

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE
TUESDAY, 5 APRIL 2011**

Councillors Brabazon, Browne and Strang

Also Present Cllr Peacock

SLSC01. ELECTION OF CHAIR	
Cllr Brabazon was elected Chair for the meeting.	
SLSC02. APOLOGIES FOR ABSENCE	
There were no apologies for absence.	
SLSC03. URGENT BUSINESS	
There were no items of urgent business.	
SLSC04. DECLARATIONS OF INTEREST	
There were no declarations of interest.	
SLSC05. SUMMARY OF PROCEDURE	
Noted.	
SLSC06. THE BLUE BAR, 675 HIGH ROAD, TOTTENHAM, LONDON N17 8AD	
<p>At the start of the meeting, Cllr Peacock, speaking on behalf of an objector to the application, requested the introduction of a number of items of late documentary evidence consisting of photographs and a letter. The Chair granted a short adjournment to allow the applicant and his representative to view the items. Subsequent to this and following objections lodged by the applicant's representative, the Chair ruled the supplementary evidence inadmissible and not to be considered by the Committee.</p> <p>The Licensing Officer, Ms Barrett presented the report on an application for a new Premises Licence for The Blue Bar, 675 High Road, Tottenham, London N17 8AD. The Committee was advised that a representation had been received in relation to the application from the Metropolitan Police, but had subsequently been withdrawn following the agreement of the applicant to comply with the conditions put forward, particularly in relation to football match days and CCTV. A representation had also been submitted from the Noise Enforcement</p>	

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team. Letters of representation had also been received from a number of local residents including a standard letter which had been signed by a number of individuals. A letter of objection had also been received from Cllr Peacock. Ms Barrett also advised that although comments had been received on the application from the Council's Planning and Building Control departments, these had been included for reference purposes only as issues would be more appropriately addressed under different legislative provisions.

Ms Barrett apprised the Committee of the licensing history of the premises of which the applicant, Mr Neza, had been the leaseholder since 2005. The premises were sub-let from 2007 and again in 2009 until the applicant took back control in 2010 following the Council revoking the Premises Licence. Complaints received in relation to the premises predominantly related to the period the premises were sub-let.

Eubert Malcolm made a representation on behalf of the Noise Enforcement Team and informed the Committee that the applicant had accepted all of the conditions put forward within the team's submission. It was advised that 17 complaints had been received in respect to the premises since 2007.

Cllr Peacock questioned why the garden and alleyway to the rear of the premises had not been referred to within the Enforcement Service report as historically this had been the source of a number of nuisance complaints associated with patrons eating and drinking outside. The Enforcement Officer advised that conditions could only be applied against the licensable area of the premises as detailed in the application. In addition, the Licensing Officer confirmed that consumption and smoking shisha were not licensable activities. The applicant's representative, Mr Wilcox, confirmed that the alleyway constituted a joint right of way for shops in the parade and that the entrance was now locked with a gate to prevent access by patrons. He also asserted that the premises did not in fact have a garden area but only a small storage space leading into the alleyway which would not be accessible to patrons. It was additionally emphasised that the applicant had accepted the conditions made by the Enforcement Team in relation to outside areas and that the application needed to be judged on the current position and not past complaints history.

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Cllr Peacock addressed the Committee on behalf of Ashleigh Trezise, a resident of Ruskin Road N17 and objector to the application. She explained that there were in particular concerns about the premises opening from 8am for the sale of alcohol due to the potential impact on children walking past on their way to school. It was suggested that the licensed hours of the premises should be in line with similar bars/cafes in the proximity which predominantly had sale of alcohol from 10am. Concerns were also raised on the potential impact of the premises on residents of a care home located in Ruskin Road and the users of the Mencap building opposite the venue.

Mr Neza confirmed that he would be happy to amend the hours for supply of alcohol under the licence to 10am from the 8am originally applied for. It was also stated that the home on Ruskin Road was a considerable distance from the premises and that no representatives from the home had attended the meeting to object in person to the application and the written submission received only consisted of a signed master letter.

Mr Wilcox addressed the Committee and confirmed that the applicant was the leaseholder of the premises. Mr Neza had run the premises as Bar Harmonia from 2005 including late night opening at the weekends, without complaint from local residents. It was advised that problems with the premises arose from September 2007 when they were sub-let to a separate individual and subsequently complaints with noise nuisance from the venue and patrons were reported. In 2009, the premises were again sub-let to different tenants, with nuisance problems continuing, including patrons fighting outside the premises and the Enforcement Service witnessing the venue being operated outside of permitted licensable times. The licence was subsequently revoked by the Council in October 2010. Mr Neza then blocked the application for a family member of the tenants to take over the licence and evicted the tenants at considerable cost. It was considered that this demonstrated the action of a responsible leaseholder and reinforced that Mr Neza was a fit and proper person to run the premises. In addition, he had previous experience of bar supervision and as such, no complaints had been recorded for the period he ran the premises himself from 2005. It was also strongly emphasised that the complaints received about the premises related to times when the applicant had no legal control over the venue and that no complaints or

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objections to the application had been received from the property above the premises, few from the High Street and neighbouring streets. A number of bars were also operating in the vicinity with similar licensing hours, demonstrating that premises could be operated properly and not cause a nuisance. It was also confirmed that the applicant would be running the bar on a day to day basis and had invested a considerable amount in refitting the premises, demonstrating a clear financial commitment.

In response to a question, it was confirmed that music in the venue would constitute low level recorded music only and that late night opening was only intended once or twice a month for private parties. The intention was for the premises to be operated as a bar and also be open during the day for coffee and other refreshments. In response to a subsequent question from the Committee as to why the hours applied for were so long considering they would only be needed periodically for private parties, the Licensing Officer advised that applicants were encouraged to put in an application to cover all eventualities in line with the guidance.

When asked by the Committee why it had taken Mr Neza considerable time to evict the previous tenants, he stated that he was at first unaware of the level of complaints about the premises and then once he became aware, he took the necessary action including taking eviction proceedings which was often a drawn out process.

Mr Neza confirmed in response to a question about PubWatch that he would seek to rejoin and also to contribute to extra security presence in the area. In addition, he agreed to provide a bin for cigarette butts outside the premises.

Mr Wilcox sought clarification from Cllr Peacock as to whether she was satisfied with the case put by the applicant following his representation and agreement to revise the supply of alcohol times to 10am. Subject to this condition being included, Cllr Peacock confirmed that her objections to the application had been resolved.

RESOLVED

The Committee fully considered the application including representations of the applicant and objectors, both in

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writing and in person, and those of the responsible authorities. The Committee also gave consideration to the borough Statement of Licensing Policy and section 189 guidance.

The Committee decided to grant the application as outlined in the operating schedule on the following basis:

The provision of regulated entertainment: live music and performance of dance

Thursday	2000 to 0100 hours
Friday and Saturday	2000 to 0200 hours
Sunday	2000 to 0000 hours

Recorded music

Sunday to Wednesday	1000 to 0100 hours
Thursday	1000 to 0100 hours
Friday and Saturday	1000 to 0200 hours

Provision of facilities for making music

Tuesday	2000 to 0100 hours
Thursday	2000 to 0100 hours
Friday and Saturday	2000 to 0200 hours
Sunday	2000 to 0100 hours

Provision of facilities for late night refreshments

Sunday to Wednesday	2300 to 0030 hours
Thursday	2300 to 0030 hours
Friday and Saturday	2300 to 0130 hours

Supply of alcohol

Sunday	1000 to 0030 hours
Monday	1000 to 0030 hours
Tuesday and Wednesday	1000 to 0030 hours
Thursday	1000 to 0030 hours
Friday and Saturday	1000 to 0130 hours

Opening hours

Sunday to Thursday	0800 to 0100 hours
Friday and Saturday	0800 to 0200 hours

The licence is subject to the following conditions:

- That the recommendations as set out by the Noise Enforcement Team at page 31, appendix 3 of the operating schedule be implemented in full.
- That the recommendations as set out by the

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Metropolitan Police at page 26, appendix 2 of the operating schedule be implemented but for the reference to security door staff which is already dealt with by the Noise Enforcement Team recommendations.

For the avoidance of doubt, the premises licence is to be granted only once the licensing authority has provided written confirmation to the applicant that all the required conditions have been met to the satisfaction of the responsible authorities.

As a final point, the applicant should ensure that any issues regarding planning permission are dealt with.

Cllr Brabazon

Chair