

# **MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON FRIDAY, 2ND JULY, 2021, 2.00 PM - 3.20 PM AND ON TUESDAY 27TH JULY, 2021, 7.00 PM - 8.25 PM**

**PRESENT:** Councillor Sheila Peacock (Vice-Chair, in the Chair), Councillor Viv Ross, and Councillor Yvonne Say

## **1. FILMING AT MEETINGS**

The Chair referred to the notice of filming at meetings and this information was noted.

## **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. SUMMARY OF PROCEDURE**

The Chair provided a summary of the procedure for the meeting.

## **6. APPLICATION FOR A NEW PREMISES LICENCE AT 365-369 GREEN LANES, LONDON, N4**

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for 365-369 Green Lanes, London, N4. It was explained that the application requested a licence for late night refreshment from 2300 to 0200 hours on Friday-Saturday and for the sale of alcohol on the premises from 1100 to 2300 hours on Sunday-Thursday and 1100 to 0200 hours on Friday-Saturday, with public access from 0600 to 2330 hours on Sunday-Thursday and 0600 to 0230 hours on Friday-Saturday.

The Licensing Officer explained that the applicant had submitted further communications to confirm the following amendments to the application:

- The sale of alcohol and provision of late night refreshment was now requested to cease at 2330 hours with the premises closing at 0000 hours on every day of the week.
- No regulated entertainment in the form of amplified music would be provided after 2300 hours in the garden area.

It was noted that the premises were situated on a terrace of shops with residential accommodation above and to the rear. It was explained that the premises were designed to be a restaurant on the ground floor and on a mezzanine floor; there would also be an external area.

The Licensing Officer noted that part of the premises had previously operated as a business called 'Rakkas' which, following a review, had its premises licence revoked. It was commented that the premises licence holder at the time had been Mr Ali Ozbek and it was noted that he was still named as the rate payer at the premises. It was stated that the agent of the current applicant had submitted confirmation that Mr Ali Ozbek had no involvement in this application.

It was noted that the applicant had offered to have no music played in the external area at the premises and had explained that alcohol sales would only be available through waiting service to the customers' tables.

The Licensing Officer reported that representations had been received from Environmental Health, the Licensing Authority, the Police, Planning, and three other persons, including Councillor Zena Brabazon, and these were set out in full in the report. It was explained that the representations from other persons related to concerns about links to the previous operation, a lack of clarity in relation to the external area, and the potential for noise. It was noted that, following the agreement of conditions with the applicant, the representation from the Police had been withdrawn.

It was also noted that the relevant laws and guidance were listed in the report. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that there were no photos of the garden area but that the applicant might wish to provide an explanation during their presentation.
- It was noted that the previous premises licence holder, Mr Ali Ozbek, was named as the current rate payer at the premises and it was enquired whether he was involved in any aspect of the business. Duncan Craig, Solicitor for the applicant, noted that this would be explained in the applicant's presentation.
- It was confirmed that Mr Garip Toprak would be the Designated Premises Supervisor (DPS).
- It was enquired whether any smoking in the external area would comply with smoking legislation which required any structure to be sufficiently open. The Licensing Officer noted that the applicant had been made aware of the relevant

legislation and the possible need for a further planning application if smoking would be undertaken; it was noted that the position could be clarified by the applicant.

The Committee received representations from objectors:

- Philip Cone, Licensing Authority, noted that he was grateful to the agent and applicant for agreeing several additional conditions. He explained that his main remaining concern was the external space and that the Licensing Authority had asked for the external space to be closed to customers from 2300 hours on Friday-Saturday and from 2100 hours on Sunday-Thursday. The Licensing Authority had also requested a condition that the external area was fully enclosed and sound insulated. It was stated that, if the external area was not insulated, it was asked that it was closed from 2100 hours. It was noted that there was a history of noise complaints in the surrounding area and it was explained that the premises were now larger which could lead to a higher risk of noise.
- It was noted that there were questions about whether the external area would be used for smoking and it was highlighted that this would come under different planning rules which would require an additional planning application.
- Ian Sygrave, Ladder Community Safety Partnership, stated that these would be large premises where three units had been combined. It was explained that the premises were situated below two storeys of residential flats and adjacent to 20-30 residences. It was noted that there would be a large number of customers in the premises and a number of local residents would be affected by noise. It was added that there were historic problems of noise nuisance at the premises, even when it had been a third of the size as there were no design structures to minimise noise escaping.
- It was enquired how the back of the premises would be configured. It was noted that it was called the back garden on the plan but that the planning permissions suggested that it was entirely enclosed. It was stated that it would be useful to clarify the position so that appropriate conditions could be suggested. Ian Sygrave felt that, if the area would be open, reduced hours would be more appropriate. He stated that it would be good to establish whether the external area would be used for smoking shisha and whether there would be a smoking area. It would be important to clarify whether smoking would be taking place in close proximity to residential accommodation and whether there would be any controls.
- Cllr Zena Brabazon noted that the area had a number of restaurants and a number of residential roads and that the tensions between these uses had to be considered. She stated that residents lived above the premises, often in small flats, and that it was difficult for them to deal with noise, smoke, and cooking smells.
- It was noted that the external area at the premises backed onto residential properties and, therefore, the issue of noise would be important. Cllr Zena Brabazon stated that it would be useful to know whether the external area would be covered or would be used for smoking.
- Cllr Zena Brabazon stated that there had been previous work with businesses in the area in relation to closing times to mitigate the tensions between the commercial and residential uses. She noted that she was curious how the proposed mezzanine level would operate within the premises and whether it would

be overlooking the external area, would have open windows, or would have appropriate ventilation.

- It was noted that the hours requested in the application had been reduced which was welcomed as noise nuisance and public nuisance were great concerns for local residents. It was highlighted that residents had experienced previous issues with cooking smells and noise nuisance.

In response to questions from the applicant, the following responses were provided:

- Duncan Craig, Solicitor for the applicant, asked for clarity in relation to the conditions requested for the rear area. He enquired whether, if the external area was fully enclosed, the hours requested would be appropriate as long as noise and light did not cause an intrusion for residents. Philip Cone stated that the Licensing Authority was requesting that the external area was closed to customers from 2300 hours on Friday-Saturday and on 2100 hours on all other days.

The Committee heard from the representatives of the applicant, Duncan Craig (Solicitor), Garip Toprak (Applicant), and Kenan Kara (Agent for the Applicant). Duncan Craig confirmed that the original application had been amended substantially to reflect the concerns raised by residents and by Responsible Authorities. He noted that Mr Ali Ozbek had no involvement with the business and that a condition could be added to reflect this. It was explained that the rates were in his name because the applicant had only recently received correspondence about the rates and was waiting for certainty of the licensing position before signing the lease for the premises. Duncan Craig stated that the premises would not be a shisha lounge. He added that the premises would be made up of three previously separate units and would be larger but highlighted that there would be a number of conditions and no regulated entertainment.

Duncan Craig noted that a number of conditions were offered and these were set out in the operating schedule which was included in the agenda pack. It was commented that the Police had agreed two conditions on CCTV and an incident report with the applicant and it was asked that these conditions were not duplicated in the licence. It was explained that the applicant had agreed most matters with the Licensing Authority and the only remaining issue related to a condition on amplified music; there were some technical details on the Live Music Act which brought into question how enforceable a condition on amplified music would be before 2300 hours. In relation to the external area at the rear of the premises, it was noted that there would be no regulated entertainment. Duncan Craig explained that there was a difference between regulated entertainment and music. It was noted that, subject to the grant of the licence, the applicant was requesting to have background music in the external area until 2300 hours.

Duncan Craig acknowledged that there had been an element of confusion around the external area. It was noted that there were separate planning and licensing regimes. He explained that the external area would be enclosed but not fully enclosed and that, therefore, it would be compliant with the smoking regulations. It was stated that the premises would not be a shisha lounge but that there would be an option for people to smoke. Duncan Craig noted that the decision for the Licensing Sub-Committee would be about the conditions that were appropriate for the external area. It was commented that there would be no regulated entertainment and there would be a requirement to

vacate the area by 2300 hours. It was noted that a letter from the landlord had been submitted as evidence and this stated that there was noise separation between the ground floor and the flats above. It was added that there were only six flats above the premises and that the residential properties to the rear were a little distance away.

It was commented that, once the works at the premises were completed, there might be a requirement to apply for a minor variation to the licence to make sure that the plans were accurate. It was noted that this would not involve a change to the licensable area or the nature of the operation of the premises.

Duncan Craig noted that there was a condition to provide Security Industry Authority door staff at the premises from 8pm until closing every day. It was stated that this was unusual for a restaurant but it would ensure that the premises could be managed properly. In relation to any issues of odour, it was noted that the previous equipment used in the premises was slightly older and the applicant would have a state of the art charcoal filter extraction system in place.

In response to questions from the Committee, the following responses were provided:

- It was enquired how the mezzanine area was configured. Duncan Craig explained that the mezzanine was above the garden area and was enclosed. It was noted that it was not fully enclosed; there was a roof but it was stated that this was not included in the calculation for the smoking regulations.
- It was clarified that, although the applicant had not signed the lease for the premises, his uncle was the landlord and they had an agreement. Duncan Craig stated that the applicant would be investing £1 million in the premises, including some structural works.
- It was noted that the plans of the premises showed a number of seats in the external area but did not show an enclosure between the bar and the garden; it was enquired how the area was enclosed. Duncan Craig explained that there would be a wall between the bar and the back garden. He noted that this would not be in the licensing plan but that the wall was suspended above the bar and did not come down to ground level. Garip Toprak noted that the decoration of the premises had not been started yet but that there would be two doors for the garden and one door for entry. Kenan Kara, agent for the applicant, explained that the inside of the premises was fully enclosed and the garden was partly enclosed. He stated that there was a door marked on the plan of the premises, on page 30 of the agenda pack, between the bar and the garden.
- Kenan Kara confirmed that the mezzanine would be partly enclosed and that it was located above part of the external area. It was explained that there would be a retractable roof which could be open or closed as required and that there would be an extraction system for the whole area.
- It was confirmed that there would be disabled access on the ground floor but not to the mezzanine. It was enquired whether this was compliant with the Disability Discrimination Act. The Licensing Officer stated that this issue was noted but was not part of the licensing decision.
- The Licensing Officer noted that the Responsible Authorities had considered the plans that were submitted as part of the application and that they might require further time to consider any amended plans. It was stated that retractable roofs were often used for shisha premises and that no plans had been submitted. It was

noted that Environmental Health had requested additional information and that a retractable roof did not ensure compliance with the smoking regulations.

- It was noted that there would be approximately 88 seats in the mezzanine area. Concerns were expressed about noise escaping if this area was partly enclosed.

The Chair expressed some concerns that the detail of the plans and the configuration of the premises was complicated and appeared to be changing throughout the hearing. Khumo Matthews, Legal Advisor, stated that the Committee may need to consider whether additional information was required in order to ensure a fair hearing. It was noted that, in the circumstances, it would be appropriate for the applicant to be able to clarify what their representations were. It was stated that this question could be put to the applicant's representative but it was highlighted that the Committee would not be advised to continue if there was any confusion that was material to the application.

Duncan Craig noted that minor alterations could be made after a licence was agreed as long as they did not alter the size of the space and he stated that the plan would be compliant. Duncan Craig had a brief discussion with the applicant. He confirmed that, given the comments made during the hearing, the applicant felt that it was sensible to adjourn the meeting to allow for additional detail to be provided.

At 3.30pm, the members of the Licensing Sub-Committee agreed to adjourn the meeting. It was noted that the date of the reconvened meeting would be discussed with the parties and confirmed as soon as possible.

At 7pm on Tuesday 27 July 2021, the meeting was reconvened with all parties from the initial hearing on 2 July 2021 present. Notice of the reconvened meeting was provided five clear working days in advance and additional plans submitted by the applicant were circulated on 19 July 2021 and 27 July 2021.

The Chair re-convened the meeting and explained that the original meeting had been adjourned in order to clarify the detail of the plans and the external area in particular. It was noted that the applicant had provided some additional plans but no additional narrative. It was stated that, at the meeting on 2 July 2021, the Licensing Sub-Committee had heard from all of the parties but that, as there were additional plans, it was suggested that the Licensing Sub-Committee would hear from the applicant first and then from the other parties.

Duncan Craig explained that, following communications with the architect, it had been confirmed that any open apertures or retractable ceilings would require another planning application to be submitted and it was noted that this would be undertaken in due course. It was highlighted that the licensing and planning regimes were separate but that this was noted for information.

It was noted that the proposed licensable area was shown on page 80 of the agenda pack. It was explained that the updated plans had a slightly different layout but that the licensable area was the same. Duncan Craig stated that there was a wall dividing the external area from the internal area; there was a recess in this wall which was a

servery to the external space. It was explained that there was a corridor which was the only way into and out of the rear area; this was demonstrated on the right hand side of the plan on page 80 of the agenda pack.

In response to questions from the Committee and those who had submitted representations, the following responses were provided:

- It was noted that 80 people could be seated in each of the internal ground floor area and the external area.
- Duncan Craig stated that the key issue would be how the external area was conditioned; he noted that this would be easier to define as there was a more discrete area in the plan that had been submitted.
- Ian Sygrave noted that there was a fire exit corridor area to the rear of the external area and enquired where this led. It was clarified that this was not a fire escape. Duncan Craig stated that, if the licence was granted, an amended plan would be submitted within 14 days. He highlighted that the licence would not be operational for a number of weeks as works were still ongoing at the premises and he undertook to ensure that the correct plan had been submitted before any licensable activities commenced.
- Cllr Ross noted that, at the meeting on 2 July 2021, he had asked for confirmation of whether the spiral staircase was permitted under disability legislation. Duncan Craig noted that there was a requirement to make reasonable adjustments but that this was a planning matter and he understood that there was planning approval and that, if there was not, this would be enforced outside of the licensing regime. It was confirmed that there was no lift access to the mezzanine level.
- It was also noted that seating for 40 people was shown in the plan for the mezzanine area but that this could change and that loose seating did not need to be shown on a licensing plan. Duncan Craig confirmed that the fire escape from the mezzanine level would be down the spiral staircase. Some concerns were expressed about the safety of this escape. Duncan Craig noted that this was not uncommon and that there had been no representations in relation to fire safety but that he would be happy to engage with the relevant Responsible Authority.
- Duncan Craig noted that the Police representation had been withdrawn and that there were over 20 CCTV cameras in the premises.
- Philip Cone stated that there were concerns relating to the retractable ceiling, the nature of the mezzanine floor, and whether there would be shisha smoking. Duncan Craig noted that there would be a retractable roof with five sections and he hoped that this was self explanatory. He commented that the premises would not be a shisha lounge and that the external area would be compliant with the smoking regulations. He added that this would be a restaurant and that people would be able to smoke cigarettes, cigars, and shisha but that this would not be a shisha lounge. It was stated that the roof would be open when there was any smoking.
- Duncan Craig noted that the plan on page 84 of the agenda pack showed the high quality extraction system that would be installed; this was shown in blue and would involve air conditioning and air cleaning. He stated that some concerns had been expressed about smoke from the premises affecting residents but that this would be prevented by the extraction system.
- The Licensing Officer did not believe that the licensing regime was engaged in the retractable roof as this was covered under the Health Act and would be subject to further planning arrangements. She added that this type of extraction system was normally only used for shisha lounges.

- Khumo Matthews, Legal Advisor, noted that planning and licensing were separate regimes but that the applicant should avoid being in a position where they were subject to enforcement. It was stated that any planning matters were separate from the licensing matters but were still relevant for the applicant. Duncan Craig stated that the Licensing Sub-Committee could impose licensing conditions as appropriate and that whether the shelter was compliant with the 2006 Regulations was a matter of law and would be subject to enforcement under that regime rather than a decision for the Licensing Sub-Committee.
- Ian Sygrave noted that, in his representation, he had stated that the planning permission for the premises required the rooflights in the extension to be non-opening to avoid noise nuisance and he felt that this issue also applied to the licensing application. He stated that, if the area was open for smoking, there would be noise from up to 120 people escaping from the premises. He expressed concerns about the hours of operation and how any hours would be policed.
- Duncan Craig commented that any issues would be policed in accordance with the licence. He acknowledged that some conditions were harder to police but that the hours of operation were easier to enforce. He added that the external area would now be significantly less open than previously and that there would be greater protection. He stated that the decision on the licence and any relevant restrictions would be made by the Licensing Sub-Committee.
- The Licensing Officer expressed concerns that the Licensing Sub-Committee was being asked to agree plans that had not been confirmed with planning and which would involve additional fixtures. It was also noted that the use of the external area involved the potential for noise and smoke intrusion for residents.
- Cllr Zena Brabazon noted that she was not entirely certain of what was being proposed by the plans or proposals and questioned whether the Licensing Sub-Committee could make a reasonable judgement. She expressed concerns that, based on the comments made by the landlord, the rear area would be a shisha garden and that, if the windows were open, this would have potentially significant implications for residents.
- Duncan Craig noted that he disagreed with the Licensing Officer about the extraction system. He noted that fixed structures which obstructed any exit paths were on the plans and that electrical and other elements did not have to be included on the plan. He added that he was not aware that any licences had been refused based on any deficiencies in plans as these were often subject to change; it was noted that the licensable area was the key factor and that this was correct in the plans. He acknowledged the concerns about the history of the premises but noted that this would be a restaurant rather than a shisha lounge and that, even so, there was nothing in the Licensing Act which prevented shisha bars.

The Chair invited the parties to make any final comments.

Philip Cone, Licensing Authority, stated that his representation had not changed. He expressed concerns about smoking in the external area and about the retractable roof. He noted that, in winter, there would be no other smoking areas except in the external area under the retractable roof which would make the area very cold. Duncan Craig confirmed that there would be no other smoking areas, including to the front of the premises. He confirmed that, if the roof was closed, there would be no smoking at the premises.



Ian Sygrave, Ladder Community Safety Partnership, noted that there had been clarifications but that there was still a great deal of uncertainty. He expressed concerns that the Licensing Sub-Committee was required to make a decision when the retractable roof had been refused by planning. He stated that residents were concerned about noise and, despite reassurances, about the enforcement of the hours of operation. Ian Sygrave commented that he was not convinced that the smoking shelter would be compliant with the relevant Regulations which required 50% of the area to be open and non-fixed. He stated that the Licensing Sub-Committee was in a difficult position in terms of conditions and informatives as there was too much uncertainty.

Cllr Zena Brabazon noted that she had submitted her representation on behalf of the ward and based on concerns for residents. She stated that this would be a very large premises where three shops had been combined, including a mezzanine level overlooking residential gardens and an external area where smoking would be permitted. It was noted that there were a number of residential properties above and adjoining the premises and that there were already a number of complaints about cooking smells which affected residents within the ward. Cllr Zena Brabazon stated that there were a number of issues with this application and she did not feel that it was ready to be granted a licence. She acknowledged that the applicant had amended the drawings but she felt that the issues had not been considered sufficiently. She expressed concerns about how noise in the external area would be contained if there were 80 people in the garden until 2am when the roof was open and given the proximity of the mezzanine and external area to residents. She asked the Licensing Sub-Committee to seriously consider this application and, if it was minded to approve the application, to consider the imposition of strict conditions.

Duncan Craig noted that the scope of the application had been significantly restricted. The applicant was now requesting use of the external area until 11pm and Environmental Health had recommended this was restricted to 9pm. He stated that he disagreed that the application was not ready and commented that the plans reflected the layout of the premises, subject to one agreed amendment in relation to the fire exit. Duncan Craig noted that the application had been advertised through the statutory process. The questions about the premises and the external area were accepted but it was commented that this was a matter for the planning and environmental health regimes. It was stated that this was not a planning application by default and that the application had met all of the requirements to be determined by the Licensing Sub-Committee. It was noted that the applicant had listened to the representations, was making a significant investment in the local area, and did not want to upset the neighbours. It was highlighted that the applicant had amended the application in order to balance the operation of the business and its co-existence with the neighbours.

It was clarified that late night refreshment was requested until 11.30pm, the sale of alcohol was requested until 11.30pm, and the hours of operation of the premises were requested until 12am (midnight) every day of the week. It was noted that the hours for late night refreshment related to when food was served and this would involve last food orders being taken at approximately 11.15pm. It was also included in the proposed conditions that there would be a minimum of two Security Industry Authority door staff at the premises; it was noted that this was unusual for this type of premises

but this was considered to be a positive measure for the promotion of the licensing objectives.

At 8pm, the Committee adjourned to consider the application.

## **RESOLVED**

The Licensing Sub-Committee carefully considered the application for a new premises licence for 365-369 Green Lanes, London, N4. 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, the Licensing Authority representation, the applicant's written and oral representations and the 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 operating hours and additional conditions:

### **Supply of Alcohol**

Sunday to Thursday	1100 to 2230 hours
Friday to Saturday	1100 to 2330 hours

Supply of alcohol **ON** the premises only.

### **Hours open to Public**

Sunday to Thursday	0600 to 2300 hours
Friday and Saturday	0800 to 0000 hours

### **Late Night Refreshment**

Friday and Saturday	2300 to 2330 hours
---------------------	--------------------

## **The Committee imposed the following conditions:**

1. All outside areas must be closed and cleared of customers by 2100 hours. Adequate notices shall be displayed to inform patrons of this requirement. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
2. Smoking Area: If patrons are to be allowed to use an outside area for smoking then:
  - (i) The area must be adequately monitored to ensure that the risk of crime and disorder in this area is adequately controlled.
  - (ii) Patrons must not be allowed to take drinks outside when they go to smoke.
  - (iii) The area must be provided with suitable ashtrays/bins.

- (iv) The area must be regularly swept to remove cigarette ends
  - (v) Adequate arrangements must be made to prevent overcrowding or disorder in the area.
3. 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) Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
  - (d) Provide a linked record of the date, time of any image.
  - (e) Provide good quality images - colour during opening times.
  - (f) Have a monitor to review images and recorded quality.
  - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
  - (h) Member of staff trained in operating CCTV at venue during times open to the public.
  - (i) 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.
4. 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 refusal of the sale of alcohol;
  - (h) any visit by a relevant authority or emergency service.

5.

- (a) A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number shall be made available to residents and businesses in the vicinity.
  - (b) The premises licence holder shall ensure that all sales staff receive appropriate training in relation to managing conflict and health and safety of the public and staff. Training documents shall be signed and dated and will be held in a suitable hard-copy log, to be made available to a Police Officer or Council Officer upon request. Said records shall be retained for at least 12 months.
6. Prevention of Public nuisance:
- (a) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
  - (b) All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
  - (c) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  - (d) No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
  - (e) The direction of lighting in the rear area must be directed away from any domestic premises so as not cause any light intrusion.
  - (f) Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
  - (g) In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
  - (h) Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
7. Public safety
- (a) The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
  - (b) Two SIA registered door staff shall be employed daily between 8pm and closing time.
8. Protection of children from harm:

The premises will operate the 'Challenge 25' proof of age scheme where:

- (a) All staff will be fully trained in its operation;
- (b) Only suitable forms of photographic identification, such as passport or UK driving licence, or holograph equipped 'PASS' scheme cards, will be accepted; and
- (c) No one under the age of 18 years will be admitted into the external area of the premises.

## **Reasons**

The Committee considered that the concerns raised by the objectors in their written and oral representations were reasonable concerns. The Committee was satisfied that a premises of this size would attract a lot of patrons and would need a comprehensive set of conditions to manage the likely impact of noise and other nuisance on local residents. The Committee accepted that the licence holder was offering a different business to the previous owner but retained some concerns about the manner in which it was proposed that the premises would operate.

The Committee felt that the applicants proposed layout plan needed additional clarification, in particular aspects of the plan dealing with the means of escape, which may need to be corrected by means of an application for a variation once the applicant has clarified his intentions as regards the layout.

In addition, although the Committee was not responsible for planning matters, it noted that there were some planning issues relating to the retractable roofing proposed and extraction system that required attention and wished as an informative matter only, to gently encourage the applicant to get planning matters resolved to the satisfaction of the planning authority without delay.

As regards the outside area, the Committee considered that the outside space needed to be managed in a way that would promote the licensing objectives with respect to nuisance, which had been a concern of the residents and decided that closing the outside area by 9pm would reduce the risk of the premises undermining the licensing objective with respect to public nuisance.

## **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: Councillor Sheila Peacock (Vice-Chair, in the Chair)

Signed by Chair .....

Date .....