

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE D

THURSDAY, 27 JULY 2023

- Councillors Present:** Cllr Penny Wrout in the Chair
Cllr Zoë Garbett and Cllr Gilbert Smyth
- Officers in Attendance:** Rabiya Khatun – Governance Officer
Amanda Nauth – Licensing and Corporate Lawyer
David Tuitt - Business Regulation Team Leader
- Also in Attendance:** Unit 7 2-4 Orsman Road
David Dadds- Applicant's Legal Representative

1. Election of Chair

- 1.1 Cllr Penny Wrout was duly elected as chair of the meeting.

2. Apologies for Absence

- 2.1 There were no apologies.

3. Declarations of Interest - Members to declare as appropriate

- 3.1 There were no declarations of interest.

4. Minutes of the Previous Meeting

- 4.1 There were no minutes for consideration.

5. Licensing Sub-Committee General Information and Hearing Procedure

- 5.1 The hearing procedure was noted by all present.

6. Variation of Premises Licence: Unit 7 2-4 Orsman Road, London, N1 5FB

- 6.1 The Sub-committee heard from the Business Regulation Team Leader and Applicant's legal representative, and also took into consideration the written representations submitted by the Other Persons.
- 6.2 All parties noted the confidential information received from the Applicant and Other Persons. The parties agreed that the information should not be in the public domain due to the nature of the allegations made against Hande Sezgin.
- 6.3 During the course of submissions and a discussion of the application, the Sub-committee noted the following:

MeetingDateLegal

- The Business Regulation Team Leader outlined the application seeking to remove condition 46 on the licence relating to Ms Sezgin being excluded from the premises, and advised that the late representation received following the consultation period was not relevant to the application and would not be taken into consideration at the meeting.
- The Applicant's legal representative stated that condition 46 should be removed as it was no longer relevant due to the passage of time, the Applicant upholding the licensing objectives and no incidents of crime and disorder at the premises. Ms Sezgin was of good character with no criminal convictions, had obtained the personal licence and SIA badge qualifications, had family connections to the venue, and no representations from the Responsible Authorities in particular Licensing and the Police.
- The Applicant's legal representative clarified that the Applicant had previously proposed condition 46 to address the Sub-committee's concerns relating to lack of trust and management skills following a breach of a condition relating to food. This condition was no longer relevant and had been removed from the current licence. The premises licence holder had been holding TENs events without any issues, the representation regarding the Stop Notice issued by Planning to cease using the outdoor area had been withdrawn today, and the issue of noise nuisance was being resolved.
- The Applicant's legal representative emphasised that many vexatious allegations that Ms Sezgin had been visiting the premises daily and being involved in management were uncorroborated allegations.
- The Business Regulation Team Leader confirmed that the council had received complaints relating to the premises during normal operating hours however, some specific complaints could not be corroborated by CCTV footage.
- The Sub-committee believed the Other Persons' complaints were not vexatious but there was a breakdown and history of poor community relations between the venue and local residents.
- The Applicant's legal representative confirmed that Mr Ozturk was the DPS and also premises licence holder (PLH). He had engaged with his neighbours and local residents and had sent letters to the residents about the application and had installed soundproofing to address the noise nuisance. He had received no responses or complaints.
- The Sub-committee expressed their disappointment at Ms Sezgin's absence at the hearing and to be able to speak directly to her.
- The Applicant's legal representative argued that remote meetings did not enable him to have a private discussion with his client and that the removal of this previous condition was not relevant to this application. The Sub-committee stated that any condition removed due to a safeguarding concern was a relevant consideration.
- The Applicant's legal representative reassured members that Ms Sezgin would not be involved fully in the management of the venue and would only be on the premises to work or help out at the business as her partner owned another premises nearby. The current PLH and DPS would continue to manage the premises. The resident complaining of Ms Sezgin's behaviour had one previous interaction with her.
- The Sub-committee noted that some of the Other Person's concerns regarding Ms Sezgin's behaviour towards residents and the applicants and her mismanagement could not be explored in a committee setting as the Other Persons were not present and conflict resolution was needed between the parties.

- It was noted that the complainants needed to complain directly to the management not the council.
- The Applicant's legal representative confirmed that the processes in place to deal with complaints included displaying the Applicant's telephone for residents to complain and they had not received any complaints from residents.
- In response to a question on how the Applicant planned to foster better relations with residents, the Applicant's legal representative offered to mediate between the residents/complainants and the management.

RESOLVED:

The decision

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm

The application to vary a premises licence has been approved in accordance with the Council's Statement of Licensing and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

The following condition will be added to the premises licence:

The Premises Licence holder to instruct and pay at their own cost for an independent expert mediator in conflict resolution, for example the Civil Mediation Council or a similar organisation, to seek to bring all parties together (the Premises Licence holder, the management and staff of the premises, local residents and the Licensing Authority) to find a way forward to resolve the issues between the local residents and the management of the premises within the next 3 months.

Reasons for the decision

The Application to vary this premises licence has been approved to remove condition 46 from the premises licence as members of the Licensing Sub-committee were satisfied that the licensing objectives would not be undermined.

The Sub-committee took into consideration that the Responsible Authorities raised no objection to this Application to remove condition 46 from the premises licence. The Sub-committee noted the Temporary Events that had been acknowledged between 2022 - 2023.

The Sub-committee took into account that Other Persons (local residents) objected to the Application and their concerns about the venue. The Sub-committee noted that no crime reports had been provided by the Police.

The Sub-committee has no jurisdiction over Planning issues. However, what became apparent is that there are poor relations between the venue and local residents and more needs to be done to work harmoniously with neighbours.

The Sub-committee noted that condition 32 requires the contact details of the Designated Premises Supervisor to be on display for local residents or members of the public to make contact with the premises if they have any concerns.

The Sub-committee felt that given that the Responsible Authorities did not object to this Application they could not continue to have condition 46 on the premises licence. However, given the history of the premises they felt that a condition should be added to the premises licence that the premises undertake mediation at its own costs to try and resolve the concerns by local residents.

The Sub-committee would have liked the opportunity to speak to Hande Sezgin and to hear from her regarding this Application.

Having taken all of the above factors into consideration the Sub-committee was satisfied that by granting this variation to the premises licence, the licensing objectives would continue to be promoted.

Public Informative

The Licence holder is encouraged to work with local residents to reduce noise nuisance, and prevent any negative impact in the area.

7 Temporary Event Notices - Standing Item

7.1 There were no temporary event notices.

Duration of the meeting: 2:00pm