

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON TUESDAY, 12TH MARCH, 2019, 10.00 - 11.00 am

PRESENT: Councillors Vincent Carroll (Chair), Peter Mitchell and Viv Ross

32. FILMING AT MEETINGS

Noted.

33. APOLOGIES FOR ABSENCE

Cllr Carroll substituted for Cllr Peacock.

34. URGENT BUSINESS

N/A.

35. DECLARATIONS OF INTEREST

No declarations of interest were made.

36. SUMMARY OF PROCEDURE

Noted.

37. APPLICATION FOR A VARIATION OF A PREMISES LICENCE - GOLDEN SANDS 433-435 WEST GREEN ROAD LONDON N15

Licensing Officer and Responsible Authorities

Daliah Barrett, Licensing Officer, introduced the application for a variation of a premises licence to amend the opening times and hours of retail sale of alcohol. The Committee were requested to disregard the proposed hours on pages 3 and 4 and instead use the proposed hours as set out by the applicant on page 13. The Committee was informed that the existing conditions on the premises license was set by the Magistrates Court in 2016 when the current owner was not in charge of the venue. It was previously operated by Nile Bar which was a club that had late night nuisance concerns and so conditions were imposed that limited the operating hours.

Representations had been received from the Licensing Authority, the Metropolitan Police and Public Health. A representation had also been received from the Building Control Officer who cited issues with exit doors opening inwards that meant the maximum capacity had to be set at 60, in case of an emergency and people needed to exit.

The Committee were referred to the licensing officer comments, the options available to them, and finally the considerations they must have when making their decision.

Mark Greeves, on behalf of the Metropolitan Police, highlighted the concern of an increase in noise complaints if the opening hours were extended until the hours the applicant sought. He conceded crime and disorder were not a particular concern at this venue but noted there had been a fight at the venue on 23 September 2018 which resulted in one person being arrested and charged. The overarching concern was the increased risk of public nuisance in the surrounding residential area if people were exiting the venue late at night.

Applicant Submissions

The Committee next heard from the Applicant's legal representative, Mr Tom Day.

Mr Day highlighted the following to the Committee:

- Recognised that the license had been reviewed in 2015 by another licensing sub committee and then again in 2016 by the Magistrates court, but contested that whilst the same conditions applied, this was a different venue with a different clientele. The previous venue was a nightclub whereas Golden Sands was a bar that served Mediterranean food, typically to Bulgarian clients. It was conceded that the venue had previously had difficulty with clients leaving the venue by car and disturbing local residents. It was argued that the new clientele were likely to arrive by foot and not by cars, minimalizing that risk of disturbance. Mr Day noted the issues a premises may face was heavily affected by the clientele, which he argued had changed from the previous venue. The conditions reflected the requirements of the previous operator of the premises license and Golden Sands was having to operate under stringent conditions, such as having to have a street martial to deter public nuisance. The Committee was therefore asked to make the changes to the conditions on the premises license that reflected the change in operator and supervisor.
- Stated that this was the second time this application had been brought before the subcommittee (previously withdrawn to redraft the proposed times) and following both consultations, no objections had been formally received from residents.
- Stated the premises license previously allowed the venue to remain open until 01:00 on Friday's and Saturdays. Mr Day highlighted no noise complaints had been received which was significant as this was still a late finish. He further submitted that it would be unlawful to bring into consideration the failings of the previous owner of the premises license.
- Contested the position that the location of Golden Sands was in a 'denser' residential area, which, in accordance with the Council's Statement of Licensing Policy (2016), stated a venue would not usually have late opening hours in such an area. If it was the case that Golden Sands was in a residential area, then the same would apply to other venues along West Green Road which he argued was not the case.
- Submitted it was unfair for Golden Sands to be subjected to the same conditions as the Nile bar, given the difference between the two venues. It was

argued that surrounding bars on West Green Road had less stringent conditions than Golden Sands, such as Esplanade, Huggamug and Blue Sky Bar, which were all allowed to serve alcohol until 02:00 and close at 02:30 on Fridays and Saturdays. Additionally, the Bash Bar, which was further down West Green road, was open until 03:00 on Fridays and Saturdays. Mr Day submitted that, given Golden Sands was well run and had no previous trouble, it would be appropriate for the license to be comparable to other bars in the area, which enjoyed longer opening hours.

- Noted one of the reasons the Nile Bar had had noise issues previously was because of the rear patio area. He informed the Committee that this had since been built over. Additionally, he informed that CCTV had been installed at the venue and, if it were to satisfy the Committee, suggested the imposition on Fridays and Saturdays of a final entry hour and final readmission time. He also noted there was a designated smoking area and suggested limiting the number of smokers allowed outside the venue to no more than four an hour after 23:00, under supervision. He also suggested creating a condition that forbade drinks outside the venue after 23:00.
- Submitted that the premises was properly run and provided the Committee with a background to Ms Nevena Inanova. She had run Golden Sands for three years without any real issues and was the Designated Premises Supervisor. She was also SIA qualified. Mr Day submitted that Ms Inanova had been a responsible DPS who employed a minimum of two SIAs on Friday and Saturdays.
- Contested that the evidence presented did not support the view that the variation in hours would have the same outcomes as the Nile Bar had. He suggested that the evidence had shown a considerable positive change at the venue since 2016 and there was no reason that an extension of licensing hours would undo that.
- Public nuisance and individuals returning to their cars would affect any premises on West Green Road and Golden Sands should not continue to be penalised for the Nile Bar's previous failings.

Following Mr Day's submissions, the Chair invited questions and/or comments. The following was noted:

- The Licensing Officer clarified
 - that the Statement of Licensing Policy came into effect in 2016 and new applications were subject to the requirements contained therein.
 - Huggamug and Blue Sky Bar were shisha bars and their activities took place at the rear of their premises with no music.
 - The Bash was not in a close proximity to Golden Sands.
 - Esplanade had been subject to a review by a licensing sub committee in October 2016 and the hours were reduced due to noise complaints.
 - Customers of the Nile Bar were not using the rear patio. It was noise complaints which were the main concern of residents during its time of operations.
 - The street martial was on the license as a condition set by the Magistrates court and had likely contributed to the reduction in issues associated with the venue.

- It was queried whether there had been any liaison with residents regarding the proposed change of hours, beside an A4 notification at the venue. Ms Inanova stated she had spoken to a couple of people on Stanley Road regarding the change and they had raised no objections.
- The Metropolitan Police representative claimed reducing the hours had reduced the concerns, but reverting that would result in the same issues as before. He was also concerned that the argument by the Applicant's representative that there was less risk of car related noise complaints as unconvincing. Given less public transport options available in the early hours, it was likely that cars parked along residential properties close to the venue would still be an issue. He also submitted that an extra 3 hours of opening time would likely reflect on an individual's behaviour.
- It was clarified that, as there was an issue with the exit door, the maximum capacity was set at 60. This would change to 180 once the doors hinges were changed so that they opened outwards. The Licensing Officer noted it was unfortunate the agent advising Ms Inanova had not properly informed her of the door issue which was easily rectified. Nevertheless, in terms of public safety, in case of an emergency, the capacity had to be set at 60 in the event of an evacuation. Mr Day claimed the Building Control Officer had not visited the venue but the Licensing Officer confirmed he had.
- Ms Inanova confirmed larger events such as birthday parties were held at Golden Sands and once the doors were fixed, the capacity would be up to 180 people.
- Mr Day submitted that correlation was being mistaken for causation in the reduction of hours leading to a reduction of concerns raised by the residents.
- The Chair challenged Mr Day's submission that West Green Road was not in a denser population. Mr Day noted there was no clear definition what a denser population meant but contended Golden Sands was not in a denser population and therefore should be allowed to open for longer.
- Mr Day reminded the Committee that the conditions set by the Magistrates Court were set in response to Nile bar operating the venue. The conditions imposed were stringent and included measures such as a sound limiter. He argued that a street martial was not a usual condition for a bar such as Golden Sands but was a consequence of the Nile bars failings.
- Mr Day suggested they would be content for the Committee to consider additional conditions such as all licensable activities to be excluded from a set time, and for additional conditions surrounding readmission.
- It was noted that the distinguishing concern of residents when the opening hours were longer on the premises license for Nile bar was people being noisy when returning to their cars and the slamming of car doors. Mr Day contested that such complaints would still occur at a premises that closed at 01:30 and the reduction in complaints was a sign that the change of venue and clientele had mitigated this concern.
- Mr Day submitted Ms Inanova had been a responsible employer and, on occasion, had employed up to five SIAs to cover events at the venue, even though the license only stipulated up to two. Ms Inanova was also committed to correcting the issue with the exit doors as soon as possible.

- Mr Day corrected page 21 in reference to refreshments being served outside the venue in the early hours, and stated this box 'both' had been erroneously selected.

The Committee noted that the application stated all measures in place to uphold the four licensing objectives would remain the same, which Mr Day confirmed. The Committee noted that no extra measures were being considered or proposed by the applicant, which, given the consequences of remaining open for longer hours, concerned the Committee. A comment by the licensing authority on page 32 was noted which stated, "...conditions offered do not actually offer anything specific other than actions that are already law and need to be complied with in any event."

Closing submissions

In closing, Mr Day invited the Committee to consider modifying the proposed conditions if they were not inclined to agree to all of the proposed changes. He suggested that Fridays and Saturdays be extended until 02:30 and, if those two nights did not see an increase in the number of complaints, Ms Inanova could submit a new application for the extension of hours during the rest of the week.

OUTCOME

The Committee carefully considered an application for the variation of the Premises Licence of the Golden Sands, which is situated at 433-435 West Green Road, Tottenham, London N15, 3PL. When considering the application, the Committee took into account, The London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, representations made by the Metropolitan Police, the Report pack and representations made by and/or on behalf of the applicant via her legal representative.

Having heard from all the parties, the Committee decided to agree the application to vary in part.

Reasons

The Committee was not satisfied that sufficient measures had been proposed to address such a significant extension in the opening hours and the hours during which licensable activity would be permitted.

Having regard to the licensing objectives, the Committee was concerned at the potential for an increase in public nuisance if the requested variation of operating hours, as set out by the applicant, was approved. In particular, the committee was mindful of the impact an increase in the operating hours would have. The associated noise and public nuisance, during weekday evenings and in very early morning on the weekend would risk a return to a situation that was intolerable for residents in the past.

The Committee recognised that the conditions imposed on the premises license, following a hearing in the Magistrates Court in 2016, were imposed at a time when the premises was of a different nature to Golden Sands. The current clientele were different but the committee remained satisfied nonetheless that a significant increase in hours would have an adverse impact on the quality of life of local residents.

The Committee therefore decided to keep the operating hours Sunday to Thursday as currently set out in the premises license but allowed the operating hours on Friday and Saturday to be extended until 01:30 for the sale of alcohol, and 02:00 for closing time.

The Committee approved the change to the conditions on the premises license, as set out below.

The committee also imposed the condition suggested on behalf of the licence holder with respect to ceasing admissions and/or readmissions into the premises on Friday & Saturday at 1am, and ceasing the use of the outside area at 22:30.

The committee also imposed a condition that when live music is played it should cease an hour before closing.

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.

Provision of anything of a Similar Description to that of, Recorded Music or performance of Dance

Sunday to Thursday	2100 to 0000 hours
Friday to Saturday	2100 to 0200 hours

Live Music- to cease 1 hours before closing

Sunday to Thursday	2100 to 2300 hours
Friday to Saturday	2100 to 0100 hours

Late night refreshment

Sunday to Thursday	2300 to 2330 hours
Friday to Saturday	2300 to 0130 hours

Supply of Alcohol

Sunday to Thursday	1100 to 2330 hours
Friday to Saturday	1100 to 0130 hours

Hours open to the public

Sunday to Thursday	1100 to 0000 hours
Friday to Saturday	1100 to 0200 hours

**New Years Eve licensable activities from the start of permitted hours on 31
December until the start of permitted hours on 1 January**

CHAIR:

Signed by Chair

Date