 2300hrs would cause noise nuisance and lead to anti-social behaviour. The local area was mainly residential and was not suited to late night establishments. Ms Ouzounova explained that when she had purchased her property she had done so in the knowledge that the premises operated until 2300hrs, and she was ok with this. She requested that the Committee refused the application to increase the hours.

Yuksel Uyran, Applicant's Representative, presented the application for variation to the Premises Licence. She explained that the premises was not a bar or a club, and that alcohol would only be sold with food. The terrace would only be used until 2300hrs, and the basement would be used when customers made bigger bookings which could not be accommodated in the existing restaurant space. The basement could only accommodate 35 people, and would not be used for live music or large occasions.

During questions from the Committee, Ms Barrett confirmed that the licensable hours for the terrace were until 2300hrs, but that the current planning permission allowed for the terrace to be used until 2230hrs. Ms Uyran confirmed that the Applicant would only sell alcohol with food orders, and they were happy for this to be a condition on the licence.

The Committee adjourned to consider the application, and the Chair informed all present that the decision would be communicated in writing following the meeting.

RESOLVED

The Committee carefully considered the application for a variation to the Premises Licence, the representations made by Enforcement Response, the Planning Service, Metropolitan Police, and local residents, the representations made by the Applicant and her representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Monday to Sunday 1100 to 2300

Supply of alcohol

Sunday 1100 to 2130

Monday to Saturday 1100 to 2230

Supply of alcohol ON and OFF the premises

The Committee resolved to not make a ruling in connection with the extension of the floor space of the restaurant basement area to operate as a function room, and noted that the use of the basement area in this way was subject to planning consent which had not been obtained.

The Committee resolved to add the following conditions to the licence:

- Alcohol shall only be served ancillary to food.
- Alcohol off sales shall only be allowed ancillary to food.

In considering the application, the Committee noted the representation made by the local resident and considered that it was appropriate to not amend the current hours of the licence in order to avoid causing noise nuisance to local residents in what is a predominantly residential area.

The committee only made its decision after having heard all the parties' evidence and considered the decision to be appropriate and proportionate.

8. LA LUNNA, 462-464 MUSWELL HILL BROADWAY, N10 1BS

Daliah Barrett, Licensing Officer, introduced the application for a Provisional Statement, and drew the Committee's attention to the additional late documents.

Mr Duncan Craig, Applicant Representative, presented the application for a Provisional Statement. He informed the Committee that the hours applied for had been amended and now reflected the hours on the existing premises licence. He added that the Applicant had also accepted the conditions put forward by Enforcement Response as set out at page 133 of the agenda pack. The application was for a provisional statement, and the Applicant was in the process of extending his existing premises into the neighbouring property.

Mr Craig referred to the objections made by local residents in relation to noise nuisance from the existing premises, and informed the Committee that an acoustic assessment had been produced, which was available in the additional documents. He explained to the Committee that the proposals in the report should deal with the concerns raised by local residents in relation to noise.

Mr James Hart, Acoustic Consultant for the Applicant, explained to the Committee that he had carried out sound tests for the current and proposed conditions and had concluded that the current construction was inadequate. He had recommended a design to the Applicants to mitigate sound transfer between the premises and neighbouring properties.

Mr Craig referred to the hours applied for and explained that a closing time of 0100 was appropriate and proportionate given the nature of the premises. He accepted that it was not fair on local residents to be disturbed by noise but pointed out to the Committee that the steps proposed by the Acoustic Consultant would mitigate this.

Robert Burrell, Interested Party, addressed the Committee in relation to his objection to the application. He lived above the premises and experienced noise nuisance on a daily basis from the premises. He had raised the issue with the Applicant on numerous occasions and the noise had not been reduced. Mr Burrell stated that he

was not against the application completely, but felt that until the suggested works had been carried out and proved to work against noise transmission, then no extension to the hours should be granted.

Mark Eastwood, Enforcement Response Officer, outlined his representation on behalf of the Noise Team. He stated that it would not be appropriate to extend the opening hours beyond the current hours, and that if there were any further issues following the installation of sound insulation then it may be appropriate to install sound limiters.

Following questions from the Committee, Mr Burrell explained that he could hear noise from people talking in the restaurant into the early hours of the morning, and that any sound insulation work should be carried out regardless of the restaurant extension.

Mr Craig summed up by stating that there was a comprehensive and significant proposal to address the noise issues, and that granting a provisional statement meant that there would be another opportunity for the Licensing Authority to consider the application if any objections were made when it came to granting a full licence.

The Committee adjourned to consider the application, and informed all present that the decision would be provided in writing.

RESOLVED

The Committee carefully considered the application for a Provisional Statement, the representations made by Environmental Health, the Licensing Authority, and local residents, the representations made by the Applicant and his representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to grant the application as follows:

Hours open to the public

Monday to Sunday 0900 to 0030

Late Night Refreshment

Monday to Sunday 2300 to 0000

Supply of alcohol

Monday to Sunday 1100 to 0000

Supply of alcohol ON the premises only

The Committee resolved to add the following conditions:

- Signage shall be placed outside the premises to remind patrons not to cause disturbance to local residents
- Ashtrays shall be placed outside the premises for patrons smoking.

The Committee noted that the conditions as requested by Environmental Health had been accepted.

The Committee resolved not to allow the premises to sell alcohol OFF the premises.

With regard to the works to be completed at the premises in relation to sound insulation, the Committee requested that the completed works be checked by an acoustic engineer to ensure that there was a satisfactory reduction in the sound emitted from the premises.

The Committee requested that an inspection of the premises be carried out by a Fire Officer, and the report be provided to the Licensing Authority.

Informative

The Committee wished to remind the Applicant that it was their responsibility to comply with the conditions of their licence, and that any breaches in compliance could lead to a review being sought.

The committee only made its decision after having heard all the parties' evidence and considered the decision to be appropriate and proportionate.

The Provisional Statement procedure enables the applicant to have an assessment made as to the feasibility of the proposed development being granted a premises licence for licensable activities upon completion of the building or works.

If a provisional statement is granted, applicants will still need to apply for a premises licence in the normal way before the premises can be used for any licensable activities.

9. ITEMS OF URGENT BUSINESS

CHAIR: Cllr Toni Mallett

Signed by Chair

Date