

**MINUTES OF THE LICENSING SUB COMMITTEE B
MONDAY, 30 APRIL 2012**

Councillors Beacham, Brabazon and Demirci (Chair)

MINUTE	SUBJECT/DECISION	ACTION BY
PRCE35.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
PRCE36.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
PRCE37.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
PRCE38.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting held on 27 March 2012 be approved and signed by the Chair.</p>	
PRCE39.	<p>SUMMARY OF PROCEDURE</p> <p>NOTED</p>	
PRCE40.	<p>CROCODILE, 155 LORDSHIP LANE, LONDON N17 6XE (BRUCE WARD)</p> <p>The Committee was advised that the objector had indicated that he would not attend the hearing, and that the Committee had the option to either adjourn the hearing or to proceed in the absence of the objector. It was decided that the hearing would proceed, as the objector had indicated that he would not attend the hearing were it to be adjourned to a different date.</p> <p>The Licensing Officer, Ms Barrett, presented the report on the application for a premises licence variation at Crocodile, 155 Lordship Lane. The Committee was provided with copies of the existing licence and attached conditions. It was confirmed that representations had been made in respect of this application by Environmental Health, and by a local resident in respect of noise and nuisance. It was confirmed that it was a condition on the existing licence that the rear area is not to be used by customers at any time.</p> <p>Mr Pearce, Enforcement Response, noted that several points raised in the Enforcement Response representation were already covered by conditions on the existing licence, and that the final point, in respect of not placing tables or chairs in front of the entrance to the</p>	

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dwelling above the premises, had been agreed by the applicant. The only issue not agreed with the applicant was the recommendation that use of the front external area be restricted past 8.30pm. It was confirmed that the recommendation was that food or drinks should not be consumed in the external area after 8.30pm, although use of this area for smoking would be permitted.

The applicant's representative, Mr Hopkins, addressed the Committee in support of the application and raised the following points in his address and in responding to questions from the Committee:

- This was a small, family-friendly café aimed at the Albanian community.
- The extension of the hours of the licence was being sought to bring it into line with the later opening hours for which planning consent had recently been received.
- No issues or complaints had been received from the police or Enforcement Response since the licence had initially been granted.
- The applicant wished to use the front external area of the premises for licensable activity past 8.30pm, as this was crucial to the viability of the business and formed part of the European café culture as a space for socialising.
- Use of the front area after 8.30pm would not disturb neighbouring properties, and that the premises was located near a busy junction on a busy road.
- There was only one representation from a local resident, many of the points raised in his representation were regarding the area as a whole, and were not specific to the premises in question.
- There was no evidence submitted to support the allegations being made in respect of the premises.
- No complaints had been made to the police, Council or directly to the applicant regarding activities at the premises, despite the applicant having a contact number on display in the front window and having met with the resident with an invitation to let him know of any issues at any time.
- Photos submitted of the rear area demonstrated that this was used for storage purposes only and was not used by customers.
- Parking and planning issues raised by the local resident did not fall within the remit of this Committee.
- The only use of the rear area was for the staff at the premises to collect stock or cleaning equipment, and would only be one staff member at a time; on occasion the applicant may have made a telephone call at the rear, but was always careful not to make too much noise late at night, as he was aware that there was a young child living next door.
- It was confirmed that the maximum number of customers permitted to use the external front area at any time would remain 12, as per the condition on the current licence.

The Committee adjourned for deliberations.

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RESOLVED

The Committee carefully considered the application, all representations, the Council's Statement of Licensing Policy and the Section 182 guidance. It was noted that the Prevention of Public Nuisance was the only Licensing Objective that was a particular concern in this application.

The Committee decided to grant the application on the following terms:

Supply of Alcohol:
Monday – Sunday 0800 to 2230

Opening hours:
Monday – Sunday 0800 to 2300

All existing policies and conditions to the current licence will remain in force.

The Committee did, however, consider it necessary and proportionate to prohibit drinks or food in the front area between 2030 and 2230, and no customer presence in the front area between 2230 and 2300. The fact that the responsible authority made this representation by reference to the close proximity of residential dwellings was considered an important factor.

No tables or chairs will be placed at the front of the doorway / entrance of the dwelling above the shop. This will allow for free access to and from the maisonette above the premises.

In relation to the rear of the premises, the Committee noted that no customer use is currently permitted at any time. The Committee, however, considered it necessary and proportionate to impose the following conditions to address some of the concerns raised by the sole objector. The Committee did give due weight, based on the fact that this objector did not appear at the hearing in person which would have allowed greater scrutiny, and a balanced view was taken.

- Staff are not to be permitted to smoke in the rear area past 8pm.
- Staff are to limit use of the rear area past 8pm to essential tasks, and to keep noise to a minimum.
- Staff will not access the rear area past 11pm, save in matters of urgency.
- The rear door is to remain closed at all times past 8pm to prevent the escape of noise, save for access.
- If the rear light is not on a sensor, the light is to remain off past 8pm when the rear area is not in use.

Overall, the Committee did not consider it necessary or proportionate

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	to deny the supply of alcohol and opening hours requested.	
PRCE41.	ITEMS OF URGENT BUSINESS There were no new items of urgent business. The meeting closed at 2100hrs.	

CLLR ALI DEMIRCI

Chair