

MINUTES OF THE LICENSING SUB-COMMITTEE E (2003 LICENSING ACT)
18 October 2005

Councillors Bloch (Chair), *Newton *Knight, *Patel

* denotes members present

LCE01 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies received from Councillor Bloch, the Chair of this Sub-Committee who was substituted by Councillor Newton who took the Chair for the meeting.

LCE02 URGENT BUSINESS (Agenda Item 2)

That Item 9 on the Agenda (Roj) has been withdrawn from the meeting. Councillor Patel was sitting on the Sub-Committee E because it had a vacancy.

LCE03 DECLARATIONS OF INTEREST (Agenda Item 3)

None received

LCE04 DEPUTATIONS/PETITIONS (Agenda Item 4)

None received

LCE05 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Swan, 363 High Road, N17 (Agenda Item 5)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting that the applicant had amended the hours applied for because the sale of alcohol and provision of late night refreshments. The amendments were (sale of alcohol) Monday to Wednesday 10:00 to 23:00; Thursday to Friday 10:00 to 02:00; Saturday 11:00 to 02:00; and Sunday 12:00 to 22:30. For the provision of late night refreshments, Monday to Wednesday until 23:00; Thursday until 02:30; Friday and Saturday until 03:30; and Sunday until 01:00. Ms Barrett also pointed out that the premises employed two door supervisors who were registered by the Security Industry Authority. Ms Barrett informed the Committee that the Noise Team had no objections to this application, but had received one complaint of noise nuisance from the premises in 2005 but this was not substantiated. Ms Barrett conveyed details of a representation from the Metropolitan Police Service (MPS) in respect of the section detailed in Part B of the application to vary the hours to supply alcohol and open to the public. The MPS stated that they had attended in excess of 100 calls to the premises in the past three years mainly to allegations of assault and fights. They felt an extension of hours could lead to further disturbances on the premises and impact on Police resources.

The Chair asked Ms Barrett if there were floor plans available for the premises, which Ms Barrett subsequently provided. He then asked if the applicant was a member for the *Pub Watch* scheme, which was confirmed.

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The Chair then asked if there had been any enquiries about the application. The reply was that there had been some calls from residents in the vicinity of the premises, but no formal representations made, except from the Arriva plc transport company who had submitted a letter for the Committee to consider.

The Chair invited the MPS to address the Committee. Mr Ernie Frost of the MPS stated that some of the calls made to the Police were unspecific to the premises itself, but were within the vicinity of the premises. Councillor Patel asked if the premises were required to use plastic cups to serve drinks. Mr Frost replied that because the premises were outside of the Tottenham Hotspurs area, this was not a requirement.

The Chair invited the applicant to address the Committee. Mr Paul Bruce and Mr Peter Whyte, applicants, stated to the Committee that they would enforce any actions/conditions set by the Committee if it were minded to grant the application and outlined measures to promote the Licensing Act 2003 objectives. These included the use of CCTV. Mr Bruce and Mr Whyte also emphasised that they were members of the *Pub Watch* scheme and the local Traders' Association. They finalised by stating that the applied for hours were half-hour longer than existing hours, except on Tuesdays. Councillor Patel asked if the premises held BBQs, and also what measures they had to prevent obstructions to vehicles owned by Arriva plc. Mr Bruce replied that there was a notice in the main entrance to the premises not to park in the area designated to Arriva plc. He also stated that BBQ food was cooked in the kitchen which had an extractor fan to the outside of the premises. The Chair asked if the premises operated an ID system. The reply was that door supervisors checked ID for underage violations.

RESOLVED:

That the Committee grants the application in part and subject to the following conditions:

- (i) Conditions to enforce the operating schedule to ensure the Licensing objectives are met.
- (ii) Impose recommendations of the Child Protections Agency on age restrictions to meet the crime prevention objective.
- (iii) Standard mandatory conditions are enforced.
- (iv) Hours of operation are as follows
 - Sale of Alcohol is Monday to Wednesday 10:00 to 00:00; Thursday to Saturday 10:00 to 03:00; and Sunday 12:00 to 00:30.
 - Provision of Regulated Entertainment is Monday to Wednesday until 00:00; Thursday to Saturday until 03:00; and Sunday until 01:00.
 - Opening hours for public are Monday to Wednesday until 00:30; Thursday to Saturday until 03:30; and Sunday until 01:00

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- (v) Days before Bank Holidays and for Christmas Eve, one extra hour beyond the usual permitted hours are granted.
- (vi) That two door supervisors be SIA approved and will be present between 22:00 and closing times.
- (vii) No new admission to the premises after 00:00 every night.
- (viii) That CCTV be installed, maintained and operated on the premises for the duration of operating hours for the prevention of crime and disorder.
- (ix) That anti-drugs signs be displayed in the premises for the prevention of crime and disorder.
- (x) Signs for exiting customers to leave quietly for the prevention of public nuisance
- (xi) Conditions to restrict numbers in the premises to 50 in the restaurant and 150 in the bar area for the benefit of crime and disorder, public safety, and public nuisance objectives.

There was an informative that the Committee noted in the operating schedule that staff will call taxis for the use of customers leaving the premises when requested to do so.

LCE06 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Serhat Restaurant (Agenda Item 6)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee outlining comments from the MPS who raised concerns that the premises had traded without a Night Café license and were currently under enforcement action. They had pointed out problems with accountability at the premises when Officers had visited. The MPS had requested that if Members were minded to grant the application to make a condition that a Designated Premises Supervisor be named on the licence ensuring that a person would be know to be accountable at the premises. Ms Barrett then informed the Committee that the Planning Officer had made an objection to the application on the grounds that the premises had planning permission to allow trading until 23:00, and that that application therefore breached the hours on this consent. Ms Barrett also highlighted that there had been one objection to the application from the Ladder Community Safety Partnership Board (LCSPB), and that there had been a letter in support of the application. The Chair asked Ms Barrett to clarify that the Night Café licence had been revoked. She clarified this, adding that the applicant had re-applied and been refused. Councillor Ms Adamou clarified that the premises would require the correct Planning Consent before the applicant made use of any premises license the Committee might be mindful to grant.

The Chair invited the applicant to address the Committee. Mr Mehmet, who was representing the applicant, stated that the concerns about the area were largely related to social clubs, and not the applicant's premises. He also stated that applicant was willing to negotiate with local residents whenever they had concerns about the premises. Attempting to clarify the application, Mr Mehmet confirmed that the applicant wanted to apply for a 05:00 closing time on his application. At this stage, the Planning Officer, re-iterated the objections of his team.

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The Chair invited the objectors to address the Committee. Representing the objectors, Ms Adamou informed the Committee about the aims of the Green Lanes Strategy Group's aims and objections and those of the LCSPB. With this in mind, she stated that there would be no objection to an application for a 02:00 closing hour because this was in line with the Group's policy that ensured crime and anti-social behaviour was limited in the Green Lanes area, and to ensure a balance between traders in the area and residents' needs. Ms Adamou also called for the applicant to adhere to the rules of the Planning Consent. The applicant's representative, Mr Mehmet, asked Ms Adamou what problems the applicant had caused in the area. Ms Adamou responded that a 24hours economy in the Green Lanes areas cause environmental problems and attracted unwanted and sometimes illegal activity amongst young men, which were not directly attributable to the applicant, but were caused by the late night trading.

RESOLVED:

That the Committee decided to grant the application in part and subject to the following conditions:

- (i) That the hours for opening and provision of late night refreshments are permitted as follows:
 - Monday to Sunday 08:00 to 02:00
- (ii) Conditions to enforce the operating schedule to ensure the licensing objectives are met.
- (iii) Standard mandatory conditions are enforced.
- (iv) No alcohol to be brought onto and/or consumed on the premises, except as authorised by the premises licence.
- (v) That a list of named persons to be in charge and accountable of the premises at all times during the operating hours, and for the name of those persons to be supplied to the Assistant Director, Enforcement Services, and for this to be updated with 14 days of any change. This is imposed in view of the objections of council officers in relation to enforcement and objectors' concerns for the prevention of public nuisance, and crime and disorder.

There was an informative to note that the applicant should be aware of the need to operate within the terms of their Planning Consent and that if necessary they should apply for a variation of this Consent.

LCE07 CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Mangal Ockbasi Restaurant, 443 Green Lanes, N4 (Agenda Item 7)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee highlighting to the Committee the measures the applicant had listed as ways of adhering to the licensing objectives. Ms Barrett also

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highlighted comments from the Enforcement Services who had stated that the premises were currently under enforcement action due to the premises being found open and trading in the early hours of the morning without a licence. This matter had been adjourned as the ownership/management as the premises could not be determined. The Service had requested that if the Committee were minded to grant the licence that a recognised designated premises supervisor be named on the licence as a condition. This would facilitate the Council and other authorities who may need to take enforcement action with a named individual who can be held accountable. Ms Barrett informed the Committee that a list of visits by the Service to the premises had been compiled. Ms Barrett confirmed that a letter of the objection to the application had been received from the LCSPB. The Chair asked if the premises had Planning Consent. The Planning Officer informed the Committee that there was no planning history for the premises, and that a gap in records needed filling since an application for Consent was withdrawn in 2001. The Planning Officer stated that the applicant would therefore need to supply a certificate of Planning Consent or apply for a new Consent.

Ms Adamou informed the Committee that in a previous hearing for the same premises, only a Planning Consent for an office had been found. There had been no new information since then and Ms Barrett stressed that the need to clarify the Planning Consent was paramount.

The Chair asked the applicant if he was aware of the permitted hours under his current license, to which the applicant replied that he was aware, and that he had stayed open beyond these hours because neighbouring business had done so too and he was afraid of losing customer by closing before competitors. The Chair asked what was stored and sold from the liquor store indicated on the floor plan. The reply was that only cold, soft drinks were sold.

The Chair invited the objectors to address the Committee. Ms Adamou spoke on behalf of the objectors and stated that there was some evidence that wine had been consumed on the premises. She also stated that the applicants had had many months to apply for the necessary planning permissions and that given that this did not appear to have been done, she thought the applicant was not a fit person to have a premises licence. In reply, the applicant stated that he was told that there was no need for him to have a new planning permission, since he possessed one from the 1970s, but was unable to produce this document.

RESOLVED:

The Committee decided to adjourn the hearing at this Item in order to request the applicant produce the planning consent which he had referred to during the proceedings. This was on the basis that it would assist the Committee in reaching a decision and if that decision were to allow the applicant in part or in whole, in deciding whether any conditions ought to be attached whether, and if so what conditions, ought to be attached to the license.

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The meeting was reconvened on 10th November at 9.30 am following production of the above planning consent.

The clerk briefed members and the applicant of the situation so far and the reason for adjournment as set out in the earlier paragraph. The Licensing Manager confirmed receipt of a letter from the Planning Inspectorate dated 14 July 1978, confirming that Planning Application had been granted, under the Town and Country Planning Act of 1971, for A3 restaurant use of the ground floor, for consumption of hot food off the premises between 9am and 11pm and with a seating capacity of 50.

There were concerns raised by members that the applicant was currently in breach of this permission and subject to enforcement action (paragraph 6.2 of this report). The legal representative confirmed that she had sought Counsel's opinion to confirm the separation of jurisdiction between the planning and licensing functions. However, if members were minded to grant the application it was suggested that a recognised person/designated premises supervisor be named on the licence as a condition; in order to facilitate the Council and/or other authorities, who may need to take enforcement action, with a named individual who could be held accountable.

The applicant's son, Mr Erkan Garip, was present on behalf of the applicant due to his father's language difficulties. He confirmed that his father, Mr Menderes Garip, was the manager of the premises, assisted by himself when necessary.

RESOLVED

That the application be granted subject to revised opening hours of between 7am and 2pm.

That the standard conditions be applied; and in addition:

A list of named persons, who shall be in control of the premises and on the premises at all times be provided to the Local Authority by 24th November and any changes to this list to be provided within 7 days.

That seating numbers be restricted to 50; in accordance with the Planning Permission and the safety objectives of the 2003 Licensing Act.

That the applicant be warned, by way of informative, that he may currently be in breach of his planning permission and should seek a variation if necessary.

That the applicant be warned, by way of informative, that the sale of alcoholic beverages without a license is a criminal offence and if it is the applicant's intention to sell alcohol he must apply for a variation to this licence.

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LCE08 ITEMS OF URGENT BUSINESS (Agenda Item 9)

None

The meeting ended at 22:45

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Councillor MARTIN NEWTON
Chair of Licensing Sub-Committee E

Date.....