

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 29 APRIL 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy, Dogan Delman and George Savva MBE

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Mr Luigi Patrascu and Mrs Eugenia Patrascu (Applicant for Taverna) and Ms Rechnitz friend / interpreter
Mrs M. L. Nock and Mrs K. Maskell (Interested Parties)
Mr Tom Mitchell and Mr Matthew Smith (Applicant for 21 The Green)

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WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed all those present and explained the order of the meeting.

There were no apologies for absence.

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DECLARATION OF INTERESTS

There were no declarations of interest.

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TAVERNA, 290 GREEN LANES, LONDON, N13 5TW (REPORT NO.234)

RECEIVED the application made by Mr Luigi Patrascu and Mrs Eugenia Patrascu for a new Premises Licence for the premises known as and situated at Taverna, 290 Green Lanes, London, N13 5TW.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence.
 - b. The applicants had not held a premises licence previously.
 - c. The hours applied for were set out on page 1 of the report. The times were reduced slightly from those in the original application.
 - d. Recent changes to the Licensing Act 2003, affecting licence requirements for recorded and live music were highlighted.

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- e. As conditions and a reduction in times had been agreed, the representations from the Licensing Authority and the Metropolitan Police Service had been withdrawn.
 - f. Representations against the application had been received from two local residents at two separate addresses, objecting to the proposed regulated entertainment and times on public nuisance grounds.
 - g. A further letter of representation had been received on 23 April 2015 and circulated to all parties. An additional resident had signed this letter, but they had not made representation during the consultation period and so their representation could not be considered.
 - h. The two residents who made representation had addresses at 26 and 74 Devonshire Road. An additional map had been circulated to all parties showing the location of those addresses and the premises' location.
2. The opening statement of the interested parties, Mrs Nock and Mrs Maskell, including the following points:
- a. Although they were the only two residents in attendance, they had consulted other people in Devonshire Road and confirmed there were other people who objected, but had been too late to make formal representations.
 - b. The three principal concerns of the objectors were noise, nuisance and flouting of conditions.
 - c. This business would lead to an increase in traffic and an increase in noise. The alley between Green Lanes and Devonshire Road would become more noisy. There was already a plethora of pubs in this stretch of Green Lanes and an additional venue selling alcohol was not needed.
 - d. Local residents who worked shifts would be especially affected by an increase in noise. An EU directive set out what daily rest shift workers should get. With Taverna staying open past 10pm every night, that would not be conducive to rest for workers.
 - e. Many local residents were elderly and infirm or had health problems and needed their sleep and must avoid stress. This would be impossible if there was noise late at night from this restaurant, including on Sundays.
 - f. Nuisance was caused by people coming out of local pubs and restaurants, loitering in streets, and slamming of car doors. There was vomiting and urinating in the street. The residents did not need another late night rendezvous and alcohol. Once people were off the premises, the licence holder had no responsibility.
 - g. In reference to flouting of conditions, Condition 22 mentioned an external designated area for smoking, but the application said there would be tables outside and alcoholic drinks: that was not acceptable. There were too many people drinking outside in this area already.
 - h. The appropriate level of noise seemed to be a subjective decision. They questioned the radius within which noise would be assessed, and were concerned that noise would travel.

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- i. They believed that opening hours were excessive, and that there could be noise until 2 or 3 am.
 - j. This premises was trying to double as a nightclub. Business concerns should not interfere with residents' rights. They suggested an 8pm closing time Sunday to Thursday and 11:30pm on Friday and Saturday, and no late night refreshment at all.
 - k. They had talked to many people in their street. Directly in line with the premises lived a lady over 90 years old. There was a resident convalescing from a severe operation who had been told to have an easy and simple life. Others nearby had disabilities and health problems or were old and frail. Workers who needed to travel needed to be up early and went to bed early. Sound travelled a long distance at night. There were already many pubs locally and consequent problems: another venue would increase the nuisance and noise.
3. Mrs Nock and Mrs Maskell responded to questions as follows:
- a. The Chair asked whether concerns were attributable to existing premises on Green Lanes, and whether they had sought a review on any of those. Mrs Maskell advised that she had attended a hearing in relation to the Alfred Herring pub and made sure that no music was permitted: they had applied for music but were turned down.
 - b. In response to the Chair's queries about 'flouting of conditions' when a licence had not been granted, the part of the application was quoted that "in summer we will put some tables outside in front of the premises and maybe the customers will want to serve an alcoholic drink" and therefore that would breach Condition 22.
 - c. In response to the Chair's highlighting Condition 21 to ameliorate noise, it was maintained that if people were sitting outside the doors would be opening and closing all the time allowing noise to escape, and it was feared that in summer the windows would be open.
 - d. In response to further queries by the Chair regarding the licence holder's responsibilities, it was stated that if the applicant was not allowed to have a licence to serve alcohol until late, then there would not be people congregating late at night.
 - e. In response to the question how people congregating could be attributed to this particular venue, it was asserted that this would be the only premises that would be open later than the pubs.
 - f. In response to further queries about the claims of nuisance and noise "until at least 2am", it was clarified that this was noise expected after the premises closed. The opening hours may finish at 1am, but people would not instantly disappear but would hang around, talk, shout and gradually disperse, so there would be noise until possibly 3am.
 - g. Councillor Delman asked about pubs in the vicinity: these were confirmed as the Alfred Herring, the Fox and the Inn on the Green. The Principal Licensing Officer confirmed that there was more than one premises open later hours than those sought in this application

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- h. Councillor Delman asked why customers of the premises would cross Green Lanes and go into Devonshire Road. The objectors advised that people could park in their road – there was public parking at the top end of Devonshire Road.
- i. The Chair explained that he had to understand the objections being made against this particular premises which had not opened and proposed alcohol ancillary to a meal. It was advised that the premises was going to have live music and late hours every night and be open until 1am Friday, Saturday and Sunday. It was felt there should be no more such venues in Green Lanes. The main concern regarding this premises was the music: no other premises had loud music and dancing. Noise would inevitably escape; it could not all be closed in. There was concern that the volume of music would not be controlled and that noise would travel. The licence holders would be put on trust that they would keep doors and windows closed and keep rowdiness down.
4. The statement of the applicants Mr Luigi Patrascu and Mrs Eugenia Patrascu, including the following points:
- a. They understood the concerns of residents and had listened to their points, but the residents had no reason to worry as they would act within the law and respect the licensed hours. They did not know why there was an assumption they would not operate the licence properly.
 - b. They wanted to confirm that there would be no alcohol served outside, only coffee. At the Chair's request, the Principal Licensing Officer provided a clarification about the use of the pavement space. There was no street trading licence at the moment. The plan did not include the front area. The application was for on and off sales. Condition 22 restricted the external area at the front of the premises for the use of smokers. She confirmed that if the applicants wished to serve coffee outside they would need a tables and chairs licence.
5. Questions were invited on the submission:
- a. The Chair highlighted entries on the application regarding non standard timings "if there is an event from Monday to Thursday" as he understood the licence could not be over-ridden unless a Temporary Event Notice was submitted. The Principal Licensing Officer confirmed that written advice on this had been provided to the applicant.
 - b. In response to the Chair's queries, the applicants confirmed that they had not understood everything at the time of filling in the application form, but they were now clear about the issues relating to use of the outside space.
 - c. The applicants confirmed that there would be 39 seats in the restaurant and a maximum capacity of 50 people. They did not expect the restaurant to be fully occupied at all hours and expected the peak time for many people to visit would be 5:00 / 6:00 pm, but expected the premises to be busy until maybe 10:00 / 11:00 pm on Saturdays.

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- d. The applicants confirmed that they had not operated a restaurant before, but they had run a patisserie.
 - e. The Chair asked why the hours applied for had been sought. It was advised that the times may be needed for parties or weddings on occasion. They would not hire the venue to third parties. At all times the applicants would be on the premises and would be the hosts. If customers wanted to hold a party, the licensed hours would be made clear to them from the beginning.
 - f. In response to the interested parties' question whether if a Temporary Event Notice (TEN) was obtained, there would be an obligation to notify local residents, the Principal Licensing Officer advised that was not an obligation and that only the Police and Environmental Health were notified and could make objections. TENs were limited to a maximum number per year. If an objection was raised, there was a process to be followed, including consideration by Licensing Sub-Committee.
 - g. The interested parties raised that it would be polite to inform neighbours if a later event was scheduled. The Chair acknowledged that this was a point fairly made and that the business owners had heard what was said and should take heed and correspond with residents.
6. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
- a. The Home Office Guidance s. 10.13 and the Council's licensing policy s. 8.3 and 8.4 were highlighted for Members' attention, as set out in paragraph 5 of her covering report.
 - b. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
7. The closing statement of the interested parties, Mrs Nock and Mrs Maskell, including the following points:
- a. They were surrounded by pubs. Four in particular impinged on them: Inn on the Green, the Wishing Well, the Alfred Herring and the Fox. Unfortunately this was not designated a Cumulative Impact Policy Area. The local residents did feel that this was cumulative.
 - b. The biggest concern was noise late at night.
 - c. They questioned whether it was absolutely necessary to be open so late on Sundays.
8. The closing statement of the applicants Mr Luigi Patrascu and Mrs Eugenia Patrascu, including the following points:
- a. They had already asked for shorter hours than other units in the area.
 - b. This would be a family type restaurant. There would only be alcoholic drinks served with food. This would not be a drinking place.
 - c. There were no immediate neighbours who objected.

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RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having heard all the oral submissions to reinforce the written application and representations against the application, the Licensing Sub-Committee (LSC) considers that granting this licence application in full would be appropriate as all sufficient steps have been taken for promotion of the licensing objectives.

We note that the original application has been amended to reduce the hours and a wide range of conditions have been added, which has meant that the Licensing Authority and Metropolitan Police Service felt able to withdraw their representations.

We have listened carefully to the concerns of the remaining objectors, but do not feel that the objections are sustained, especially as there are four pubs and several restaurants already in the immediate vicinity.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:
 - (i) Hours the premises are open to the public : Monday to Thursday from 08:00 to 23:00 and Friday to Sunday from 08:00 to 01:00 the following day.
 - (ii) Supply of alcohol (on and off supplies only) : Monday to Thursday from 12:00 to 22:30 and Friday to Sunday from 12:00 to 00:30 the following day.
 - (iii) Live music (indoors) : Monday to Thursday from 12:00 to 23:00 and Friday to Sunday 14:00 to 01:00 the following day.
 - (iv) Recorded music (indoors) : Monday to Thursday from 12:00 to 23:00 and Friday to Sunday from 14:00 to 01:00 the following day.
 - (v) Performance of dance (indoors) : Monday to Thursday from 12:00 to 23:00 and Friday to Sunday from 12:00 to 01:00 the following day.
 - (vi) Late Night Refreshment (indoors) : Friday to Sunday from 23:00 to 00:45 the following day.

Conditions in accordance with Annex 04 to the LSC report.

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**21 THE GREEN, 21 THE GREEN, WINCHMORE HILL, LONDON, N21 3NL
(REPORT NO.235)**

RECEIVED the application made by Mr Tom Mitchell Limited for a new Premises Licence for the premises known as and situated at 21 The Green, 21 The Green, Winchmore Hill, N21 3NL.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence.
 - b. The applicant had not held a premises licence previously.
 - c. The hours applied for had been slightly unclear over non-use of the 24 hour clock, but had been clarified through mediation and were set out on page 35 of the agenda pack. All licensable activity would cease at 11 pm and the premises would close at 11:30 pm.
 - d. Recent changes to the Licensing Act 2003, affecting licence requirements for recorded and live music were highlighted.
 - e. As conditions and times had been agreed, the representations from the Licensing Authority and the Metropolitan Police Service had been withdrawn.
 - f. Representations against the application had been received from two local residents at the same address. They objected to the application in its entirety on public nuisance grounds.
 - g. The two residents who made representation lived in Repton Court, opposite the premises. They had advised that they were unable to attend this meeting. The Chair confirmed that objectors were not obliged to attend the hearing, and that their written representations carried as much weight as if they were here in person.
2. The opening statement of the applicant Mr Tom Mitchell and his agent Mr Matthew Smith, including the following points:
 - a. Mr Mitchell was trying to turn his premises from a retail shop to a cocktail bar.
 - b. There had been quite a few problems at the shop in the past because of the nature of the items sold and the quality of the clothes. The shop experienced major problems with burglaries and as a result its insurance premiums had gone up.
 - c. Mr Mitchell had carried out his own survey of local residents and he wanted to take their feelings into consideration. He had taken on board what they said about hours and made his application accordingly.
3. Questions were invited on the submission:
 - a. The Chair commented on the consultation with local residents and asked if the objectors Leah Harmer and Bradley Smeeton and the

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immediate neighbours had been spoken to. The applicant was unable to confirm that as he did not ask for names, but he had been in the premises for the last 12 years and knew most of the people who lived nearby. He believed the objectors were relatively newcomers.

b. The Chair queried the description of the venue given today as a cocktail bar, and previous conflicting descriptions of the proposal. Mr Mitchell confirmed that the venue intended to serve nothing but seafood and cocktails, and that it would be open to the public.

c. The Chair confirmed that the sub-committee must make the decision whether the four licensing objectives were being properly promoted and questioned that all sections of part M of the application form had been marked "not applicable". Mr Mitchell had been advised by officers that the sections did not need to be filled in, but he would comply in full with all statutory requirements. It was noted that all conditions were agreed.

d. The applicant confirmed that he was aware that the business could not be operated without planning permission. He had chosen to make the licensing application first as there was an urgency to get everything sorted out as quickly as possible, but he understood the risks involved. He understood that planning and licensing were separate regimes, and that having a premises licence would not predispose the Planning Committee to grant permission.

e. The Chair asked about fear and concerns caused to residents by an application for something which may not materialise. Mr Mitchell advised that at his level, merchandise had to be forward ordered a year in advance, and he had had to get rid of all existing stock and cancel all his manufacturers, so everything had to be done to a schedule.

f. In response to the Chair's question about the applicant's previous experience, Mr Mitchell confirmed he had no experience running a cocktail bar or restaurant or licensed premises besides serving behind a bar in his student days, but that he had been in business for around 50 years.

g. Mr Mitchell confirmed that he would be the Designated Premises Supervisor as well. He advised that he would be employing a chef and probably a manager and probably two barmaids. The venue would provide table service. His role would be more over-seeing the operation. He confirmed that the maximum capacity would be 40 to 50 people.

4. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. The Home Office Guidance s. 10.13 and the Council's licensing policy s. 8.3 and 8.4 were highlighted for Members' attention, as set out in paragraph 5 of her covering report.
 - b. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.

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5. The closing statement of the applicant confirming that he would continue to take advice from appropriate sources throughout the process.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having considered all the written and oral submissions, the Licensing Sub-Committee (LSC) believes that it is appropriate for the promotion of the licensing objectives to grant the application in full – as all sufficient steps have been taken so to do.

We note that the original application has been amended to reduce the terminal hours until 11:30pm – and all remaining licensable activities would have to cease at 11:00pm. In addition, the wide range of conditions that have now been agreed and added has meant that the Licensing Authority and Metropolitan Police Service felt able to withdraw their representations.

The LSC has taken note of and addressed the concerns of the remaining objectors, but does not feel that the objections are sustained, especially as there are already several restaurants and other pubs in the immediate vicinity; and that the area in and around Winchmore Hill Green does not fall within a cumulative impact policy zone.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:
 - (i) Hours the premises are open to the public : Monday to Sunday from 12:00 to 23:30.
 - (ii) Supply of alcohol (on supplies only) : Monday to Sunday from 12:00 to 23:00.
 - (iii) Recorded music (indoors) : Monday to Sunday from 12:00 to 23:00.

Conditions in accordance with Annex 05 to the LSC report.