

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON THURSDAY, 31ST AUGUST, 2017, 10.00 am - 12.40 pm

PRESENT:

Councillors: Dhiren Basu, Zena Brabazon (Chair) and Jennifer Mann

32. FILMING AT MEETINGS

Noted.

33. APOLOGIES FOR ABSENCE

None.

34. URGENT BUSINESS

None.

35. DECLARATIONS OF INTEREST

None.

36. SUMMARY OF PROCEDURE

The Chair outlined the procedure to be followed during the hearing.

37. BROAD LANE OFF LICENCE, 73 BROAD LANE, N15

This application was withdrawn from the hearing.

38. MASSAWA RESTAURANT, 202 ARCHWAY ROAD, LONDON, N6 5BA

Daliah Barrett, Licensing Officer, introduced the application for a variation to the premises licence for Massawa Restaurant, 202 Archway Road, N6 5BA. The applicant wished to amend the opening hours of the premises to 1100-0330 Friday to Saturday and 1100-0230 on Sunday, with live and recorded music and supply of alcohol ceasing 30 minutes prior to closure. Representations had been received from local residents, Enforcement Response and Metropolitan Police. The conditions put forward by the Police had been accepted, and therefore the representation had been withdrawn.

Rockwell Charles, Enforcement Response, outlined the representation against the application. Since October 2016, 9 noise complaints had been received. Noise warning letters had been issued on the 23 July 2017 and 6 August 2017. The Enforcement Response team were in the process of serving a noise abatement notice

on the premises. Mr Charles was of the opinion that the premises was not suitable to contain high volume, low frequency noise and suggested that the hours be reduced to those suggested by the Licensing Authority.

In response to questions from the Committee, Mr Charles informed them that the written representation did not refer to the noise abatement notice as the team were yet to meet with the premises licence holder to address the issues. For the same reason, it had not been suggested that a noise limiter be installed, as this would require a visit to the premises to assess the suitability of a noise limiter.

Eliana Anzelmo, Interested Party, outlined her representation against the application. She explained that the premises were located in a densely residential area, and it was not suitable for live or loud music to be played until 0330hrs. She felt that a closing time of 0100hrs would be a compromise, although added that this would still cause noise nuisance to residents.

In response to questions from the Committee, Ms Anzelmo explained that she lived directly behind the premises, and could clearly hear music late at night. She had not been able to approach the owner of the premises to discuss her issues as the premises was shut during the day, and she did not feel comfortable to approach the premises at night.

Nicholas Nardecchia, Applicant's Representative, presented the application for a variation to the premises licence. He informed the Committee that the premises was in demand for late night parties, and to satisfy this demand, the owner had applied for late hours on a Friday and Saturday night. On previous occasions where Temporary Event Notices had been used, there had been two SIA door supervisors, and patrons had been asked to leave the premises quietly. The premises had been soundproofed, and the owner was looking to fix the front door with a door closer to stop patrons leaving the door open.

All parties summed up and the Committee adjourned to consider its decision. The Chair informed all parties present that the decision would be provided in writing following the hearing.

RESOLVED

The Committee carefully considered the application for a variation of the premises licence, the representations made by the Metropolitan Police, Enforcement Response, the Licensing Authority, Local Residents, the representations made by the Applicant and their representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing Act 2003 s182 guidance.

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

Regulated entertainment: Live Music & Recorded Music

Friday 2300 to 0030 hours

Saturday 2300 to 0100 hours

Supply of Alcohol

Friday	2300 to 0030 hours
Saturday	2300 to 0100 hours

Supply of alcohol for consumption ON the premises

Late Night Refreshment

Friday	2300 to 0030 hours
Saturday	2300 to 0100 hours

Opening Hours

Friday	2330 to 0100 hours
Saturday	2330 to 0130 hours

The Committee added the following conditions as requested by the Metropolitan Police and Enforcement Response:

- A digital CCTV system to be installed in the premises.
- Cameras must be sited to observe the entrance doors from the inside and outside to protect SIA searching entrants or refusing entry / ejecting clients.
- 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.
- Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
- Provide a linked record of the date, time of any image.
- Provide good quality images - colour during opening times.
- Have a monitor to review images and recorded quality.
- Be regularly maintained to ensure continuous quality of image capture and retention.
- Members of staff trained in operating CCTV at venue during times open to the public.
- 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.

- At least one S.I.A. registered security staff to be present from 2100 until the venue has closed and clients dispersed from vicinity of venue on Fridays and Saturdays. Officer will monitor behaviour of clients inside venue, control entry to venue monitoring possibly intoxicated potential entrants and ensure clients smoking outside do not disturb residents.
- An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received
 - d) Any incidents of disorder
 - e) Seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system
 - g) Any refusal of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service
- No music will be played in, or for the benefit of patrons in external areas of the premises.
- Signs shall be displayed in the external areas / on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt they could be disturbing neighbours.
- Deliveries and collections associated with the premises will be arranged during normal working day hours so as to minimise the disturbance caused to the neighbours.
- Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.
- All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.
- A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where

disclosed, the complainant's name, location, date, time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers.

- Liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities.
- Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.
- When the premises turn out, management will supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.
- All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.
- Illuminated external signage shall be switched off when the premises is closed.
- External doors shall remain closed whilst music is playing.

The Committee felt that in light of the representations made by the Local Resident and the recent noise complaints received by the Enforcement Response team, it would be appropriate (having regard to the licensing objective of promoting the prevention of public nuisance) to reduce the hours sought by the applicant, in line with the hours recommended by the Council's Licensing Team.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

Informative

The Committee is aware that Mr Berhane's premises is required to deal with matters arising from the planning permission for the premises; the committee is not concerned with planning matters but trusts that he will seek to address these matters with the relevant authority as necessary. The committee also suggests that he invite a noise officer from the Council to address noise control measures at the premises.

39. LOVEN BAKERY, UNIT A, EAGLE HEIGHTS, WATERSIDE WAY, N17

Daliah Barrett, Licensing Officer, introduced the application for a new premises licence at Loven Bakery, unit A, Eagle Heights, Waterside Way, N17. Ms Barrett explained that the application was only for alcohol and late night refreshment, as any licence permitted to sell alcohol allowed for regulated entertainment until 2300hrs. Two

representations had been received from local residents in objection to the application, and three representations from local residents had been received in support.

Robert Goodwin attended the hearing on behalf of his son, Robert Goodwin, who had written in objection to the application. The main points of his representation were that the premises would change the whole aspect of the area, and cause noise nuisance late at night. The premises did not seem appropriate for a highly residential area. When purchasing his property, Mr Goodwin had been informed that the space would be used for a coffee shop, which would be preferable for the locality.

Kate Allison, Applicant, presented her application for a new premises licence. She informed the Committee that she lived at Eagle Heights, and that the premises would be run in conjunction with the Church community centre. The purpose of the premises was to provide a modern café serving breakfast, lunch and dinner, with the opportunity for patrons to purchase alcohol with their meals. The premises would not be a loud music venue, or a late night bar. There would be CCTV installed, and an incident book would be kept. The premises was located in a part of Hale Village that could be seen as isolated, and Ms Allison considered that the café would serve to encourage people to use the area. The premises was located in a new building, which was highly insulated from noise, and there were a number of lobbies and other rooms separating the premises from the outside courtyard so any noise escaping would not affect the outside areas. Ms Allison informed the Committee that she would be happy to condition the delivery times if it satisfied the Committee, and would remove the request for outside seating.

Rev. Andrew Williams, outlined his support for the application. He also lived at Eagle Heights and was the priest for the new church. He was looking to build community space with the church and the local community, and was pleased that Ms Allison had requested to open their premises in the space. A number of considerations had been made to local residents, particularly those on the ground floor and it was not in the interests of Ms Allison or the church to upset or cause nuisance to their neighbours.

In response to questions from the Committee, Ms Allison explained that the revenue from alcohol sales would help to keep the food prices lower. Alcohol off-sales had also been requested so that a wider offer could be provided to customers. There was a Tesco nearby which also sold alcohol, so these premises would not be the only place selling alcohol. With regards to the delivery service, it was proposed that a lunchtime delivery service would be available. Ms Allison currently used 'ubereats' for deliveries from her other premises, but had not decided whether to continue with this for Loven Bakery, and would explore other options. However, if this service caused any nuisance to neighbours then it would not be offered. She added that smokers would be encouraged to smoke away from the premises.

All parties summed up and the Committee adjourned to consider its decision. The Chair informed all present that the decision would be provided in writing following the hearing.

RESOLVED

The Committee carefully considered the application for a new premises licence, the representations made by local residents, the representations made by the Applicant and their 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:

Late Night Refreshment

Monday to Thursday	2300 to 2230 hours
Friday to Saturday	2300 to 2330 hours
Sunday	2300 to 2130 hours

Supply of Alcohol

Monday to Thursday	1000 to 2230 hours
Friday to Saturday	1000 to 2330 hours
Sunday	1000 to 2130 hours

For the consumption ON and OFF the premises

Hours open to the public:

Monday to Thursday	0700 to 2300 hours
Friday to Saturday	0700 to 0000 hours
Sunday	0700 to 2200 hours

The Committee also decided to attach the following conditions to the licence:

- There shall be no smoking allowed immediately outside the premises
- All use of the outside area to cease at 2130hrs

The Committee took into consideration the representations made by the local resident's representative against the application, along with the representations made by local residents in support of the premises and felt that on balance having regard to the promotion of the licensing objective of promoting the prevention of nuisance that it would be appropriate to reduce the requested operating hours of the premises given the highly residential area in which the premises is situated.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

Informative

The Committee noted the Applicant's desire to be a 'good neighbour' and wished to suggest that they should direct smokers to an area away from the premises where

there would be no disturbance caused to residents, and that they should provide suitable receptacles for any smoking related rubbish.

CHAIR: Councillor Zena Brabazon

Signed by Chair

Date