

MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE A HELD ON THURSDAY, 12TH JULY, 2018, 7.00 - 9.20 pm

PRESENT:

Councillors: Vincent Carroll (Chair), Dhiren Basu and Luke Cawley-Harrison

81. FILMING AT MEETINGS

Noted.

82. APOLOGIES FOR ABSENCE

None.

83. URGENT BUSINESS

None.

84. DECLARATIONS OF INTEREST

None.

85. MINUTES

The minutes of the meeting held on 12 April 2018 were approved as a correct record of the meeting.

86. SUMMARY OF PROCEDURE

Noted.

87. LA TABERNA DEL PAISA, 43 WEST GREEN ROAD, TOTTENHAM LONDON N15

Daliah Barrett, Licensing Officer, introduced the application for a variation to an existing premises licence at La Taberna del Paisa, 43 West Green Road. Ms Barrett informed the Committee that the hours shown at paragraph 1.3 of the report were incorrect, and the hours of the licence were 0800-2300, Monday-Sunday, with licensable activities ceasing 30 minutes earlier. The Applicant had applied for an extension of the opening hours and licensable activities to 0800-0300 Friday and Saturday, and 0800-0000 Sunday to Thursday. The Applicant, Mr Tobon, had not offered any additional conditions for the panel to consider.

Representations had been received from local residents, the Licensing Authority, and the Metropolitan Police. Mr Tobon had accepted the hours put forward by the Police

and therefore the application would be for an extension to hours on Friday and Saturday only (0800-0000), with licensable activities ceasing 30 minutes earlier. Hours for Sunday to Thursday would remain at 0800-2300, with licensable activities ceasing 30 minutes earlier.

The local resident, Mr Ehrenzweig, made a representation on behalf of his tenants at 60a West Green Road, and tenants at 56-58 West Green Road. He had received a number of complaints from his tenants regarding noise nuisance from the premises at night. The premises did not close their doors at night, resulting in noise escape. Any extension to hours would result in further disturbance to local residents.

The Applicant's Representative, Mr Tobon's daughter, presented the application for a variation to the premises licence. West Green Road was a late night economy, with many premises with similar hours as applied for. Many of the Applicant's customer base was Latin American, where the culture was to socialise late at night. Mr Tobon had found that the business was most viable during the later trading hours and so wished to extend his opening hours to make his business work.

Mr Tobon requested to show some photographs to the Committee, and was advised by the Council's Lawyer that late evidence would only be permitted at the discretion of the Chair. When asked, Mr Ehrenzweig stated that he could not see the relevance of photographs when the issues raised in relation to the premises were about noise. The Chair took the decision not to admit the photographs as late evidence.

The Applicant's Representative advised that there had only been one occasion where live music had been played, and this was when the premises had opened. In response to the representation made by the Metropolitan Police, the Applicant's Representative advised that there had been no reports of any disturbance caused, and following the agreement to the hours posed by the police, the representation had been withdrawn.

In response to questions from the Committee, the Applicant's Representative advised that:

- It was not felt necessary to add conditions to the licence, as the existing ones were satisfactory;
- The complaints log contained details of one incident;
- The CCTV had been brought up to standard, and all speakers were mounted on anti-vibration brackets, although this had not been verified by any officers from the Council, or Police licensing;
- It would not be necessary to have an SIA door supervisor at the premises.

All parties summed up, and the Chair advised that the decision would be provided in writing within five days of the hearing.

RESOLVED

The Committee carefully considered the application for a variation of the premises licence, the representations made by the Licensing Authority, Metropolitan Police,

local residents, the representations made by the Applicant and his representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing Act 2003 s182 guidance.

The Committee noted that the Applicant had agreed to the hours put forward by the Metropolitan Police and would not be seeking the hours as set out on the application. However, after hearing the representations made by all parties, the Committee was satisfied that there was credible evidence before it that the applicant had not adhered to the conditions of his current licence. The Applicant could not satisfy the committee that he had implemented sufficient changes in the way he was running his premises so as to satisfy the licensing objectives. In particular, the applicant could not demonstrate that he had sufficient measures in place to address the effect of noise and anti-social behaviour/nuisance on local residents.

The committee had regard to the statement of licensing policy and its wish to promote the local economy of which the premises is a part, but could not treat this application in isolation from the impact that the premises was having on its neighbours.

The Committee therefore refused to grant the licence.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties' representations. The committee considered its decision to be appropriate and proportionate.

88. CLARKE AND PARKER FISHMONGERS, 488 MUSWELL HILL BROADWAY LONDON N10

Daliah Barrett, Licensing Officer, introduced the application for a new premises licence for the sale of alcohol and late night refreshment. Representations had been received from local residents. No representations had been made by any other Responsible Authorities.

John Rodger, local resident, outlined his representation against the application. He lived above the premises, and informed the Committee that previous operations of the premises had not caused any nuisance to him or his neighbours. The business proposed by the Applicants was drastically different to the previous grocers and fishmongers businesses, and he felt that there would be a danger to public safety and an increase in crime and disorder. The premises had opened on 29 June, with 80 customers inside the premises, 30 customers outside, drinking and blocking the entrances to the properties above. Mr Rodgers referred to the Socialite Bar which had previously operated in the area and raised concerns that these premises would operate in a similar manner. He raised concerns over the capacity limits and dispersal policy. Mr Rodgers added that he had already had to contact the noise enforcement team in relation to noise nuisance from building works, and also raised concerns that the building was not suitable for this kind of premises.

Clare Graham, local resident, echoed the comments made by Mr Rodgers, and added her concern that the use of the courtyard would impact on her day to day living. Ms Graham advised that the courtyard was directly below her bedroom, and was

concerned that any use of this area would result in noise disturbance to her. She added that the entrances for the upstairs properties were next to the premises, which could potentially result in safety issues for residents coming in and out of the building.

Ms Barrett advised that the suitability of buildings was not a consideration under the Licensing Act 2003, and that if neighbours experienced any issues with sound travelling then they should contact the Council's noise enforcement team. She also advised that the Applicants had not applied for live or recorded music on the licence, however, the live music exemption meant that when a premises licence was granted, any premises could play live and recorded music between the hours of 0800 and 23.00.

Louis Cawson and Mohammed Said, Applicants, presented their application for a new premises licence. Mr Said informed the Committee that the premises was designed to be a small, family oriented dining space. They were confident that the premises would draw new people to the area. Since taking over the premises, the courtyard had been cleared up and improved, however Mr Said informed the Committee and local residents that the courtyard would not be used by customers, and the door would remain locked and only be used for storage. Mr Said informed the Committee of the test night carried out on 29 June (using Temporary Event Notices), and explained that lessons had been learned, with signage now being displayed, no drinks allowed outside (apart from on the licensed decking area) and no customers allowed outside after 22.00. The venue was not going to be used as a live music venue, and any music played would be at a background level.

Ms Graham raised her concern over noise from the premises into her home. She informed the Committee that she could already hear people talking, and was concerned that the noise would increase when there were 40-80 people inside the premises. Mr Said responded by informing the Committee that he and Mr Cawson had requested access to Ms Graham's property to check the levels, but without being able to do so, they would not be able to take any action to mitigate any potential noise disturbance.

All parties summed up, and the Chair informed them that the decision would be provided in five working days following the hearing.

RESOLVED

Friday to Saturday 2300 to 0000 hours

Supply of Alcohol

Monday to Thursday 1200 to 2300 hours

Friday to Saturday 1200 to 0000 hours

Sunday 1200 to 2200 hours

For the consumption **ON** and **OFF** the premises

Hours open to the public

Monday to Thursday	1200 to 2330 hours
Friday to Saturday	1200 to 0030 hours
Sunday	1200 to 2230 hours

With an additional condition:

“The courtyard shall solely be used for storage by the premises, and only accessed during daytime operating hours”.

The Committee heard the representations by the local residents in opposition to the application, but felt that the Applicants had demonstrated their commitment to engaging with local residents and attempting to resolve any issues. The committee was only able to have regard to relevant representation and found the applicants proposals with respect to the premises, in particular how they planned to address the licensing objectives to be credible.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties’ representations. The committee considered its decision to appropriate and proportionate.

89. ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Vincent Carroll

Signed by Chair

Date