

**MINUTES OF THE LICENSING SUB-COMMITTEE A
TUESDAY, 7 APRIL 2009**

Councillors Patel (Chair), Demirci and Reid

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCA02.	<p>URGENT BUSINESS</p> <p>The Committee agreed to the submission of a late item of urgent business, for consideration under agenda item 7.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting of the 4th December 2009 be approved and signed by the Chair.</p>	
LSCA05.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCA06.	<p>ZAM'S FRIED CHICKEN, 527 GREEN LANES N4 1AN (HARRINGAY WARD)</p> <p>The Licensing Officer, Ms Barrett, reported on an application for a new premises licence at Zam's Fried Chicken, for the provision of late night refreshment. No representations had been made by the responsible authorities, and one letter of representation had been submitted by a local resident, expressing concern regarding the issues of litter and increased disturbance.</p> <p>The applicant's representative explained that the premises was for take away only, and that the only seating provision for customers was one or two stools. Referring to the representation made by a local resident, he stated that there was no proof that the litter mentioned was caused by Zam's Fried Chicken, but that the applicant would be prepared to accept conditions on the licence that would mitigate the concerns regarding litter, including the installation of a litter bin, and signs requesting customers to use the bins and to leave the premises quietly.</p> <p>In response to questions from the Committee, the applicant's representative confirmed that the applicant would be prepared to install a digital CCTV system, and that installation would be with the agreement</p>	

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	<p>of the police.</p> <p>RESOLVED</p> <p>That the Licensing Sub Committee decided to grant the application as requested, subject to the following additional conditions:</p> <ol style="list-style-type: none">1. That a digital CCTV system be installed at the premises. The system should be capable of recording for 28 days and should be able to take digital images of people entering the premises. The recordings must be made available to Police officers and the Local Authority on request.2. Signs shall be displayed at the exit, reminding customers to leave quietly.3. A bin shall be provided within the customer area for the use of customers.4. Signs shall be displayed, reminding customers to use the bins provided. <p>The Committee has taken into account the representation by the objector, and particularly her point on litter and her concern regarding customers eating in their cars with engines running, resulting in more nuisance in the area. The Committee felt that the conditions imposed would be sufficient to address the concerns raised.</p>	
<p>LSCA07.</p>	<p>ITEMS OF URGENT BUSINESS</p> <p>The Licensing Officer, Ms Barrett, reported on an application for a new premises licence at Present Time restaurant for the supply of alcohol, provision of late night refreshment and provision of regulated entertainment in the form of recorded music. Representations had been submitted by the Police, and the Noise Team and local residents had submitted objections to the application on the grounds of noise nuisance.</p> <p>Derek Pearce, Enforcement Officer, presented the Noise Team representation, and expressed serious concerns relating to the application and in particular the application to permit recorded music at the premises. Mr Pearce reported that the premises had in the past operated more as a venue for loud music entertainment than a restaurant, and expressed concerns regarding the suitability of the premises for the playing of recorded music due to the lack of sound-proofing, and the late operating hours applied for. Mr Pearce reported on previous complaints made to the Noise Team relating to the premises, and gave details of abatement notices that had been served on the premises. The representation from the Noise Team included some suggested conditions, but Mr Pearce emphasised that the Noise Team strongly objected to the recorded music element of the application.</p> <p>In response to questions from the Committee, Mr Pearce confirmed that</p>	

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complaints had been received regarding the premises when it had been operating without a licence, and reported that, following checks, there was no evidence that the applicant had a long term interest in the premises.

The applicant addressed the Committee and reported that, since he had become involved with the premises, there had been only a single noise complaint, since which time he had always complied with any requests for music at the premises to be turned down. The applicant reported that the premises would operate as a restaurant, not a venue for music and dancing, that there would be no loud music played and that CCTV and doormen would be used to ensure that there was no disturbance. The applicant noted that some of the complaints received were from residents who did not live close to the premises, and that the noise being reported was not always from this particular premises.

In response to questions from the Committee, the applicant reported that he had an arrangement in place to take the lease on the premises over from the current leaseholder, but that this was conditional on him being granted a licence. The applicant also reported that he had already demonstrated commitment to the premises by undertaking a refurbishment, and stated that he would be willing to invest in any works necessary at the premises if the licence were granted. In response to questions from the Committee regarding whether the applicant was aware that the premises had been operating without a licence, the applicant responded that he had been informed by the previous manager of the premises that a licence was in place, but had not verified this separately and now realised that this was something that he should have done.

The Committee asked about the applicant's relationship with residents living close to the premises, and the applicant reported that he had spoken to residents about noise from the premises in the past, since when there had been no problems and the premises had a good relationship with its neighbours.

The Legal Officer asked for further information regarding the freehold and leasehold of the premises. The applicant reported that Mr Kwateng held a 19-year lease on the premises, of which 3 years had elapsed. Mr Pearce enquired about the financial feasibility of employing doormen when the applicant had stated that the capacity of the venue was just 25-30 customers, and the applicant responded that doormen would not be required for normal nights, only for special events.

The Licensing Officer asked the applicant for further information on some of the conditions proposed in the application. In response, the applicant confirmed that overcrowding would be avoided by having a policy that all customers were to be seated and that a waste management agreement was being entered into with the Council to ensure that waste was dealt with appropriately.

In conclusion, Mr Pearce emphasised the serious concerns the Noise

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	<p>Team had regarding the application for recorded music and requested that, were the licence to be granted, the conditions suggested by the Noise Team be taken into consideration.</p> <p>RESOLVED</p> <p>The Committee considered the application fully, together with the representations from the responsible authorities, objectors and the applicant. However, after much deliberation, we reject the whole of the application for the premises licence.</p> <p>The Committee feels that there was overwhelming evidence in relation to nuisance, specifically noise, nuisance, and was concerned that, by his own admission, Mr Tshilumba has struggled to fully comply with requirements under the Environmental Protection Act in relation to noise nuisance and the Food Hygiene Regulations.</p> <p>The questions posed by those present to Mr Tshilumba were not satisfactorily answered and neither Mr Tshilumba nor the premises itself appears to the Committee to be adequately managed and equipped to operate this premises licence in its current form.</p> <p>The representations by the noise officer were compelling and the fact that there is a history of noise complaints with the premises since Mr Tshilumba's involvement, the issue of outbreak of music does not appear to have been adequately addressed.</p> <p>We were concerned with his inability to sufficiently and satisfactorily answer questions in relation to his interest in the property, his ability to comply with conditions if imposed, his general understanding in relation to the Licensing Act 2003 and his failure to provide us with sound and enforceable conditions that he could be expected to adhere to.</p>	
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Cllr Jayanti Patel

Chair