

**DRAFT MINUTES OF THE MEETING OF LICENSING SUB COMMITTEE D  
THURSDAY 10th JUNE 2021**

**THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED AT:**

[https://youtu.be/hUX-zD8\\_I2Y](https://youtu.be/hUX-zD8_I2Y)

**Councillors Present:** Cllr Gilbert Smyth (Chair),  
Cllr Emma Plouviez and Cllr Brian Bell

**Officers in Attendance:** Amanda Nauth - Licensing and Corporate Lawyer  
Subangini Sriramana - Acting Principal Licensing Officer  
Rabiya Khatun - Governance Services Officer

**Also in Attendance:** Mr Graig Baylis - Premises Licence Holder's  
Legal Representative  
Mr Damian Benjamin - Applicant  
Ms H. Clellers - Other Person  
Channing Riviere - Principal Licensing Officer

**1. Election of Chair**

1.1 Councillor Smyth was duly elected to Chair the meeting.

**NOTED**

The Chair informed participants that the meeting would adjourn at 14.02 pm and reconvene at 14.25pm to enable the Legal Officer to join the hearing remotely. The meeting reconvened at 14.26pm.

**2. Apologies for Absence**

2.1 There were no apologies for absence.

**NOTED**

**3. Declarations of Interest**

3.1 There were no declarations of interest.

**NOTED**

#### **4. Minutes of the Previous Meeting**

- 4.1 There were no minutes of the meeting for consideration.

**NOTED**

#### **5. Licensing Sub Committee Hearing Procedure**

- 5.1 The hearing procedure as set out in the agenda pack was explained to all participants.

**NOTED**

#### **6. Application for Review of Premises Licence: The Hunter S,194 Southgate Road, London, N1 3HT**

- 6.1 Subangini Sriramana, Acting Principal Licensing Officer introduced the report. It was noted that the Police had proposed the conditions set out at paragraph 9.2 of the report in agreement with the premises licence holder. Representation however remained from the Other Persons.
- 6.2 The sub-committee noted the additional information submitted by the applicant and premises licence holder, which had not been included in the agenda pack.
- 6.3 Mr Channing Riviere, on behalf of Licensing Authority, made submissions speaking in support of the review of the premises licence in respect of Hunter S on the grounds of the prevention of public nuisance, highlighting the following:
- Licensing Services had received persistent complaints from local residents regarding the premises from 2017 until 2020. The majority of these complaints were in relation to the noise and behaviour of the patrons in the external area and general vicinity of the premises;
  - Licensing Services had emailed the licensee on 8th June 2020 informing him of the complaints received from local residents and provided advice on the dispersal of patrons from the area;
  - The additional information submitted in support of the premises did not address the promotion of the licensing objectives; and
  - The following modifications to the premises licence were proposed to assist the promotion of the licensing objectives and address the concerns relating to the premises:
    1. Tables and chairs in the external seating area are to be rendered unusable at 22:00 on Monday to Sunday.
    2. No food or drink to be taken outside after 22.00 on Monday to Sunday.
    3. No more than 10 smokers in the external area of the premises after 22:00.
    4. Off-sales of alcohol to be excluded from the licence.

5. There shall be no off sales at the premises until 1<sup>st</sup> December 2021 except to those customers seated at tables in the designated outside seating area.

6. There shall be no glass, drinks or open containers taken outside the premises, except to those customers who are seated in the designated outside seating area which shall only be used until 2200hrs.

6.4 Mr Graig Baylis, premises licence holder's Barrister, made submissions and indicated that the premises licence holder would be willing to accept the proposed modifications to the premises licence outlined at paragraphs 9.1 and 9.2 of the report. He made the following points:

- The licence holder would be willing to agree to proposed conditions 1, 2, 3 and 6 as he believed these would minimise the public nuisance to local residents;
- Highlighted that condition 4 contradicted condition 5 and indicated that the licence holder would prefer proposed condition 5; and
- The licence holder accepted that patrons were buying alcoholic drinks and drinking outdoors but he was constrained by Covid-19 regulations.

6.5 Ms Clellers, Other Person, made submissions in support of the application. The following points were highlighted:

- She lived opposite the premises and had been impacted by the noise disturbance caused by patrons allowed to drink in the external area of the premises during the pandemic and in particular during summer;
- This was a quiet street;
- Patrons talking in the external area were causing a noise nuisance;
- The anti-social behaviour included patrons resting their drinks on her window sill and urinating between cars;
- These issues had been raised with the licence holder but the issues persisted; and
- She was in support of the proposed modification, which would address some of the issues for local residents.

6.6 Following all submissions, the Chair led a discussion and

- Members noted the overlap of conditions 4 and 5 and Mr Riviere replied that condition 5 would require a more robust management of the external area and indicated that his preference was to retain proposed condition 4. Mr Baylis responded that he would prefer condition 5 as the premises was well managed and outdoor drinking was a temporary measure during the pandemic with off-sales accounting for 0.2% of the business. The licence holder could not confirm if the external area was included in the existing

premises licence and if the designated outside seating area were removed this would impact on his business;

- Mr Baylis confirmed that premises had a dispersal policy and that it could be added as a condition of the premises licence;
- Mr Baylis agreed to the inclusion of an additional condition for an SIA door supervisor on Fridays and Saturdays from 20.00 hours and SIA security to be risk assessed from Sunday to Thursday;
- Ms Clellers emphasised that the off sales and dispersal were not well managed, which was impacting on local residents lives; and
- Mr Baylis stated that the allegation of nuisance every evening was not true and that off-sales was necessary for the 20 covers in the outside seating area.

6.7 In his closing statement, Mr Riviere indicated that he was satisfied with the proposed conditions and reiterated that the public nuisance issues in the external area occurred mainly during Spring and Summer. Ms Clellers also retained her support for the modifications, which would minimise public nuisance for local residents.

6.8 During closing statements, Mr Baylis highlighted the number of emails in support of the premises.

6.9 **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

and in particular the prevention of public nuisance, made the following determination: **to modify the conditions of the licence** with the conditions proposed by the Licensing Authority as set out in the report.

- Tables and chairs in the external seating area shall be rendered unusable at 22:00 on Monday to Sunday.
- No food or drink to be taken outside after 22.00 on Monday to Sunday.

- No more than 10 smokers in the external area of the premises after 22:00.
- There shall be no off-sales at the premises except to those customers seated at tables in the designated outside area.
- There shall be no glass, drinks or open containers taken outside the premises, except to those customers who are seated in the designated outside seating area which shall only be used until 2200hrs.

Additional conditions to be added to the licence:

- The Licence holder shall submit a written Dispersal Policy to be deemed acceptable by the Licensing Authority.
- There shall be a written Dispersal Policy a copy of which shall be kept on the premises and made available to the police or other authorised officers upon request.
- Two SIA registered door supervisors shall be employed and be on duty on Friday and Saturday evenings from 20:00 and for the rest of the week there shall be a risk assessment from Sunday to Thursday of registered SIA door supervisors to monitor the outside area ensuring that:
  - a) Noise levels are kept to a minimum
  - b) Any drugs or weapons are seized
  - c) Patrons disperse from the area quickly and quietly
- The licence holder shall maintain a dedicated contact telephone number and email address that must be available at all times to all local residents, the Environmental Health Officers, the Licensing Authority, the police, and any responsible authority or any person wishing to make a complaint. These contact details shall be included on the website of the premises, and on display at the premises, which can be used to report concerns or complaints about the premises to a duty manager, a responsible person or a member of the management team at the premises as and when they occur.
- The Licence holder to hold and publicise quarterly liaison meetings with local residents to address any concerns or complaints about the premises from local residents to prevent public nuisance.

### **The Reasons for the Decision:**

The Licensing Sub-Committee felt, after carefully considering the application from the Licensing Authority and hearing from the License holder's representative, together with the representations both against the premises, and a large number of 23 representations in supporting of the premises, decided that the appropriate

course of action was to modify the conditions on the licence as proposed by the Licensing Authority.

The sub-committee took into consideration the submissions made by the Licensing Authority that a number of complaints had been received from local residents in 2017, 2018, 2019 and 2020 in relation to patrons outside of the premises and in the surrounding residential area. The sub-committee heard that local residents allege that the patrons loiter in the area which results in ant-social behaviour and public nuisance issues such as noise, litter and public urination which was having an impact on local residents.

The sub-committee took into consideration the evidence that the Licence holder had been informed by the Licensing Authority both in writing and in person about the complaints received from 2017 onwards, and they were advised what steps would be required to resolve the issues. However, the sub-committee was disappointed to hear that the premises licence holder repeatedly failed to deal with the issues. It was the persistent complaints from local residents that led to the Review being called.

The sub-committee decided to accept conditions 1, 2, 3 and 6 of the conditions proposed by the Applicant (the Licensing Authority) as set out in the report to be added to the licence and condition 5 was amended. It was noted that the Metropolitan Police Service also approved conditions 5 and 6. Condition 4 was not accepted by the sub-committee. The sub-committee also decided to add conditions to prevent public nuisance and disturbance to local residents.

The sub-committee took into consideration that the Licence holder accepted the conditions proposed by the Licensing Authority as the way forward to resolve the public nuisance issues.

The sub-committee was satisfied with the measures, and the agreed additional conditions above that will ensure that the premises is run responsibly, and will monitor how the premises is operating.

The sub-committee felt that with modified conditions on the licence, the premises would improve and be run in a manner that complied with the conditions of the licence, and would promote the licensing objectives in the future.

### **Public Informative**

The Licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the Licence holder to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night.

## **7. Temporary Event Notices**

7.1 There were no Temporary Event Notices.

**Duration of Meeting: 14.00 - 15.37**

Chairperson: Cllr Gilbert Smyth

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