

MUNICIPAL YEAR 2024/25 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
26 June 2024

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : New Premises Licence Application</p> <p>PREMISES : B7 Cafe Bar and Lounge, 12 Green Lanes, LONDON, N13 6JR</p> <p>WARD : Bowes</p>	

SUPPLEMENTARY REPORT

1. On 18 June 2024, the applicant submitted a written response to the Other Parties representations, and to further support their application, and is now produced as **Annex D**.
2. Further conditions were offered by the applicant, and the amended list of conditions to consider is produced as **Annex E**.

<p>Background Papers : None other than any identified within the report.</p> <p>Contact Officer : Ellie Green licensing@enfield.gov.uk</p>
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Annex D

**STATEMENT TO BE CONSIDERED BY THE LSC
OF
ENFIELD BOROUGH COUNCIL**

**Section 8.36 of the Statutory Guidance issued by the
Secretary of State to the Home Office**

**APPLICATION FOR THE GRANT OF A PREMISES
LICENCE**

FOR

B7 CAFÉ BAR

12 Green Lanes, London, N13 6JR.

1. Understanding of how the policy impacts on this application.
2. Proposed measures to mitigate any impact.
3. Reasons why the LSC may consider the granting this application.

1. Understanding of how the policy impacts on this application

After careful reading and consideration of the Statement of licensing policy for Enfield Borough Council

The application being considered is to Grant an Application for a Premises Licence to permit the premises to operate until the hours as pertaining to the application and to allow the Retail Sale of Alcohol as submitted to the Licensing Authority on 20 April 2024

History

This premises has benefited from a premises licence LN/200501670 and has operated without incident since 2016

How ever due to a clerical error the premises Licence was surrendered therefore a new premises licence has been applied for.

The premises has operated since April 2023 without the benefit of a premises Licence.

This is an application designed for a fully functioning Café/Bar and Lounge to operate from the premises with Robust Conditions to ensure there is no negative impact on the Licensing Objectives or the Local community.

This is NOT an application for a Nightclub or vertical drinking establishment and will be conditioned accordingly under the London Borough of Enfield Licensing Policy.

The application is for ON licence ONLY.

NO VERTICAL DRINKING PERMITTED

ALL ALCOHOL SERVED BY WAITER/TRESS ONLY TO SEATED CUSTOMERS

The Applicant Mr Armando Kelmendi is a new operator the premises has been re-fitted and decorated to a very high standard, with the addition of a new extensive fitted commercial kitchen giving the operator the ability to serve hot and cold food.

The application is for a licence to be **GRANTED** allow - **THE RETAIL SALE OF ALCOHOL ON PREMISES.**

MONDAY TO SUNDAY FROM 10:00 UNTIL 22:30

The application did initially attract representations from the Police and the Licensing Authority mainly seeking clarification and rewording of some conditions with full consultation and subsequent agreements being reached the representations from the responsible Authorities has withdrawn.

We were then made aware of the representations received by the Licensing authority from interested parties.

We wish to assist the Sub-Committee in reviewing the evidence that has been submitted in forms namely being representations that have been submitted by members of the public.

The Police and all Responsible Authorities were fully consulted as part of the application process, which included a 28-day statutory notice being displayed at the premises outlining the licence being applied for along with the application being advertised in a local newspaper.

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The application has been submitted with a very robust Operating Schedule which is being supported by the Police and the Licensing Authority by virtue,

OF NO REPRESENTATION BY THEM AT THIS HEARING.

We are extremely concerned that representations have been submitted and moreover the content and assumptions being made there are also unfounded accusations being made without any evidence to support them.

However, we also understand that some residents may have concerns about a new premises, but it is important to note that in our opinion many of the representations may relate to the licensing objectives but appear to relate to what other premises within the borough and how they are being operated.

We note that the Applicant wishes to deal and satisfy each representation but wish to put at the outset that the Applicant's Premises Licence Holder/Management are operating this business for the first time. There has been no assertion made from any RA that there are concerns over the Applicant falling foul of any licensing objective, or namely the Prevention of Crime and Disorder and Public Safety which are the most apparent theme of each representation.

OP1:

We note that OP1 asserts at the outset that their main cause for concern are the actions of "Scutari café", not B7. They refer namely to the "Prevention of Crime and Disorder" due to other establishments having issues at the late hour. We note that B7 will not be operating at this time and will therefore not be a cause for concern for causing fights into the late evening.

OP1 then addresses points in respect of Public Safety, relating all 3 incidents to events that had taken place in Scutari Café. This namely relates to incidents that had taken place over a year ago long before operation by the current owner/managers. The last two issues again relate to general complaints in respect of establishments and does not coincide with OP1's assertion that late fights would take place at a time children would be at the location.

OP2

OP2 begins their objection having taken issue with the opening hours of the premises which has now been revised and substantially reduced to stop serving drinks at 10:30PM. This is a significant proposal and has been made in response to the Police's comments on the application.

Additionally, OP2 also puts emphasis on previous actions by previous operators and managers. The same is referenced to parking that had come as a result of the previous actions of a different venue. We note that the Applicant has not specifically been referenced to any ASB.

OP3

OP3 is direct in the main area of objection being the time that the Applicant had originally wished to operate for. This had already been addressed and will operate within the core hours.

OP4

OP4 states that the same individuals are operating the premises previously. It is simply untrue and this is clearly run from different people. Additionally, it takes issue with the "Google Maps" profile, which is not a matter dealt with by licensing. OP4 divides their representation into the 4 licensing objectives. The same have been dealt with previously but the Applicant wishes to state that the premises has no unlicensed gambling or drinking taking place, neither of which has been evidenced. No issues have been raised by any RA to confirm the same or that complaints had been made to them.

OP4 seems to group men into a category of being violent and crime related. OP4 has also not provided any evidence to substantiate their claim. While many of the events mentioned in OP4's claim is in respect of previous issues and other venues. The other issues of public safety and nuisance are rehashed similar to that of other complaints. OP4 then seems to insinuate that the property is then connected to drug dealing/criminal activity.

OP5 & OP6

OP5 and OP6 both rehearse the same objection points that have been made by the previous representations and have been addressed above.

The key feature of all the objections are the grounds of prevention of crime and disorder public safety and the prevention of public nuisance, which would then in turn have affect to the protection of children from harm. We note that both the licensing department of the Council involved as well as the police. Both RA have been contacted and have agreed to licensing conditions which would ensure conditions that are made available to meet all the objectives. We request the LSC to pay close attention to the altered conditions that the Police have put forward that creates a premises licence that are both stringent and sufficient to ensure compliance.

We note that the premises is not one that has been granted a licence prior or has had any negative engagement with any RAs. The current operators are committed to ensuring that the premises not only meets the objectives but sets an example with the reduced hours, the stringent conditions and the desire to comply with the local authority. While the objections from the Other Party representations may be relevant to previous or other premises, it is not the case for B7.

Relevant points for the LSC to consider

1. The hours applied for are within the core hours as per the Statement of Licensing Policy for Enfield Borough Council.
2. Content of the representations received appears to be making unsupported statements and assumptions regarding the use.
3. The premises is not a vertical drinking establishment.
4. The premises has and will operate a fully functioning kitchen and will have food available throughout the period of Licensable activity i.e. The Sale of Alcohol.

Proposed measures to mitigate any impact.

The New Operator takes any concerns/complaints very seriously however it is important to note that until now there have been NO complaints or concerns raised by any of the resident or Responsible Authority.

However, after careful consideration of the Representation received, we would like to draw the attention of the LSC to the fact that now these concerns have been highlighted the management have taken the following steps.

1. Additional Training to all staff members in regard to the monitoring and reporting procedures of specifically but not restricted to the outside seating area, also to include documented training in the form of **Responsible Alcohol Retailing**
2. A proposed pavement licence will be submitted to the Licensing Authority.
This will ensure that there is the provision of a **Designated Smoking Area.**

We would also like to respectfully draw the attention of the LSC to the fact that we have carefully considered the recommendations in the **STATEMENT OF LICENSING POLICY** and have adopted the following:

Throughout our consultation with the Responsible Authorities, we have Proposed a Robust and appropriate Operating Schedule to Promote all 4 of the Licensing Objectives this has been achieved in the following manner: -

Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate.

- Be appropriate for the promotion of the licensing objectives.
- Be precise and enforceable.
- Be unambiguous and clear in what they intend to achieve.
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation unless extending circumstances have demonstrated multiple breaches of that legislation and the condition/s are to prevent further breaches.
- Be tailored to the individual type, location and characteristics of the premises and events concerned.
- Not be standardised.
- Not replicate offences set out in the 2003 Act or other legislation.
- Be proportionate, justifiable and be capable of being met.
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff (but may impact upon the behaviour of customers in the immediate vicinity of the premises or as they enter or leave).
- Be written in a prescriptive manner.

Additional conditions proposed by the DPS and Premises Licence Holder

1. To make available to local residents a telephone number of the DPS or Duty Manager to report any concerns.
2. Additional training to all staff
3. To engage fully with the Licensing Authority
4. to ensure that the area is swept and kept clean throughout its use and at the end of each night

Reasons why the LSC should consider granting this application.

- Notwithstanding the fact that all applications are to be considered on individual merit.
- A robust operating schedule with particular attention to the concerns raised within the Statement of Licensing Policy and by the Licensing Authority, Police and the Local Residents to ensure the Licensing Objectives are not compromised.
- No representations from any Responsible Authority.
- Concerns relating to noise disturbance, ASB or Breaches are totally unfounded and unsubstantiated and not related to B7
- Applications must be judged on their own individual merits.



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Annex E

Conditions arising from the New Application

The following conditions were proposed by the Police and the Licensing Authority, which the applicant has agreed:

Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Alcohol shall only be supplied to customers using table service.
3. At least 2 members of staff shall be present on the premises at all times the premises are open for licensable activities.
4. No more than 3 persons shall be permitted to smoke outside the front of the premises at any one time. The area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to use the area quietly.
5. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
6. Staff shall actively discourage patrons from congregating around the outside of the premises.
7. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and pedestrians by not gathering in groups or loitering outside the premises. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

- ~~8. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence. SEE AMENDED BELOW~~
- ~~9. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year. SEE AMENDED BELOW~~
10. A 'Challenge 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
11. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
12. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
13. No one under the age of 18 years shall be permitted to enter the premises unless accompanied by an adult.
14. Children under 18 years, are not permitted to remain at or enter the premises after 21:00 hours.
15. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
 - (a) The Police and, where appropriate, the London Ambulance Service, are called immediately.
 - (b) As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police.
 - (c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the Police.
 - (d) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.
16. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer, which will record:
 - (a) Any and all allegations of crime or disorder reported at the venue;
 - (b) Any and all complaints received by any party;
 - (c) Any faults in the CCTV system;

- (d) Any visit by a relevant authority or emergency service;
- (e) Any and all ejections of patrons.

17. A digital CCTV system must be installed in the premises complying with the following criteria:

- (a) Cameras must be sited to observe the entrance and exit doors both inside and outside and floor areas.
- (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- (d) Be capable of visually confirming the nature of the crime committed.
- (e) Provide a linked record of the date, time, and place of any image.
- (f) Provide good quality images - colour during opening times.
- (g) Operate under existing light levels within and outside the premises.
- (h) Have the recording device located in a secure area or locked cabinet.
- (i) Have a monitor to review images and recorded picture quality.
- (j) Be regularly maintained to ensure continuous quality of image capture and retention.
- (k) Have signage displayed in the customer area to advise that CCTV is in operation.
- (l) Digital images must be kept for 31 days.
- (m) Police or authorised local authority employees will have access to images at any reasonable time.
- (n) The equipment must have a suitable export method, e.g., CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

18. The licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the Licensing Authority and the Police.

19. The premises shall operate a zero-tolerance policy to drugs. At least three prominent, clear and legible notices shall be displayed warning of zero tolerance to drugs use.

20. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 on the following day.
22. No deliveries to the premises shall take place between 21.00 and 08.00 on the following day.
23. A personal Licence holder will be on duty throughout the time of licensable activity is taking place to authorise any sale of alcohol.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Offered by the Applicant:

24. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol, the times and conditions of the premises licence, monitoring and reporting procedures including the outside seating area, and, Responsible Alcohol Retailing.
25. All training relating to the sale of alcohol, the times and conditions of the premises licence, monitoring and reporting procedures including the outside seating area, and, Responsible Alcohol Retailing shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
26. A telephone line must be made available that will be answered by staff throughout the hours of operation and at least half an hour after closing. The telephone number for this must be provided to local residents upon request. Staff must be trained on this condition and the importance of answering calls.