

# **MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON TUESDAY, 18TH MAY, 2021, 19.00 – 20.04**

## **PRESENT:**

**Councillors: Sarah Williams (Chair), Luke Cawley-Harrison and Peter Mitchell**

### **1. FILMING AT MEETINGS**

The Chair advised that the meeting would be live streamed on the Council's website.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. URGENT BUSINESS**

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **5. APPLICATION FOR A NEW APPLICATION OF A PREMISES LICENCE AT TACO BELL, 1 & 2 GLADSTONE HOUSE, HIGH ROAD, WOOD GREEN, LONDON N15**

Daliah Barrett, Licensing Officer, introduced the report, as set out on pages 1-4 of the agenda. Ms Barrett stated that the representations received from the Police and Licensing Authority had since been withdrawn and representations remained from residents. Ms Barrett also referred to the information submitted surrounding the crime profile of the area and confirmed that this related to Noel Park ward as a whole.

The applicant had submitted a number of additional conditions to help address concerns raised, which had been previously circulated to all parties, as follows:

1. Litter bins shall be available for customers use outside the premises at all times the premises are trading, these bins shall be emptied at regular intervals throughout every trading day.
2. The licence holder will undertake litter picks in the area surrounding the premises including Gladstone Avenue and within the store's outside seating area. The litter picks will take place 3 times per day and a log will be kept recording the time of each litter pick and the initials of the litter picker.

3. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent business waste arising or accumulating in the area immediately outside the premises (except at allocated collection times agreed with the Waste Management provider).
4. Members of the public will be prevented from accessing hot food preparation areas to prevent risk of scald or burns.
5. The toilets will be available to customers at all times the premises is open to the public.
6. The licence holder will ensure patrons use the external area in a manner which does not cause disturbance to nearby residents and businesses in the vicinity. Patrons will not use such areas after 23.00 hrs.
7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

It was noted that the applicants had invited residents to a mediation meeting the previous week to discuss the application and try to address the concerns raised.

Reference was made to page 20 of the agenda and the non-standard timings and it was questioned whether at the start of British Summer Time (BST) the terminal hour for all licensable activities would be extended by one hour, beyond 3am. It was confirmed that the terminal hour would be extended for the duration of BST, however this would remain at 3am.

In response to a question regarding other nearby late night establishments, Ms Barrett stated that each application was considered on its own merits. She added that there were a couple of nearby Turkish restaurants that had a licence until 5am and the McDonalds at the Hollywood Green location had a licence for late night refreshment between 11pm – 5am.

In response to a question asking whether there were any planning or licensing designations in the location, it was confirmed that there were none to be considered in the local area. Ms Barrett added that there were also no cumulative impact zones in the borough.

Rachella Sinclair outlined her representation in objection to the application, as follows:

- The concerns that were being expressed were already being experienced in the area, with cars idling in the area until 5am, people eating in their cars, playing loud music and alarms going off.
- There was already a large amount of anti-social behaviour and criminal activity being experienced in the area and it was feared that granting another late licence would only add to this problem.
- There was also a problem with delivery drivers collecting food and people leaving litter in the area after visiting the late night take away food establishments.
- She was having to clear up broken glass outside her property on a daily basis.

- It was felt that granting a late night licence would only encourage people to stay and drink later in the area.
- The premises was located within a conservation area.

Shamima Hossain outlined her representation in objection to the application, as follows:

- Her property was directly adjacent to the premises and she had already raised a number of her concerns at the residents meeting held last week.
- Ms Hossain wanted reassurance that the applicant's would have a complaints procedure in place for any residents to raise any concerns that they had, if necessary.
- It was felt that there was not a need for a late night licence until 3am, due to the residential nature of the surrounding area.
- Ms Hossain wished to know how the applicants would manage the noise nuisance at the premises.
- It was requested that mopeds and delivery drivers not be permitted to park in Gladstone Avenue, due to the noise nuisance it would cause to local residents.

Ozlem Yenidunya outlined her representation in objection to the application, as follows:

- Ms Yenidunya also lived in close proximity to the premises and agreed with the concerns that had already been raised. She did not feel safe in the area at night, due to the high level of anti-social behaviour and crime and felt that granting a licence until 3am would only add to the existing problems in the area.
- It was felt that the applicants had a lack of respect for local residents and the fact that the premises was located within a conservation area.
- Ms Yenidunya was not against the location of Taco Bell at the premises but felt that the hours being applied for were too late and was also concerned about noise from delivery drivers and the amount of litter generated.

Christopher Rees-Gay, Applicant's Representative, alongside the applicant team; Grant Roderickson, Paul Welford and Stephen O'Connell, outlined the application, as follows:

- As previously raised, the applicants had submitted a number of additional conditions to help mitigate some of the concerns raised.
- Mr Rees-Gay gave an overview of Taco Bell as a company and stated that the premises would be the 15<sup>th</sup> franchise Taco Bell restaurant in the UK.
- A virtual residents meeting had been held on the 10 May with the applicants to discuss the application and try to address any of the concerns raised by local residents.
- The Manager's contact details had been submitted and asked to be circulated to residents, for them to raise any concerns if necessary.
- Training of staff was paramount and all staff on induction would be provided the necessary training on how to promote the licensing objectives.

- The premises was currently unoccupied and the applicants had invested a large amount of money to fully refurbish the property. The applicants would be the landlord for the property and therefore had a vested interest in the operation of it.
- The applicant had 7 years experience of operating within the industry.
- It was confirmed that no alcohol would be served at the premises.
- The late night hours being applied for would cater to the needs of the customer base in the area and the modern day workforce.
- It was noted that the representations from both Responsible Authorities had now been withdrawn.
- It was acknowledged that the premises was located in a residential area, however it was also located in close proximity to Wood Green underground station and a busy junction, with a large number of nearby premises with late night licences.
- Reference was made to the Licensing Authority representation detailed on page 45 of the agenda. This stated that the premises was located within an inner city London borough and therefore was susceptible to high levels of crime and anti-social behaviour. It was also noted that from Police records, it did not appear that there were any offences that were specific to Gladstone House.
- It was confirmed that litter bins would be available at all times and would be emptied regularly.
- It was suggested that some of the concerns regarding litter and waste related to the previous operator and the applicants had provided reassurance that a commercial waste management plan would be put in place.
- With regard to food smells from the premises, as raised with the previous operator, it was confirmed that all of the equipment would be replaced and relevant maintenance contracts put in place.

Although it was recognised that there would be no supply of alcohol at the premises, Members wished to know whether staff would be trained on how to deal with intoxicated customers visiting the premises after drinking at nearby late night licensed premises. In response, Mr Roderickson stated that all staff would be trained to not serve intoxicated customers and to call the Police if required.

Following a request for clarification about the operation of the business, it was confirmed that the business would be run as a franchise, with a store manager and area manager. The head office was located in Wembley.

In response to a question regarding the outdoor seating area and hatch for deliveries, it was explained that the premises would provide takeaway only after 23.00 hours and therefore the outdoor area would not be in operation after this time. It was also stated that the delivery serving hatch would only be used during busy periods and there would be a strategy put in place to ensure that this was effectively managed, in order to prevent noise nuisance to neighbouring residents.

Discussion took place surrounding the use of mopeds and where it was proposed that they would park for delivery pick-ups, as the Committee raised concern regarding noise nuisance and potential use of the pavement space outside the premises. In response, the applicants stated that they considered Bules Road to be the most appropriate location for short stay parking and recognised that the use of Gladstone

Avenue for deliveries would cause noise nuisance to neighbouring residents. The applicants added that it was the responsibility of the manager to ensure that the delivery drivers were not parking on the pavement outside the premises.

Ms Yenidunya raised the issue of litter in neighbouring resident's front gardens and questioned how the applicants would manage this issue. In response, the applicants stated that they had proposed a condition regarding litter picking, which would take place in the surrounding area, 3 times a day. The applicants stated that they would not be permitted to access private gardens to litter pick. The applicants added that the operators had owned the premises since 2008 and were developing 9 flats above the licenced premises and therefore had made a big investment in the property which they wanted to be managed properly.

In response to a request for clarification on the litter picking issue in resident's front gardens, Michelle Williams, Principal Lawyer, confirmed that the applicants would only be permitted to litter pick in surrounding streets, as any access to private front gardens would be classed as trespassing.

Dick Gamble also outlined his representation in objection to the application, as follows:

- It was questioned whether parking could be provided.
- Reference was made to the permitted planning use of the premises and whether a change of use was required.
- Mr Gamble welcomed the outdoor seating area not being used after 23.00 hours, however he questioned whether the furniture would be brought in after this time.
- He would like to see no smoking permitted near neighbouring residential properties.

In response to the objections raised, the Principal Lawyer confirmed that the parking and planning matters raised were not matters that could be considered by the licensing regime.

Mr Roderickson stated that the outdoor furniture was not fixed and therefore would be brought in after 23.00 hours. He also stated that an additional condition had been submitted covering the smoking area, requesting patrons to respect the needs of local residents and use the area quietly.

In response to a question regarding the capacity of the outside seating area, Ms Barrett explained that the previous operator had used the outside pavement area for seating for many years and therefore a separate licence was not required for this area. Ms Barrett confirmed that there would still be sufficient space for pedestrians to use the pavement.

In summing up, Mr Rees-Gay stated that the applicants were a premium operator and that there were no outstanding representations from Responsible Authorities. The applicants had also submitted a number of additional conditions in order to help mitigate some of the concerns raised by residents.

## **RESOLVED**

The Licensing Sub Committee carefully considered the application for a new premises licence for Taco Bell, 1 & 2 Gladstone House, High Road, Wood Green, London, N22. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following conditions and amendments:

### **Operating times:**

#### **Late Night Refreshment:**

Monday to Sunday                      2300 to 0000 hours

#### **Hours open to the public:**

Monday to Sunday                      1030 to 0000 hours

### **The following conditions are imposed as proposed by the Police:**

1. A digital CCTV system must be installed in the premises complying with the following criteria:
  - (a) Cameras must be sited to observe the entrance doors from both inside and outside.
  - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
  - (c) Provide a linked record of the date, time of any image.
  - (d) Provide good quality images - colour during opening times.
  - (e) Have a monitor to review images and recorded quality.
  - (f) Be regularly maintained to ensure continuous quality of image capture and retention.
  - (g) Member of staff trained in operating CCTV at venue during times open to the public.
  - (h) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
  
2. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
  - (a) all crimes reported to the venue

- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) Seizures of drugs or offensive weapons
- (f) Any faults in the CCTV system or searching equipment or scanning equipment
- (g) Any visit by a relevant authority or emergency service.

**The following conditions are imposed as proposed by the Applicants:**

3. Litter bins shall be available for customers use outside the premises at all times the premises are trading, these bins shall be emptied at regular intervals throughout every trading day.
4. The licence holder will undertake litter picks in the area surrounding the premises including Gladstone Avenue and within the store's outside seating area. The litter picks will take place 3 times per day and a log will be kept recording the time of each litter pick and the initials of the litter picker.
5. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent business waste arising or accumulating in the area immediately outside the premises (except at allocated collection times agreed with the Waste Management provider).
6. Members of the public will be prevented from accessing hot food preparation areas to prevent risk of scald or burns.
7. The toilets will be available to customers at all times the premises is open to the public.
8. The licence holder will ensure patrons use the external area in a manner which does not cause disturbance to nearby residents and businesses in the vicinity. Patrons will not use such areas after 23.00 hrs.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

**The following conditions are imposed as proposed by the Committee:**

10. Signage to be clearly displayed notifying customers that it is a residential area and for them to leave the premises quietly and to not idle engines or loiter in the surrounding area.
11. Delivery drivers are not permitted to congregate on Gladstone Avenue, near to residential properties.
12. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
13. The service hatch for deliveries is not to be used after 23.00 hrs.

## **Reasons**

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Committee was satisfied from the representations that the noise from customers and delivery drivers, noise from cars and from within them and noise from motorbikes was likely to cause a public nuisance to residents.

The Committee felt that given that the premises are located on a residential road, and in close proximity with residential houses, including one with which it shares a party wall, the licensing objective of the prevention of public nuisance would be undermined if a licence for late night refreshment was granted until 3am, Monday to Sunday. As set out in paragraph 5.10 of the Statement of Licensing Policy, premises trading beyond midnight pose the greatest risk of undermining the licensing objectives.

The Committee imposed the above conditions which were appropriate and proportionate and would go some way to promoting the licensing objectives but the Committee decided that the terminal hour should be midnight, to reduce the nuisance caused to local residents and to promote the licensing objectives of the prevention of public nuisance.

The Committee acknowledged that the applicant was very professional and had voluntarily accepted a number of conditions suggested by the Police and had also proposed a number of conditions themselves to address some of the resident's concerns. In particular, the Committee noted that the applicant had offered conditions to address the concerns regarding litter and waste.

The Committee also noted that the applicant had offered to provide a contact email address to residents and wished to encourage communication between the applicants and local residents if any issues arose.

## **Appeal Rights**

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

CHAIR:

Signed by Chair .....

Date .....