

# **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



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 .....