

MINUTES OF MEETING Special Licensing Sub Committee HELD ON Wednesday, 9th June, 2021, 7.00 - 8.00 pm

PRESENT:

Councillors: Gina Adamou (Chair), Luke Cawley-Harrison and Yvonne Say

ALSO ATTENDING: Daliah Barrett (Licensing), Jennifer Barrett (Noise), Maria Ahmad (Public Health), Khumo Matthews (Legal), Alex Greg (Resident) and Medina Basrika (Applicant)

7. FILMING AT MEETINGS

The meeting was live streamed on the Council's website.

8. APOLOGIES FOR ABSENCE

None.

9. URGENT BUSINESS

None.

10. DECLARATIONS OF INTEREST

None.

11. SUMMARY OF PROCEDURE

The procedure was noted.

12. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT THE VILLAGE KITCHEN, 118A WEST GREEN ROAD, LONDON, N15

Daliah Barrett, Licensing, introduced the report as set out and responded to questions from Members:

- The current licence allowed the sale of alcohol until midnight, and planning permission only allowed use of the premises until 10pm. The applicant should therefore apply for a change in the planning hours as these were the hours which should be complied with. However, the Committee needed to be mindful that planning was a separate regime to licensing.

Jennifer Barrett (noise team) presented the noise team representation in objection to the application. The increased hours were considered to be excessive. The current layout of the premises meant that the toilets were accessed via a door to the rear of the premises – this would lead to noise breakout from the premises.

Maria Ahmad (Public Health) presented the public health representation in objection to the application. Extension of the hours would negatively impact residents' quality of life. There was a significant alcohol issue in the borough. The applicants had already violated many of the licensing objectives and Ms Ahmad was not satisfied that the licensing objectives would be upheld going forward.

Alex Greg, local resident, presented his objection to the application. She lived at the rear of the property and was concerned that there would be excess noise from the rear of the property. A closing time of 4am was not acceptable for the area.

The applicant presented their application and responded to issues raised by objectors. The rear garden was not in use at the moment, and the toilet was accessed by two doors, so noise breakout would not be an issue. The applicant was requesting a closing time of midnight Monday-Thursday and 2am on weekends. It was proposed to have security at the premises to monitor noise and ensure people would not go outside at the rear of the premises.

Ms Barratt advised that the rear garden was not included on the plans for the premises licence application and so it should not be used at all.

The applicant responded to questions from the Committee:

- The smoking area was at the front of the premises, and only one person would be permitted to smoke outside at one time.
- The premises had a capacity of 15-18 people.
- The applicant was not aware of any noise coming from the premises after midnight.
- The applicant was not aware that the premises only had planning permission to open until midnight.
- The applicant had applied for extended hours to support the business after struggling following the pandemic.

All parties summed up and the Committee retired to consider their decision.

RESOLVED

The Committee carefully considered the Licence holder's application to vary an existing premises licence, the representations made by the Metropolitan Police, the Licensing Authority, Public Health, the Planning Department, Trading Standards, the residents, and the representations made by the Applicant, the Council's Statement of Licensing Policy, and the Licensing Act 2003 s182 guidance.

Having heard the parties' evidence, the Committee resolved to refuse the application. The Committee understood that the applicant wished to increase her trading hours in response to the difficulties that had arisen during the current public health emergency and was aware of the current climate affecting restaurants.

However, the committee was not satisfied that the premises would operate responsibly and pay sufficient regard to the licensing objectives particularly with respect to the prevention of public nuisance. The committee heard evidence that residents had been affected by noise emanating from the premises including up to 5

a.m. It also heard evidence that the rear area of the premises was being used even though it was not an area within which licensable activity was supposed to be taking place.

Noise at the premises after midnight and up to 5 am was well outside what the current licence permitted. The committee did not find the licence holder was being credible in her explanations about how the premises was operating and how it would operate if the hours were extended. The committee was not satisfied that the applicant was adhering to the conditions set out in her current licence and did have any reason to believe that the applicant would operate responsibly if her hours of operation were to increase.

The committee was satisfied that the responsible authorities had previously spoken to the licence holder regarding the way she was operating but did not see any evidence that going forward the premises would operate responsibly.

The committee noted the applicant said she had a mature clientele that she tried to manage and said she cooperated with the police when she observed nuisance in the locality. However, the committee was not satisfied that enough was being done by the licence holder to justify any increase in hours, let alone an increase as substantial as the one the licence holder had requested.

Informative

The committee notes that there is a terminal hour provided in the planning permissions for this site. The committee suggests that the applicant seek advice about this.

The Committee approached its deliberations with an open mind and only took its decision after having heard all the parties' representations. The Committee considered that the decision was appropriate and proportionate.

CHAIR: Councillor Gina Adamou

Signed by Chair

Date