

**MINUTES OF THE LICENSING SUB COMMITTEE A
TUESDAY, 4 OCTOBER 2011**

Councillors Mallett, Peacock (Chair) and Scott

Also Present: Councillor Erskine.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA14.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCA15.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA16.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA17.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting held on 5 July 2011 be approved and signed by the Chair.</p>	
LSCA18.	<p>SUMMARY OF PROCEDURE</p> <p>Noted</p>	
LSCA19.	<p>KENTUCKY FRIED CHICKEN, 278 MUSWELL HILL BROADWAY, LONDON, N10 2QR</p> <p>Daliah Barrett, Licensing Officer, presented the report on the application for a premises licence variation in respect of Kentucky Fried Chicken under the Licensing Act 2003. By way of background, Ms Barrett advised the Committee of a number of late night premises in the immediate vicinity of KFC, and outlined the operating hours of these premises. Representations on the application had been received from the Police, Enforcement Response and a number of local residents and businesses.</p> <p>Sgt David Williams of the Metropolitan Police addressed the Committee, outlining his representation made in objection to the application. Sgt Williams advised that there had been issues in the area for a number of years centring around the nightclubs and fast food premises, involving instances of crime and disorder and anti-social behaviour. In the past year, Sgt Williams reported that there had been approximately 18 incidents recorded which related specifically to the KFC premises, of which around 5 were staff from the KFC calling police. Incidents in the area had included serious assaults and disorder, and there were further</p>	

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issues regarding dangerous and illegal parking outside premises. On Friday and Saturday nights in particular, the pavement outside the premises was very congested, with crowds spilling out into the road itself. It was noted that the location itself posed problems such as the pavement width, road layout and crossing position, and the police were actively looking at ways to make this area safer. Sgt Williams expressed concern that any increase in operating hours would increase the level of problems in the area and advised that police resources meant that it would not be possible to police the extended hours applied for. Sgt Williams asked to submit some photographs of the area to demonstrate some of the issues raised; the applicant did not object to the admission of these images and the Committee took them into consideration.

In response to questions from the applicant's representative, Mr Glazebrook, Sgt Williams confirmed that all of the 18 incidents related to KFC in the past year had taken place within the premises current opening hours, and that he did not have information on the number of incidents which occurred after KFC's current opening hours. It was also confirmed that it was not possible to say from which specific premises such problems were originating.

Derek Pearce, Enforcement Response Officer, outlined the Enforcement Response Team's representation on the application, which focussed on the issue of public nuisance. Mr Pearce noted that the proposed operating schedule did not address the issue of people waiting outside the premises, leaving with food purchased and litter. Mr Pearce echoed the concerns of the Police regarding the large crowds congregating in the area at weekends and illegal parking issues, which tended to start from midnight onwards. It was felt that the hours requested were not appropriate as they would encourage more people to stand out in the street and increase the potential for public nuisance. The Enforcement Response Team recommended that the hours remain as at present, however if the Committee were minded to grant an extension of hours it was suggested that the hours not exceed those of the nearby kebab shop and a number of conditions were suggested. It was clarified that the main recommendation of the Enforcement Response Team was that no extension of hours be granted, as this would add to the number of people congregating in the area.

In response to questions from Mr Glazebrook, Mr Pearce confirmed that there had been no noise complaints in relation to the premises over the past four years, and that while general complaints had been made regarding people congregating in the street, these were regarding the area in general and did not necessarily relate to any specific premises. Mr Pearce confirmed that the majority of issues occurred on Friday and Saturday nights, particularly those relating to large congregations of people in the street. Mr Pearce agreed that a second door supervisor on duty at weekends could assist with managing any queues outside the premises.

Rachel Sheridan, a local resident, addressed the Committee in objection to the application. Ms Sheridan had collected 61 signatures from local

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businesses expressing concerns regarding the late hours applied for by KFC and advised that the premises attracted aggressive customers who had caused damage to other local businesses, harassed local residents and obstructed people's access to their properties. Ms Sheridan expressed concern regarding noise from the kitchen late at night, from extractor fans and from the bins being wheeled outside at the close of trading, which would continue for some time after the premises closed and have an impact on the ability of local residents to sleep. It was reported that customers of the KFC lingered outside the premises and that measures that KFC had offered in the past such as litter patrols had never been implemented.

In response to questions from the applicant's representative, Ms Sheridan reported that she had previously had a good relationship with the owners of KFC and stated that all of the signatures collected on the petition were genuine and from local businesses.

Cllr Erskine addressed the Committee on behalf of herself, Cllr Martin Newton and the Ward Councillors for Muswell Hill. Cllr Erskine endorsed the comments of the Police, who did not support the application, and expressed concern for local residents who were affected by late-night anti-social behaviour in the area such as loitering and noise. It was felt that any extension of hours would make these issues worse, in an area where there was a significant number of residential properties. Residents felt that if the premises was open for longer, it would attract greater numbers of people to the area late at night. Cllr Erskine requested that the application be rejected, but if it were to be granted, she requested that conditions be applied requiring SIA-registered door staff and that the premises take responsibility for noise issues.

Paul Wallace, a local resident, addressed the Committee to state that local residents were sick of the noise in the area and wanted to be able to sleep. If the premises were to be open later then staff would be putting the bins out even later and leaving later, all creating noise much later than at present. Mr Wallace also noted that there were issues with KFC staff using local residents' parking spaces.

Mr Glazebrook addressed the Committee and stated that the premises had been operating for 20 years, and this was the first variation in hours requested. It was reported that the application was to bring the hours in line with other local businesses. The restaurant was a franchise, family-run, and the applicants operated 6 restaurants in London. The restaurant in Camden had applied for and been granted an extension in hours previously, with conditions attached in line with those set out in the operating schedule. In addition, Mr Glazebrook stated that the applicant would be happy to offer a condition for 2 SIA-registered door staff to be on duty from 10pm until close, Friday and Saturday although this was not felt to be necessary during the week. It was further offered that the door staff would wear high-visibility jackets to make them more visible, that a nominated responsible manager would be on duty at all times, that a log book would be maintained and made available for inspection, that there would be CCTV - it was noted that there had been CCTV coverage of

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internal area for some time already - and that there would be no admission to new customers 15 minutes before closing time. Mr Glazebrook furthermore requested that the hours applied for could be rolled back to 2am Sunday to Thursday and 4am Friday and Saturday to be more in line with local businesses. It was further suggested that the door staff would manage a queuing system at weekends and that rubbish bins would be retained inside at the end of trading in order to reduce the noise caused to local residents.

Mr Glazebrook stated that the conditions offered should address the relevant issues, and that many of the other issues raised were more general issues relating to the area as a whole and not this specific premises. Mr Glazebrook requested that the Committee grant the application, with the proposed conditions.

In response to questions from the Committee, it was confirmed that the applicant did not have the ability to increase the number or size of bins on the pavement outside the premises, as this would potentially cause obstruction and would be a planning issue. It was further confirmed that, were the surrounding nightclubs to reduce their operating hours, the premises would respond to demand accordingly. In response to a question from the Legal Officer regarding those conditions put forward by the Enforcement Response Officer which had not been mentioned earlier in the discussion, the applicant's representative advised that they were happy to accept those conditions.

Local residents asked questions of the applicants. In response to concern raised regarding problems with rats in the vicinity of the premises, Mr Glazebrook advised that the premises had never had a problem with rats, was inspected regularly and had received a 5* rating from the Council with regards to hygiene. The applicants confirmed that they had had issues in the past with rowdy customers, and when asked whether this was likely to worsen if hours were increased, stated that it was only an issue when customers were queuing and became impatient, if they were served quickly, there were no issues.

In response to a question regarding how local residents could be sure that the applicant would adhere to any conditions imposed, Mr Glazebrook responded that up until now there had been no conditions on the licence, but by imposing conditions, these would now be enforceable.

In conclusion, Ms Sheridan stated that there had been problems in the past but that businesses in Muswell Hill were trying to change things and that this process should be embraced by KFC. The current situation was felt to be out of control with regards to noise, nuisance, anti-social behaviour and litter, which was affecting the quality of life and rights of residents to enjoy their property. Cllr Erskine concluded that the application should be refused as it would increase the existing issues in the area such as loitering and noise, and would attract more people into the area causing further problems. Cllr Erskine also noted the comments of the police that they would not be able to provide support for such late hours.

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Mr Glazebrook concluded by saying that the premises at Camden, run by the applicant, was very successful and gave reason to be confident that, despite the issues in the area, the premises could be managed with extended hours. Mr Glazebrook advised that, were any of the conditions breached then the licence could be reviewed. The Committee were reminded that the businesses took its reputation very seriously. Mr Glazebrook requested that the application be granted.

The Committee adjourned to deliberate.

RESOLVED

The Committee carefully considered the application, the Council's Statement of Licensing Policy, the Section 182 guidance and all the representations. The Committee decided to grant the application, but only in part, namely by one hour every day.

The Provision of Late Night Refreshment may be provided:

Sunday to Thursday: 2300 – 0100
Friday and Saturday: 2300 – 0300

The Committee considered that, whilst all the representations clearly suggested that there were issues relating to public nuisance in particular, the imposition of conditions could adequately promote the Licensing Objectives. In essence, the Committee considered that the issues were not sufficiently attributable to KFC in the context of the surrounding premises to reject the application outright. The evidence suggested that the issues of concern were present at times well past KFC's current operating hours. The evidence that KFC being open longer would exacerbate the issue was not sufficient in considering that no conditions could adequately promote the Licensing Objectives.

All the conditions proposed by the applicant in the operating schedule and by the enforcement response team in the agenda pack are imposed, except where there are contradictions with the following, which broadly reflect those proposed by the applicant in open committee. For clarification, such additional conditions imposed are as follows:

- 1 SIA-certified door supervisors from 10pm until closing, Sunday to Thursday and 2 such supervisors from 10pm until closing, Friday and Saturday. High visibility jackets will be worn by door supervisors.
- There will be a nominated manager on duty at all times.
- CCTV will also be installed to cover the outside front of the premises, as well as the internal customer area.
- A queuing system will be operated by the door supervisors.

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	<ul style="list-style-type: none">- The outside front area shall be cleared of litter regularly past 10pm.- An incident log will be maintained at all times and made available to responsible authorities on request.- Commercial waste will be kept internally and placed outside no earlier than 7am, the precise times the applicant is to arrange with their waste contractor. <p>The Committee have taken the approach that by granting the application in part, a number of conditions could therefore be imposed which would promote the Licensing Objectives and positively address the issues that have been raised.</p> <p>All parties are reminded that should the Licensing Objectives be compromised, procedures exist to have the licence reviewed.</p>	
LSCA20.	ITEMS OF URGENT BUSINESS There were no items of urgent business. The meeting closed at 22:25hrs.	

Cllr Sheila Peacock
Chair