

**MINUTES OF THE LICENSING SUB COMMITTEE A
THURSDAY, 12 JANUARY 2012**

Councillors Beacham, Mallett and Peacock (Chair)

Apologies Councillor Scott

Also Present: Councillor McNamara and Cllr Dogus

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Scott, for whom Cllr Beacham was substituting.</p>	
LSCA02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA04.	<p>SUMMARY OF PROCEDURE</p> <p>NOTED</p>	
LSCA05.	<p>CROCODILE, 155 LORDSHIP LANE, TOTTENHAM, LONDON, N17 6XE</p> <p>At the start of the meeting, Cllr Mallett advised that a resident had previously contacted her in objection to the planning application for change of use at the premises, and she had referred them on to Cllr McNamara as councillor for the appropriate Ward.</p> <p>The Licensing Officer, Dale Barrett presented the report on an application for a new premises licence at Crocodile, 155 Lordship Lane, Tottenham N17 6XE. The letter of objection submitted by Cllr McNamara was tabled in full at the meeting, as a section had been omitted from the version in the agenda pack. Ms Barrett advised that, further to the mediation meeting, the applicant had offered a condition that the rear garden would not be used after 8pm and that there would be no smoking in the rear garden permitted at any time. It was reported that the Police representation had been withdrawn, as all proposed conditions had been accepted by the applicant, and that the conditions proposed by the Environmental Health officers for both noise and health and safety had also been accepted in full. The Committee was advised that applicant had accepted a caution for serving alcohol without a licence. Ms Barrett also advised the Committee that in response to the letters regarding the</p>	

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hearing being sent out, six residents had contacted the licensing team to advise that they had signed the petition in the belief that they were signing about parking issue, and not a specific licensing issue, and that the Committee should take this into account in considering the due weight to give to representations contained in the bundle.

In response to a question from the Committee, it was confirmed that there had not been a licence at the premises before, as the previous use of the site had been a hairdressers. Recent sales of alcohol subsequent to the caution and prior to this hearing had been covered by Temporary Event Notices.

Cllr McNamara, Cllr Dogus, Mr Pipe, who lived immediately adjacent to the premises, and Mr Bouden, supporting Mr Pipe, addressed the Committee in objection to the application and raised the following points:

- The principal issue was the close proximity of Mr Pipe's residence to the rear garden of the premises, as any noise from the garden would be audible within the house. Although the cut-off hour was welcomed, there were still concerns regarding the impact on Mr Pipe's ability to have peaceful enjoyment of his property during weekends and public holidays.
- Concerns were raised regarding the applicant's previous conduct in selling alcohol without a licence, and the indication this gave of whether conditions would be adhered to.
- The agreement not to permit smoking at the rear of the premises was welcomed, but if smoking were to take place at the frontage, appropriate cigarette butt receptacles and clear demarcation between the premises forecourt and the street would be required.
- There was concern that anti-social behaviour from patrons would be difficult to control, and that properties on Lordsmead Lane would be especially vulnerable to anti-social behaviour.

In response to a question from the Committee, Cllr McNamara confirmed that it would be preferable for the rear garden not to be used at all, or for there to be further restrictions on its use on weekends and public holidays.

Mr Hopkins, representing the applicant, addressed the Committee in support of the application and raised the following issues:

- The application was for on-sales only, for a small café serving the Albanian community, with sale of alcohol to cease at 8.30pm. There was to be no regulated entertainment, and any noise from the televisions in the premises would be played at ambient level.
- It was confirmed that all of the conditions proposed by the Police and Environmental Health officers had been accepted and would promote the licensing objectives. The applicant would wish to keep the rear garden area open until 8pm, but this was at the Committee's discretion.
- No issues had arisen when the applicant had recently operated under Temporary Event Notices.

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- Additional conditions were offered in respect of all bottled beers being decanted into glasses for serving, and plastic and polycarbonate glasses being used on Spurs matchdays. It was requested that where plastic and polycarbonate glasses were required, this excluded small tea / spirit glasses, which were part of Albanian culture.
- Sanctions for not complying with the behaviour expected of customers would be for them to be barred from the premises. An incident book would be maintained.
- CCTV covered the rear of the premises to enable this area to be monitored, and the applicant was happy to install CCTV to cover the front of the premises if this was felt to be necessary, although this area was directly visible from inside.
- The applicant proposed to insulate the rear door and to discourage use of the rear garden in order to minimise any disturbance caused.
- Mr Hopkins advised that, had the applicant been represented at the time of the caution, he would have been advised not to accept the caution but to challenge the issue in court, as although alcohol was in storage on the premises at the time, there was no intention to sell.

In response to a question from the Committee regarding how easy it would be to persuade people to leave the garden area when it closed, it was reported that this would be very quick as the applicant would communicate with customers directly and there would not be many people in this area to begin with. It was also confirmed that the residents of the flats above the premises did not have access to the rear garden area.

In summing up, the objectors advised that it was for the Committee to determine whether the issues raised could be adequately addressed by conditions on the licence, and that the key issue was that of use of the rear garden. The applicant's agent asked the Committee to grant the application, and left the issue of the rear garden to the Committee's discretion.

The Committee adjourned for deliberations.

RESOLVED

The Committee carefully considered the application and all the representations. The Council's statement of licensing policy and the Section 182 guidance were also considered.

The Committee decided to grant the application since it was considered that the imposition of conditions would sufficiently promote the licensing objectives, particularly that of the prevention of public nuisance.

The Committee noted that the vast majority of the conditions were agreed by the applicant.

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All the conditions in the operation schedule are imposed unless they contradict the following conditions, which take precedence:

- The Police's conditions on pages 34 and 35 of the agenda pack are imposed.
- The Environmental Response Team's conditions on pages 42 – 44 of the agenda pack are imposed. On page 43 under "deliveries and collections" the following sentence is to be added: "no deliveries or removal of rubbish is permitted between 21:00 and 08:00 on any day". On page 43 reference to "the external rear smoking area" is to be deleted, and reference to the restriction of the number of persons permitted to use the frontage is to change from 8 to 12.

The following conditions are additionally imposed:

- Access to the external rear area may not be provided to customers at all. The extraordinary proximity of the neighbouring property was an overpowering factor and no condition was considered capable of preventing Public Nuisance.
- All bottled alcohol will be decanted into glasses prior to being handed to customers and no bottles will be permitted outside the premises. Only plastic or polycarbonate glasses shall be used by customers drinking outside the premises, except for small tea glasses.
- On Spurs match days, plastic or polycarbonate glasses must be used, inside and outside.
- Facilities for discarded cigarette butts shall be provided at the frontage, as proffered by the applicant.
- An incident report book must be kept and provided to the responsible authorities upon request.
- A sign displaying the name and contact number of the premises licence holder and / or the Designated Premises Supervisor must be visible to passers-by.

Due to the representations involving reference to nuisance / congregation around the front of the premises, it was considered necessary and proportionate to have a CCTV camera installed covering that area. For clarity, there is no requirement for a CCTV installation covering the external rear area as it is not to be used by customers.

Finally, representations were considered as to the benefit of better demarcation of the forecourt. Based on the nature of the objections, eg referring to spill-out of customers from the premises, it was considered necessary and proportionate to impose a flexible condition addressing this, which would also assist in identifying and issues with these particular premises, should any future allegation arise. A low fence or other type of barrier, such as planters, are to be positioned on the boundary of the frontage to assist in this so far as they do not compromise safety.

LSCA06. ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

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	Meeting closed at 18:50hrs.	
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Cllr Sheila Peacock

Chair