

## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

THURSDAY, 21ST JULY, 2016

**Councillors Present:** Cllr James Peters in the Chair

**Cllr Emma Plouviez (Substitute) and  
Cllr Caroline Selman**

**Officers in Attendance:** Butta Singh (Senior Lawyer), David Tuitt, (Licensing Team Leader), Nadine Jackson (Pollution Team), Darren Reilly (Licensing), Robert Walker (Legal Services) and Rabiya Khatun (Governance Services).

**Also in Attendance:**

**The Gravy**

Patsy Palmer Hailey - Applicant  
Mr B Wilson (Leaseholder)–Applicant's representative

**Ozlem Restaurant**

David Claxton- Applicant's representative  
Fadime Ozturk Colaic- Applicant

PC Ryan – Metropolitan Police

### **1 Election of Chair**

1.1 Councillor Peters was duly elected to chair the meeting.

### **2 Apologies for Absence**

2.1 Apologies for absence were received from Councillor Patrick.

### **3 Declarations of Interest - Members to declare as appropriate**

3.1 There were no declarations of interest.

### **4 Licensing Sub-Committee Hearing Procedure**

4.1 The Chair outlined the hearing procedure within the agenda pack.

### **5 Premises Licence- The Gravy, Basement, 20 Stamford Hill, N16 6XZ**

5.1 The additional information submitted by Environmental Enforcement and Pollution were circulated at the meeting.

5.2 David Tuitt, Licensing Team Leader, introduced the report for a new premises licence and advised that Environmental Enforcement had withdrawn its representation following an agreement with the applicant to licensing

conditions. However, representations remained from the Police, Pollution, Licensing and Other Persons.

- 5.3 Mr Wilson, the applicant's representative and leaseholder briefly outlined the application and stated that the premises was a community based venue offering a wine bar. The applicant had soundproofed the building to minimise noise nuisance and local residents had been provided with contact details to report noise nuisance complaints. A dispersal policy was in place and staff would arrange for a taxi to collect patrons leaving the premises to minimise public nuisance. The applicant was currently applying for TENs for all licensable activities taking place at the premises and the additional costs was adding to his business expenses.
- 5.4 The Chair sought clarification regarding the final plan of the premises and the area for licensable activities. Mr Wilson clarified that the final plan was on page 32 of the report and explained the layout of the premises including licensable activities being restricted to the area identified as LAA on the submitted plan.
- 5.5 The Chair enquired about the designated smoking area and maximum capacity at the venue. Mr Wilson confirmed that the smoking area was located at the front of the premises in Stamford Hill with a maximum of six smokers permitted at any one time, and the maximum capacity at the venue was 100 people.
- 5.6 Councillor Plouviez sought clarification with regard to the hours for opening and licensable activities. Mr Wilson confirmed that the applicant was seeking the terminal hours 01.00 hours Sunday to Thursday and 02.30 hours Friday to Saturday.
- 5.7 PC Ryan (Metropolitan Police) outlined the police's representation in relation to the application based on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. PC Ryan stated that the premises are located within a residential area close to residential properties. Concern was expressed that the dispersal of one hundred people from the venue at 02.30 hours could potentially increase public nuisance, noise nuisance, anti- social behaviour and crime and disorder in the area. It was argued that the proposed opening and licensable activities hours were excessive and in accordance with LP12 it was proposed that the hours could be reduced to midnight during the weekdays and 01.00 hours during the weekends.
- 5.8 Mr Reilly outlined Licensing Enforcement's representation to the application and stated that the premises are located near residential properties in a residential area. The proposed hours could potentially increase anti-social behaviour and add to the negative cumulative impact experienced in the area. It was suggested that the hours could be reduced to bring them in line with the Council's LP12 policy and Mr Reilly proposed the hours of midnight Sunday to Thursday and 01.00 hours on Friday to Saturday with a further half an hour of operation.
- 5.9 Ms Jackson outlined the Pollution Team's representation to the application. Ms Jackson proposed additional conditions to be attached to the licence to minimise the public nuisance that could potentially arise from the proposed hours for licensable activities.

- 5.10 Addressing the Chair, Mr Wilson confirmed that he would agree to the Pollution Team's additional conditions subject to an amendment at condition 4 to replace the word 'password' with 'key'.
- 5.11 The Chair referred to the photograph at Appendix C of the report and asked whether the fire damaged fuse box had been replaced. Ms Hailey stated that she was not aware of any fire damage and that the premises had recently been inspected and issued an electrical safety certificate.
- 5.12 PC Ryan indicated that she would like the non- standard hours removed from the application and Mr Wilson agreed to the removal of these hours.
- 5.13 Addressing the issue of the opening hours and licensable activities, Mr Wilson agreed to the opening hours Sunday to Thursday from 11.00am to midnight with all licensable activities ceasing at 23.30 hours and Friday to Saturday from 11.00am to 01.30 hours with all licensable activities ceasing at 01.00 hours.
- 5.14 Councillor Plouviez enquired with regard to the noise emanating from the rear of the premises and the commercial premises above. Mr Wilson clarified that the area to the rear of the premises was a car park owned by the adjoining church and did not form part of the application. The business above the premise was a Chinese takeaway that was open until 01.00 hours.
- 5.15 In response to Councillor Plouviez's question regarding any noise complaints received during the Temporary Events Notices (TENs) events, Mr Wilson stated that management had engaged with local residents to minimise any noise nuisance during these events and that there had been no complaints from residents. PC Ryan confirmed that the police had received no complaints during the TENs events.
- 5.16 With regard to condition 28, Mr Wilson confirmed that he would agree to a maximum of six smokers and the smoking area being located at the front of the premises.
- 5.17 Mr Wilson summarised that the premises is a community-based business and that the premises would be well managed to ensure that there was minimal impact on local residents.
- 5.18 PC Ryan and Mr Reilly did not sum up.

### **The decision**

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

the application has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- From Sunday to Thursday, the opening hours will be from 11.00 to midnight, with all licensable activities ceasing at 23.30 hours and on Friday Saturday, the

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opening hours will be from 11.00 to 01.30 hours, the day following, with all licensable activities ceasing at 01.00 hours, the day following.

- The non-standard hours be deleted.
- Conditions 10 and 28 be deleted.
- Condition 22 be amended so that there shall be a maximum of 100 customers.

and the following additional conditions:

- There shall be a maximum of 6 smokers outside of the premises only, at any one time, at the front of the premises only.
- The following Environmental Enforcement conditions to be added:
  1. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
  2. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
  3. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
  4. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct a member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
  5. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip hazard.
  6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing at the façade of the building. This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier  
the date of commencement of trade waste contract  
the date of expiry of trade waste contract  
the days and times of collection  
the type of waste including the European Waste Code

- The following Pollution conditions to be added:

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1. The licensee shall submit to the Council an acoustic report prepared by a reputable noise consultant (who is a member of the Institute of Acoustics or similar recognised association), which demonstrates how live music and amplified sound and voices generated at the premises will be contained within the said premises, thereby not causing a nuisance to neighbouring premises. The report shall have regard to any noise caused by any ventilation system and any likely escape of noise from the system, the opening of doors for patrons, acoustic characteristics of fire doors, windows, and the general fabric of the building. Where sound transmission is likely through the structure of the building to one attached, the report must show in detail how this will be eradicated, for example by improved sound insulation of the building.
2. The report should also include details of how smoking, patrons queuing or congregating outside will be managed.
3. The report is to be submitted to the Community Safety Team for their written approval. All recommendations within the report which have been approved by the Community Safety Team should be completed prior to any licensable activities taking place.
4. A suitable sound limiting device(s) must be installed to all systems generating music and/or amplified voices. The limiting device (s) should be set to ensure that noise nuisance is not caused in the nearest residential premises. This level must be agreed with the officer of the Community Safety Team. A certificate of compliance should be submitted to the Community Safety Team for their approval. The limiter(s) should be protected in such a manner as to prevent tampering with (i.e. locked in a tamper-proof box and only accessible by management or / and protected by a key).The sound limiting device shall be used at all times when music is played on the premise.
5. Any entertainment involving live and / or recorded music can only take place if conditions 1 to 4 have been implemented to the satisfaction of the Community Safety Team.
6. Notices must be prominently displayed at the exits reminding patrons to depart in an orderly manner.

### **Reasons for the decision**

The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined by such approval.

### **Public informative**

It was noted that the plan of the premises is set out on page 32 of the agenda with the Licensable area indicated as 'LLA', extending to the wall dividing the main room from the toilets.

The applicant is also reminded of the need to operate the premises according to any current planning permission relating to its user class, conditions and hours.

It should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.

**6 Variation Premises Licence - Il Cudega Enogastronomy and Bar, Railway, Arch 358 To 359, Westgate Street, E8 3RL**

6.1 This item was withdrawn from the agenda at the request of applicant.

**7 Variation Premises Licence- Binis Limited T/a Ozlem Restaurant, 1 Prince George Road, N16 8DL**

7.1 David Tuitt introduced the report for a variation licence to change the layout of the premises and amend the seating area. He advised that representations had been received from the Police and Licensing and a correction to the report that the application was within the Dalston Special Policy Area.

7.2 Mr Claxon, the applicant's legal representative presented the case in support of the application and addressed the points requiring clarification:

- The forecourt as shown on the plan formed part of the licence
- The premises had been operating as a family diner for over 18 years without any issues of crime and disorder.
- The hours for late night refreshment were from Monday to Sunday 23.00 to 02.00 hours. The sale of alcohol would cease at midnight Monday to Saturday and 22.00 hours on Sundays.
- The maximum capacity at the premises would be 150 persons
- Doors and windows would be closed from midnight
- With regard to condition 14, it was proposed that a maximum of six smokers be allowed at any one time
- It was proposed that no more than 12 diners be seated in the outside area from 19.00 until 21.00 hours

7.3 PC Ryan outlined the Police's representation to the application and stated that, based on the significant changes being proposed, she believed that a new premises license application would be more appropriate. He expressed concern at the proposed hours for licensable activities which could potentially increase crime and disorder and public nuisance in the area and proposed an additional condition that 'no alcohol be consumed from 00.30 hours Monday to Saturday and 22.30 hours on Sundays. PC Ryan advised that officers had observed licensable activities taking place in the forecourt/outside area prior to the submission of the variation application.

7.4 Mr Claxon confirmed that the outside area has been in use based on incorrect professional advice, however, since it was brought to Ms Colaic's attention that that the outside area was not licensed she had ceased all licensable activities in this area and had submitted a variation application.

7.5 Mr Reilly outlined Licensing Enforcement's representation to the application. He stated that the premises are located within Dalston SPA and expressed concern at the proposed hours for the sale of alcohol, the increase in maximum capacity and the front area of the premises. It was added that the proposals would have a negative cumulative impact in the area and potentially increase

public nuisance, anti-social behaviour and noise nuisance. Mr Reilly stated that a recent complaint had been received in relation to noise nuisance.

- 7.6 PC Ryan and Mr Reilly proposed that condition 12 be amended to insert after the words “persons who are” the following words “seated at a table and who are”.
- 7.7 In response to a questions from Members regarding capacity and the management of the premises, Mr Claxon confirmed that under the proposals there would be an increase in capacity to 150 persons from 118. Mr Reilly confirmed that there had been no issues with the management except for a recent complaint.
- 7.8 PC Ryan expressed concern at the potential number of people exiting the premises into a quiet residential area at the terminal 02.00 hours and proposed that late night refreshment should cease at midnight. Mr Claxon proposed instead that late night refreshment could cease at 01.30 hours and capacity could be reduced from midnight. PC Ryan indicated that reducing the capacity at the venue would not reduce the footfall in an area already suffering from negative cumulative impact and Mr Reilly advised that there would be issues with enforcement.
- 7.9 The Chair proposed that the additional area in the application, previously identified as the Jeweller’s area, could close at midnight and Mr Claxon agreed to this condition.
- 7.10 Addressing the issue of reducing noise disturbance to local residents in the outside area, the Chair proposed that the outside area should be limited to 12 persons from 19.00 to 21.00 hours and close at 21.00 hours. Mr Claxon agreed to the proposed additional condition. Mr Reilly expressed concern at the number of people permitted in the outside area, which was on a busy pavement.
- 7.11 Responding to Councillor Plouviez, Mr Claxon advised that it would be possible to turn off the lights in the bar area at midnight to indicate that this area was closed.
- 7.12 Councillor Peters enquired about the doors remaining open past midnight. Mr Claxon advised that there was no condition on the current licence however when the area was closed the doors were also closed.
- 7.13 Councillor Selman referred to the complaint received and asked if the incident had occurred prior to 19.00 hours, Mr Reilly confirmed that the incident had occurred prior to 19.00 hours.
- 7.14 Mr Claxon summarised that the applicant had agreed to half an hour eating up time, there was no evidence that the higher capacity would lead to a rise in crime and disorder and public nuisance and the outside area had conditions to ensure the area would be well managed.

### **The decision**

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The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

the application has been approved in accordance with the Council's licensing statement and the existing and proposed conditions set out in paragraphs 3.1 and 8.1 of the report, with the following amendments:

- The hours for late night refreshment shall be Monday to Sunday 23.00 to 01.30 hours
- Conditions 8 to 13 in paragraph 3.1 be deleted
- Condition 12 in paragraph 8.1 be amended to insert after the words "persons who are" the following words "seated at a table and who are"
- Condition 14 in paragraph 8.1 be amended so that there shall be a maximum of six smokers outside at any one time.

and the following additional conditions

- No alcohol shall be consumed on the premises after 00.30 hours Monday to Saturday and 22.30 hours on Sundays.
- All doors and windows shall be closed after midnight except to allow egress and ingress.
- There shall be a maximum capacity of 150 persons at any one time.
- The outside area shall be limited to 12 persons from 19.00 to 21.00 hours and closed from 21.00 hours.
- The additional area licensed by this decision, as delineated on the amended plan to be provided, shall be closed after midnight. A copy of this plan is also to be retained and kept on the premises at all times.

### **Reasons for the decision**

This variation application to increase the capacity of licensed premises located within the Dalston SPA has been approved given the additional restrictions placed on the capacity of the venue along with ensuring that the premises is to be used as a restaurant at all times. It was felt that with the additional conditions placed on the licence, this variation would not unduly add to the problems already being experienced in the area.

It was for this reason the application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

## **8 Temporary Event Notices - Standing Item**

8.1 There were no temporary event notices.

**Duration of the meeting:** 7.00 -9.45 pm

**Signed**

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**Chair of Sub-Committee**

**Contact:**

Governance Services Officer:

Tel 020 8356 8407