

**MINUTES OF THE LICENSING SUB-COMMITTEE C  
TUESDAY, 16 JUNE 2009**

Councillors Beacham (Chair), Dodds and Scott

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTON BY</b>
<b>LSCC01.</b>	<b>APOLOGIES FOR ABSENCE</b>  There were no apologies for absence.	
<b>LSCC02.</b>	<b>URGENT BUSINESS</b>  There were no items of urgent business.	
<b>LSCC03.</b>	<b>DECLARATIONS OF INTEREST</b>  There were no declarations of interest.	
<b>LSCC04.</b>	<b>MINUTES</b>  <b>RESOLVED</b>  That the minutes of the meeting of Licensing Sub Committee C held on 26 January 2009 be approved and signed by the Chair.	
<b>LSCC05.</b>	<b>SUMMARY OF PROCEDURE</b>  Noted.	
<b>LSCC06.</b>	<b>EXCLUSION OF PUBLIC AND PRESS</b>  <b>RESOLVED</b>  That the public and press be excluded from the meeting for consideration of the following item.	
<b>LSCC07.</b>	<b>APPLICATION FOR A PERSONAL LICENCE</b>  The Committee considered an application for a personal licence.	
<b>LSCC08.</b>	<b>RE-INCLUSION OF PUBLIC AND PRESS</b>  <b>RESOLVED</b>  That the public and press be re-admitted for the remainder of the meeting.	
<b>LSCC09.</b>	<b>ANADOLU TURKISH COFFEE HOUSE, 33B GRAND PARADE, GREEN LANES, LONDON N4 (ST ANN'S WARD)</b> At the start of proceedings, the applicant's representative, Mr Dadds,	

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made a submission that the Ladder Community Safety Partnership (LCSP) was not an interested party, and that their representations should not be considered by the Committee. Mr Dadds reported that he had contacted the LSCP in advance of the meeting to ask for details of who the LSCP was making representations on behalf of and whether they had the authority of these individuals to do so, and that this information had not been supplied. Mr Sygrave, representing the LSCP, reported that, in response to the request from Mr Dadds, he had made clear that the LSCP was making representations on behalf of residents living at the east end of Mattison Road, for which the LSCP had signed authority from individual residents. The legal officer advised the Committee that names and addresses of individuals making representations relating to applications under the Licensing Act 2003 must be supplied in advance of any hearing, in order to demonstrate their proximity to the premises and to enable the applicant to prepare for the hearing.

The Committee adjourned for five minutes to take legal advice.

On the resumption of proceedings, the legal officer advised the Committee that the LSCP would be permitted to submit their representations on this application but that in future details of the individuals being represented must be provided when representations were made, so that the applicant had the opportunity to prepare fully for the hearing.

The Licensing Officer, Ms Barrett, presented the report on an application for a new premises licence at Anadolu Turkish Coffee House, 33B Grand Parade, Green Lanes to allow supply of alcohol at the premises. Representations on the application had been made by the noise team, and it was reported that the conditions put forward by the noise team had been agreed with the applicant. Representations and a petition had also been submitted on behalf of local residents, relating to the issues of noise nuisance, disturbance to residents and the inappropriateness of the location on a residential street and the close proximity of housing for vulnerable adults.

Eubert Malcolm, Enforcement Response Service Manager, outlined the noise team representation and reported that the operating schedule did not adequately address the issues of noise caused by patrons outside the premises, patrons exiting the premises and deliveries. Mr Malcolm advised the Committee that the premises had been visited by the noise team but that a statutory noise nuisance had not been established. Mr Malcolm confirmed that the conditions put forward by the noise team had been agreed by the applicant.

In response to a question from the Committee, Mr Malcolm advised that the first occasion on which officers had visited the premises was 18 March 2009. As a point of clarification, Mr Dadds advised that the application was for a licence until 2300hrs and closing time of 2330hrs to enable patrons to disperse. Mr Malcolm confirmed that this was acceptable to the noise team. Further to a question from Mr Dadds, Mr

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Malcolm confirmed that he was satisfied that, with the proposed conditions in place, the licensing objective on the prevention of public nuisance would be met.

Mr Dadds advised the Committee that each application must be judged on its merits and on the evidence provided in the application before the Committee.

Objections were presented on behalf of local residents that the premises was situated on an entirely residential street and would be the first such premises in the vicinity. With the agreement of Mr Dadds, a photograph of the premises was submitted for consideration by the Committee, illustrating the proximity of the site to residential accommodation occupied by families and vulnerable adults. Objections were raised that customers of the premises would need to smoke outside on the pavement and that nuisance would also be caused by deliveries and by customers parking outside, damaging the local amenity. Concerns were also expressed that the hours applied for suggested that the premises would be operating more as a bar or social club than a café. The objectors reported that they were concerned about nuisance from noise, litter, disorder, anti-social behaviour, customers loitering in the area and obstruction caused to local residents. In response to a question from the Committee regarding the small size of the premises, objectors advised that a nuisance could still be caused by a small number of patrons, particularly in a residential area.

Mr Dadds addressed the Committee and clarified that patrons would not be permitted to take alcohol outside the premises and that the side passageway within the curtilage of the property would be used for smoking to ensure that customers would not be standing out on the pavement. It was reported that the number of people permitted outside to smoke would be limited to five at any one time. Mr Dadds advised the Committee that the capacity of the premises would be 20 persons including staff, and suggested that this be added as a condition to the licence.

Mr Dadds noted that the noise team had confirmed that, with the agreed conditions, the licensing objective on noise nuisance would be met and also that the police had made no representations on the application. Mr Dadds also noted that the premises had previously been a commercial premises and would remain a commercial premises, and that an application for planning permission was in the process of being prepared.

The Committee was informed of the previous occasion when the premises had been found to be operating without a licence. The applicant accepted that this had been wrong, had co-operated fully with the responsible authorities and had ensured that the premises remained closed since that time.

Mr Dadds reported that there would be no regulated entertainment at the premises, there would be a television and a small kitchen for the

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provision of snacks and drinks for the local Turkish community. By imposing the conditions agreed with the noise team, and the additional conditions offered by the applicant at the hearing, Mr Dadds reported that the licensing objectives would be met and that the application should be assessed on its merits. Mr Dadds advised the Committee that the conditions proposed addressed all the issues raised by the objectors.

The Committee asked about the applicant's intent to apply for planning permission, and Mr Dadds responded that a planning application was being prepared and would be submitted on the basis of the outcome of the licensing hearing. Mr Dadds also confirmed that no music would be played at the premises, just the television. In response to a question from the Committee regarding the hours applied for, it was reported that the hours applied for took into account the residential location and would ensure that all patrons had left the premises at an acceptable time so as not to undermine the licensing objectives. In response to a question from the Committee regarding the single entrance to the premises and access to the side passageway for smoking, it was confirmed that customers would need to use the public footpath to access the passageway to smoke but that limiting the number to five smokers at any one time and encouraging people not to stay outside by not providing outside seating and not permitting drinks outside would mitigate the disturbance caused.

Mr Dadds clarified for the Committee that the proposed licensee and designated premises supervisor (DPS) were brothers, and that the proposed licensee also intended to apply for a personal licence to become a DPS.

In response to questions from the objectors regarding the proximity of the smoking area to residential accommodation, Mr Dadds reported that in addition to limiting the number of smokers to five, staff would take proactive measures to ensure that customers behaved respectfully, and that anyone breaching this would be banned from the premises. In response to questions regarding planning issues, Mr Dadds advised that planning matters could not be considered by the licensing hearing and that applicants could apply for licensing and planning consents in any order. The Licensing Officer clarified that planning and licensing were separate regimes, and had to be considered separately as such.

In response to a question regarding the choice of location for the premises, Mr Dadds reported that the applicant had an existing interest in this property and that having operated the site as an estate agent for a time, had been required to start a new commercial venture as a result of the effect of the current financial climate on the property market. In response to a question from objectors regarding the proposed opening hours, Mr Dadds stated that the hours applied for and the conditions agreed would enable the licensing objectives to be met. The objectors asked what proactive measures the premises would take to address noise issues, in response to which Mr Dadds advised that the number of customers in the premises and permitted outside to smoke would be limited, that there would be no seating outside or drinks permitted outside, in order to prevent customers lingering outside, and that

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customers would be advised that if they did not behave appropriately they would not be served.

In response to a question from Mr Malcolm, Mr Dadds reported that staff would be responsible for monitoring the number of smokers outside at any one time, and that this would be controlled by means of distributing one of five tags to each customer wishing to smoke outside. It was reported that the small size of the premises would enable staff to monitor the number of patrons. Mr Dadds suggested a condition requiring a telephone number to be available to enable local residents to contact the premises directly if they had any concerns.

In response to questions from the legal officer, Mr Dadds confirmed that CCTV at the premises would cover both the interior and the side passageway. Mr Dadds also confirmed that the applicant was fully aware of all the conditions being agreed to, that, as representative, he had been provided with clear instruction in his meetings with the applicant prior to the hearing, that the applicant's English was of a reasonable standard, and that an agent was also present at the hearing to provide any additional translations as required.

In conclusion, the objectors reiterated their concerns that the granting of a licence would be detrimental to the residential nature of the vicinity and added that this would be a damaging precedent in the area.

Mr Dadds advised the Committee in summing up that the application must be considered on its own merits. He requested that the application be granted as applied for.

**RESOLVED**

The Committee considered the licensing objectives, licensing policy and all the representations made by the responsible authority (namely noise), the objectors and the applicant at the hearing. Whilst the Committee was not happy with the fact that the premises appeared to be a garage being used as a social club without planning permission, they were quietly confident that the impending planning permission would be lodged and the applicant would no doubt have been advised of the Council's powers under the Town and Country Planning Act 1990, should planning permission not be granted and they use the premises as a coffee house / social club.

Unfortunately, applications under the Licensing Act cannot directly consider planning issues, in so saying the Committee appreciated the representations on behalf of the residents of the area but were minded to grant the premises licence and condition it as follows:

- Hours for the supply of alcohol:  
Monday – Sunday 1100 – 2300
- Opening hours: Monday – Sunday 1100 – 2330

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	<ul style="list-style-type: none"> <li>• The passageway is to be used for smoking and no more than five people are to use the passageway for smoking at any one time.</li> <li>• No more than twenty persons including staff are to be present on the premises at any one time, including in the passageway.</li> <li>• No alcohol is to be taken outside, including into the passageway.</li> <li>• No seating is to be provided in the passageway.</li> <li>• CCTV is to be trained on the entrance and also to include visual coverage of activities within the passageway and, as per the operating schedule, such CCTV footage is to be made available to the police and local authority on request.</li> <li>• A sign is to be in place in Turkish and English that patrons respect the residential area when leaving.</li> <li>• A telephone number is to be available to residents' associations and neighbours, the phone number is to be staffed whilst the premises is open.</li> </ul> <p>The operating schedule conditions and also the conditions as agreed with the noise team are also to be imposed.</p> <p>For the avoidance of doubt, the passageway is the area to the right of the entrance when faced from the road, within the curtilage of the property, as outlined in the plan provided.</p>	
<b>LSCC10.</b>	<p><b>ITEMS OF URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>	

CLLR DAVID BEACHAM  
Chair