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LICENSING SUB-COMMITTEE - 10.7.2024

## MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON WEDNESDAY, 10 JULY 2024

### COUNCILLORS

**PRESENT** Mahym Bedekova (Chair), George Savva MBE and Chris Dey

**OFFICERS:** Ellie Green (Licensing Team Manager), Victor Ktorakis (Senior Environmental Health Officer), Dina Boodhun (Legal Adviser), and Harry Blake-Herbert (Governance Officer).

**Also Attending:** Police representatives (Derek Ewart and Francis Peters), Leo Charalambides (Counsel representing the applicant), Prashanth Thavatheva (Tiger Bay DPS/Director, Mr Shivashankar (Compliance Director and Licensing Consultant for the applicant), a member and two co-directors of the applicant's team.

### 1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. There were no apologies received.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest received regarding any item on the agenda.

### 3 MINUTES OF PREVIOUS MEETING

AGREED the minutes of the Licensing Sub-Committee meeting held on Wednesday 5 June 2024.

### 4 SHEREKHAN, 128 HIGH STREET, ENFIELD, EN3 4ES

Mr Charalambides enquired whether the committee would be applying aspects of the council's licensing policy which were unlawful.

The council's legal adviser responded that this had only just come to their attention in the applicant's representation; it would have been helpful to have had this in advance if there was going to be a challenge to the cumulative impact policy, and queried if there was any reason for the delay in making the representation now.

Mr Charalambides replied that the council had been on notice to get the policy lawfully correct since April 2018. When it became clear to them that the council's policy, particularly the cumulative impact policy was unlawful, they had written to the council at the earliest opportunity to make this clear. It had

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been confirmed by Ms Green that the cumulative impact assessment had not been undertaken as this was a recommendation only, not law. The committee were advised they did not have to apply the policy, plus there was other criteria within the representations to consider.

The Chair conveyed that it was not the job of the licensing sub-committee to review the council's licensing policy, Mr Charalambides comments had been taken on board and would be addressed.

1. The introduction by Ellie Green, Principal Licensing Officer, including:
  - a. The sub-committee were to consider a variation application relating to the premises known as Shere Khan's or Tiger Bay, located at 128 High Street, Enfield, EN3 4ES.
  - b. The premises licence had been held at the address since at least 2005 when the licence was converted from the old to existing licensing regime.
  - c. The premises was previously known as the Picture Palace, it was a Wetherspoons style pub, and is situated on the corner of Lincoln Road and the High Street in Ponders End on the mini roundabout junction.
  - d. Although the current premises licence holder had held the licence since August 2021, the premises had only been open for 5 weeks.
  - e. Their website described the premises as 'the latest gem in the heart of Enfield offering a unique blend of exquisite Indian cuisine, a vibrant bar, and a luxurious shisha lounge. Whether you're looking to enjoy a casual meal, celebrate a special occasion or relax with friends, Tiger Bay Enfield promises an exceptional experience in an elegant setting'. Committee Members were recommended to look at the website when they retired to get a better overview of the premises.
  - f. The DPS was Mr Thavatheva, who was also the director of Tiger Bay Estates Ltd.
  - g. This variation application sought to extend the opening hours and licensable activities by two hours daily, meaning a 2:30am close Sunday to Thursday and a 3:30am close Friday and Saturday, with all licensable activities ceasing 30 minutes before close. The full timings were set out in the report.
  - h. The Police and Licensing Authority had objected to the extended hours sought, as they were concerned this would undermine the licensing objectives. The only exception to this being that the Licensing Authority agree that the licensable activity, performance of dance, could be added to the licence between 9:00am and midnight Sunday to Thursday and 9:00am to 1:00am Friday and Saturday.
  - i. Reference had been made in the representations with regards to the cumulative impact policy and that the variation sought an extension beyond the core hours.
  - j. The licence holder's solicitor had sent correspondence to the licensing team querying the validity of the CIP; however, this was not the forum to challenge the council's licensing policy as the Chair had highlighted,

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but the comments had been noted and the licensing policy was described as currently under review.

- k. The representations had concern about the premises being located in a residential area and seeking to operate at later hours, in addition to the effective control of the premises not having yet been tested, as it hadn't been opened very long.
- l. Additional information had been provided by the Licensing Authority and circulated the day prior to the hearing, following a visit, which highlighted concerns of breaches of the licence conditions and the potential for smoke free legislation to be contravened. All representations were available in the reports.
- m. The responsible authorities had not sought any additional conditions, but Tiger Bay had proposed additional conditions which could be seen in Annex 5 of the report, which required careful consideration by the sub-committee, as some seemed to contradict existing conditions and the responsible authorities had not agreed to some of them.
- n. Tiger Bay had provided a written response to these representations which could be found in the supplementary report.
- o. Those in attendance were introduced, the proposed order in which verbal representations would be heard was outlined, and the amount of time parties would have to speak was detailed.

2. Mr Charalambides, barrister representing the applicant, made the following statement:

- a. Section 182 guidance sets out the principle aims and key objectives which should be followed, and that one of these was recognising the important role that pubs and licensed premises play in local communities, by encouraging innovation, minimising the regulatory burden on, and supporting businesses.
- b. He described his client's business as innovative and exciting for the borough. They had substantially invested in a run-down vertical drinking establishment and turned it into a high-end restaurant. His client was a nationally and internationally acclaimed operator, who had never had any issues or had their licences reviewed.
- c. The premises was entirely food led, and all done by table/ waiter and waitress service. There was no free-standing bar; there were two servery bar areas which each had a capacity of seven seats, but were not practically available. The menu and drink list had been provided in their representations.
- d. A condition had been offered in respect of last entry, being midnight on Sunday to Thursday and 1am on Friday and Saturday, so were effectively only seeking an hour in excess of the council's unlawful CIP, which ought not be applied in any event. This would also allow for a gradual and controlled dispersal of customers.
- e. The kitchens currently stayed open until 1:00am and 2:00am on weekdays and weekends respectively, and this would increase to 1:30am and 2:30am. They had a staff of 15 people, and were not yet

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operating the mezzanine level, as they were still in the process of recruiting and were awaiting the outcome of the application.

- f. They hoped the new government promise to open up Britain, be pro-business and generate wealth, would be something the labour run council had taken on board, because it was exactly what his clients were doing.
- g. The premises had opened 5 weeks ago on 31 May, and they were still testing their procedures. They had a draft noise management plan and a draft dispersal policy, which were being worked on and could be shared, and they welcomed any feedback on these.
- h. A council officer from Environmental Health had visited the premises yesterday. The smoking area was said to be compliant, with the architect's paperwork demonstrating that it was more than 50% open, and this could be shared if needed. The smoking area was relatively low and dark in colour which made it look more enclosed than it was, but it was compliant/ lawful, and this fell outside the scope of licensing in any event.
- i. There was a full suite of conditions, the premises was food-led with waiter service, and last entry controls. The business was being run exceptionally; represented a significant investment and regeneration to the local area; offered something unique, and thus he commended the application to the committee.

3. Mr Ktorakis, Senior Environmental Health Officer, made the following statement:

- a. The premises already benefited from being permitted to be open beyond the core hours specified in the CIP, with licensable activities being permitted until 1:00am on Fridays and Saturdays.
- b. The applicant had requested to extend the hours of operation for various licensable activities, further increasing the end time of these activities to 2:00am Sunday to Thursday and 3:00am on Friday and Saturday. Such an extension would be significantly beyond the current CIP.
- c. The Licensing Authorities primary concerns regarding the application include the potential risk for an increase in alcohol related crime and disorder, public safety, and public nuisance, including noise/disturbance. The premises is in close proximity to residential premises.
- d. The premises had only been open for 5 weeks, which wasn't long enough to establish how the business was operating at its current hours.
- e. A visit conducted the day prior to the hearing revealed noncompliance with 7 licensing conditions, as were detailed in Annex A of the supplementary report. Yesterday evening, an email was received demonstrating that all of these conditions were now being complied with. Some of these conditions may have been complied with at the time of the visit but the paperwork was not accessible. However, some

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of the conditions, such as the placement of posters should have been being complied with prior to any licensable activities taking place. It could be argued that if the premises licence holder was unable to comply with all conditions at their current hours, how would they be compliant with conditions if the opening hours and activities times were extended.

- f. The area to the side of the premises intended for use of shisha smoking appears to be more than 50% enclosed. If more than 50% open as the applicant had suggested, this would increase the likelihood for noise disturbance impacting on local residents, particularly late in the evening.
- g. The committee were urged to refuse the application, but if not minded to do so, were recommended to make a distinction between the indoor and open areas of the premises which could remain open and be used until 2:00am and 3:00am, to reduce the likelihood of noise nuisance.

#### 4. In response, the following questions and comments were received:

- a. Cllr Savva asked when Mr Ktorakis was planning to visit the premises again. Mr Ktorakis advised that he would visit the premises again within the next couple of weeks, once he received the calculations for the smoking shelter.
- b. Cllr Dey sought clarity if conditions regarding records of staff training on the sale of alcohol and dispersal were in place but not available at the time of the visit. Mr Ktorakis replied that this is what he was informed, and confirmed they were now in place. The public space protection order and smoking area signs as well as proof of age poster weren't in place; they are now, but should have been up in any case previously and not as a reaction to the visit. It was added that the licence was not on display at the time of the visit either.
- c. Cllr Dey questioned how Mr Charalambides had remarked that his clients were fully compliant and renowned operators when the conditions relating to posters and signs had not been complied with. Mr Charalambides responded that all training was in place. In terms of think 25, staff were trained, the premises operated a sit-down restaurant service, not a bar. Tables were usually booked so they could check who was coming in. There was a concierge in two areas and the system they used sent staff prompts. There were two smoking areas, an area at the front which was not used as the highway was narrow. To the side of the lounge within the car park area, covered by CCTV and with natural surveillance from the lounge, was a covered smoking area. There was also a shisha lounge which was 51.4% open. The premises was compliant, went above and beyond its conditions and officers were welcome to attend when the premises was open to see how this all operated.
- d. Cllr Dey enquired why the business had not displayed its premises licence. Mr Charalambides advised that it was available by the bar/office area, but the premises was large with a sprawling layout and

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the concierge led customers to their tables, so there was not a prominent place to put it. This had been rectified and it was now framed on the concierge table as customers came in. It was confirmed that the licence had not been shown to the officer during their inspection, and the PSPO sign had also now been put up.

- e. Mr Ktorakis highlighted that the applicant had offered a think/challenge 25 policy condition, stating that relevant materials shall be displayed at the premises, and wondered if this was still the case. Mr Charalambides replied that it was still offered, and as per condition 10, a think 25 proof of age scheme was already operated. The reference to relevant materials to be displayed at the premises did not define what these materials were, or where and how these should be displayed. The point of the think 25 materials was that staff at the premises were aware of and thinking about it, not those visiting. This was done through training, the till system, posters, and badges. Mr Charalambides felt this was a small concern, and the Environmental Health Officer was clutching at straws if this was his biggest issue.
- f. Ms Green suggested that for clarity the applicant explain each area of the premises plan produced on page 23, as there was some confusion as to the lounge and smoking shelter. Mr Charalambides responded that towards the bottom left of the plan, the letters FE denoted the front entrance. As patrons came in from here there was a double acoustic lobby where the first concierge desk, with the summary of premises licence was located. To the left was a private dining room seating between 12 and 15 people. There was then the main dining room which was fully seated and had a capacity of 120; at the far end there was a bar with 7 seats which were part of the décor and not part of the operation. The stairs led up to the mezzanine level which was also fully seated and had another servery bar at the back with for aesthetic purposes which also had 7 seats but was not functional as the alcove was where the DJ desk was positioned. The DJ desk could not be seen from the ground floor or shisha lounge as there was foliage shielding it. On the ground level there were kitchens, a servery area and the shisha lounge which was open on two sides, in accordance with legislation, and it experienced ambient traffic noise. To the right was an opening to a secondary concierge desk. The lounge was also fully seated, there was no bar, and it was equipped for dining with waiter/waitress service. There was a car park area and a cigarette smoking area. A licensing officer had asked for a smoking sign to be put at the front entrance, which they did not want to do as they wanted to keep customers inside the premises. There were 3 cameras at the front of the premises and 2 or 3 covering the side.
- g. Ms Green queried which area the smoking shelter referred to. Mr Charalambides advised that he believed this to be the lounge which was health act compliant and allowed for shisha smoking which was not a licensable activity. Ms Green suggested the labels on the plan be amended to reflect the wording of the conditions. Mr Charalambides agreed that it would make sense to do this. It was clarified that patrons

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could not stand in the lounge area and smoke a cigarette; and the smoking area and lounge could be referred to, in order to make the distinction clear. A condition could be added that there be no smoking on the high road at the front of the premises also.

- h. The Chair asked for confirmation the customers in the private dining area would not smoke on the high street at the front of the premises. Mr Charalambides replied that they could not as there were 3 cameras, a barrier and concierge and security staff who prevented this; staff were trained to direct them to the appropriate area.

5. Derek Ewart, Police Licensing, made the following statement:

- a. He didn't propose to go over any old ground. The Police were in support of the Local Authority. They were aware that Tiger Bay Estates had applied for the variation application and they were making representations based on all four licensing objectives.
- b. The variation application sought that the opening hours be extended by 2 hours each day into the early hours of the morning, which essentially only allowed for a 4-hour 30 minutes break in trading on weekdays and a 3 hours 30 minutes on weekends. The premises was situated in a residential area. There were other licenced properties in the area, but none remained opened as late as what was being sought by the applicant.
- c. The premises was previously an old cinema known as The Picture Palace, then it was changed into a public house.
- d. Residential properties were within earshot of the premises, licensable activities and later terminal times had been applied for, extending into the early hours of the morning on all days of the week.
- e. The London Borough of Enfield's Statement of Licensing Policy was clear when it came to extending opening hours in residential areas. 8.4 of Annex 8 stated that particular attention needed to be given to geographical areas of licenced premises, where they were located, and the knock-on effect they may cause to local residents.
- f. No other premises within the geographical area had terminal hours as late as this application, with the vast majority with terminal times of 11pm on weekdays.
- g. The Police feel that if the hours were granted there would be a real possibility that public nuisance and anti-social behaviour, coupled with alcohol infused crime in the form of violence may proliferate by patrons leaving the premises and eating and drinking in outdoor spaces until 3:30am on weekends and 2:30am on for what most would be a working day.
- h. The premises were located within the London Borough of Enfield's cumulative impact zone. The Statement of Licensing policy states that for applications extending terminal licensing hours for premises falling within a cumulative impact zone and that fell outside the core hours, with the submission of relevant representations, there will be a presumption against granting the application.

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- i. The Police acknowledged the applicants operating schedule but felt it could not completely eradicate the risk of public nuisance caused in the early hours of the morning, given other premises will have closed several hours earlier.
- j. The Police therefore object to the application in its entirety, particularly the terminal times which were seen as excessive, given the premise's geographical location in a residential area. They proposed the stipulated terminal times as laid out in Enfield's Statement of Licensing Policy, paragraph 9.14-9.15.4 be applied to the application. The current licensing hours exceed stipulated core hours, thus are sufficient and possibly excessive given it is in a cumulative impact zone, and so object to the application on the grounds stated.

6. In response, the following questions and comments were received:

- a. Mr Charalambides enquired whether anyone from the Police had visited the premises while it had been operating, asked the applicant for any data, or had any observations to support their conclusion that there may be public nuisance. Mr Ewart confirmed they had not, and their conclusion was based on anecdotal and personal knowledge of the geographical location.
- b. Cllr Savva questioned why the applicant wanted to remain open as late as they did in a residential area. Mr Charalambides advised that it was a community venue which predominately provided services to the Southeast Asian community. His client had spent a lot of money refurbishing the venue. The premises was entirely food led and something they wanted to offer in the area. There were at least two other premises which opened as late at night within 10 miles. The Chair expressed that this was a large distance and asked if there were any within half a mile. Mr Charalambides said this was not the case. The concept of going out meant different things to different cultures, and going to family run venues until the early hours was common for other cultures. The premises could uphold the licensing objectives because there were measures in place and an operating record. Mr Charalambides expressed disappointment that one of their conditions was to take measurements, as these had not been asked for by the Environmental Health Officer during his visit, who was instead concerned by the positioning of the challenge 25 poster; and the Police had not visited.
- c. Mr Ktorakis explained that there was no requirement for the applicant to take any measurements. There was no sound limit set and no requirement to document subjective noise tests, and so queried what measurements it was felt he should have asked to see. Mr Charalambides responded that the Environmental Health Officer should want to know whether the applicant is able to uphold/promote the licensing objectives. They had glass screens, acoustic shielding and noise monitors which were not conditioned but had been done, thus demonstrated the applicant's willingness and ability to make later



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hours work. The tests that had to be applied were with regards to the likely impact and not proven track record, otherwise no premises would ever open.

- d. Mr Ktorakis asked what the applicant understood with regards to noise nuisance, what level they deemed as causing a public nuisance, what locations they took measurements at, and how this assisted them in meeting the licensing objectives if there were no set levels. Mr Charalambides replied that there was no set level, that the character and location of the premises had to be taken into account. There was vehicular traffic and other commercial premises in the area. There were glass barriers along the side of the premises, rolling shutters, a degree of planting, distancing and noise limiters. The lounge area played only recorded music at background level, which a condition of 23:00 had been offered. Noise was assessed at a number of locations, going to the halfway point of Lincoln Rd and Ponders End, and crossing the road to where there were residential premises and listening to see if music/noise from the premises was louder than ambient levels; if it was the volume was turned down. The applicant knew if they were going to have 121 people in addition to staff in the lounge area, they needed to ensure the noise heard by local residents was below ambient levels, which they were doing. The systems they had in place worked, as they did at all their premises. They had not received any complaints and welcomed a visit and cooperation from the relevant authorities.
- e. The Chair enquired how many staff the applicant employed at the premises, and how they would reassure the committee that customers would leave quietly, in the early hours in a residential area. Mr Charalambides advised that they employed 15 members of staff currently, and would be employing a further 15, and they were complimented by chefs, management, waiting staff, two sets of concierge, and SIA registered door supervisors. The last entry time of midnight during the week, which was within the core hours of the CIP and 1:00am Friday and Saturday, was felt to be particularly important as it anchored their dispersal policy, and meant nobody could enter after those times. The kitchen was currently open until 1:00am weekdays and 2:00am on Fridays and Saturdays, which would increase to 1:30am and 2:30am respectively. The premises operated as a restaurant in character and was fully table service, with no vertical drinking, so the impact on the area was different to/ less than other premises. Food must also be served in the shisha area, and a condition could be imposed that all patrons, after 11:00pm must be served by waiter/waitress service, substantial food must be available at all times, and alcohol can only be ancillary to the consumption of a table meal. It was a food and shisha led venue that did not prioritise alcohol thus appealed to a different audience and wouldn't result in the same noise issues. The surrounding roads catered for those leaving the premises by car, Uber or walking. There would be a gradual dispersal, CCTV and SIA supervisors. The potential for a marshal was

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also being explored as part of their dispersal policy, to ensure patrons left in a respectful way below ambient noise levels.

- f. The Chair questioned how many parking spaces were available at the premises. Mr Charalambides said that there were 6 or 7 spaces, and there was an agreement with the local ASDA for parking nearby.
- g. Cllr Savva queried if the applicant agreed with him that in these instances prevention was better than a cure. Mr Charalambides agreed, and expressed that his client had a full operating schedule and a great record. The licensing regime was aimed at promoting the prevention of crime, disorder and public nuisance. The premises remaining open at later hours would not negatively impact the area if it were run properly, which it would be.
- h. The Chair asked if there were any premises in the area open as late as what was being sought. Mr Charalambides conveyed that they believed The Den was open until 2:30am and The Goat 2:40am, both of which were within 100 meters. The Chair asked if Ms Green could confirm the closing time for other premises within half a mile and whether they served alcohol.

#### 7. The following closing summaries/ points were made:

- a. Ms Green outlined the options available to Members of the sub-committee to make, and directed them to the relevant guidance. She highlighted that there had been discussions with regards to conditions relating to the documentation of noise assessments, having table service only after 11:00pm, and alcohol being ancillary to the consumption of a meal. The wording of conditions such as 18 & 19, and 21 & 30 to reflect/reference the shisha lounge and smoking areas, respectively, could also be looked at.
- b. Mr Ktorakis confirmed that he had nothing further to add.
- c. Mr Ewart expressed that the Police objected to the extended hours based on the London Borough of Enfield's Statement of Licensing Policy with reference to licensable activity within residential areas. The premises was located within a residential area and the extended hours sought had the propensity for public nuisance.
- d. Mr Charalambides commended the application to the committee and said their decision must be evidenced based. The operator had demonstrated that they were committed to preventing crime, disorder and public nuisance, and had invested a significant amount of money to develop the site into an asset to the community/borough. It was disappointing that the Police had not visited or carried out any checks on the premises and were giving their opinions laissez-faire. Paragraph 9.12 of the Section 182 guidance said that representations must withstand scrutiny, and that where they fail to do so they should be ignored, or little weight should be applied to them. The Licensing Officer had not visited the premises when it had been open so could not comment on how the business operated, and if the challenge/think 25 poster was their biggest complaint about the operator, they hoped this

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was the case for all operators. He implored the committee to be business friendly as the new government were encouraging everyone to do, and if anything went wrong the licence could be reviewed, but in his experience working with his client he had not had to deal with a single review or intervention.

The Chair thanked everyone for their time and adjourned the meeting at 11:11, while the committee went away to deliberate. The Panel retired with the legal adviser and committee administrator to consider the application further, and then the meeting reconvened in public at 13:48.

The Licensing Sub-Committee RESOLVED that the application be GRANTED IN PART as follows:

(i) Licensing Hours and Activities:

Activity	Current Times	Times Sought by Variation Application	Times Confirmed by LSC
Opening hours	07:00 to 00:30 Sunday to Thursday 07:00 to 01:30 Friday & Saturday Plus seasonal variations	07:00 to 02:30 Sunday to Thursday 07:00 to 03:30 Friday & Saturday No change to seasonal variations	07:00 to 01:30 Sunday to Thursday 07:00 to 02:30 Friday & Saturday Plus seasonal variations
Sale of Alcohol (On and Off Supply)	09:00 to 00:00 Sunday to Thursday 09:00 to 01:00 Friday & Saturday Plus seasonal variations	09:00 to 02:00 Sunday to Thursday 09:00 to 03:00 Friday & Saturday No change to seasonal variations	09:00 to 01:00 Sunday to Thursday 09:00 to 02:00 Friday & Saturday Plus seasonal variations
Films (Indoors)	09:00 to 00:30 Sunday to Thursday 09:00 to 01:30 Friday & Saturday Plus seasonal variations	09:00 to 02:00 Sunday to Thursday 09:00 to 03:00 Friday & Saturday No change to seasonal variations	09:00 to 01:00 Sunday to Thursday 09:00 to 02:00 Friday & Saturday Plus seasonal variations
Recorded Music (Indoors)	24 hours daily	09:00 to 02:00 Sunday to Thursday 09:00 to 03:00 Friday	09:00 to 01:00 Sunday to Thursday

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		& Saturday Plus seasonal variations	09:00 to 02:00 Friday & Saturday Plus seasonal variations
Late night refreshment (Indoors)	23:00 to 00:00 Sunday to Thursday 23:00 to 01:00 Friday & Saturday Plus seasonal variations	23:00 to 02:00 Sunday to Thursday 23:00 to 03:00 Friday & Saturday No change to seasonal variations	09:00 to 01:00 Sunday to Thursday 09:00 to 02:00 Friday & Saturday Plus seasonal variations
Performance of Dance (Indoors)	Not applicable	09:00 to 02:00 Sunday to Thursday 09:00 to 03:00 Friday & Saturday Plus seasonal variations	09:00 to 01:00 Sunday to Thursday 09:00 to 02:00 Friday & Saturday Plus seasonal variations

(ii) Conditions agreed by the LSC:

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. CCTV shall be installed at the premises as follows:
  - (a) Cameras shall be sited to observe the entrance doors from both inside and outside.
  - (b) Cameras on the entrances shall capture full frame shots of the heads and shoulders of all people entering the premises i.e., capable of identification.
  - (c) Cameras shall be sited to cover all areas to which the public have access including any outside smoking areas.
  - (d) Be able to provide a linked record of the date, time of any image.
  - (e) Be able to provide good quality images - colour during opening times.
  - (f) A monitor shall be in place to review images and recorded quality.
  - (g) The CCTV shall be regularly maintained to ensure continuous quality of image capture and retention.
  - (h) A member of staff trained in operating CCTV shall be at the venue during times open to the public.
  - (i) Digital images shall be kept for 31 days.
  - (j) The equipment shall have a suitable export method, e.g., CD/DVD writer so that Police can make an evidential copy of the data they require.
  - (k) Copies of CCTV shall be made available to the Police within a reasonable time.

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3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported to the venue;
- (b) All ejections of patrons;
- (c) Any complaints received;
- (d) Any incidents of disorder (reported or otherwise);
- (e) Any faults in the CCTV system;
- (f) Any visit by a relevant authority or emergency service.

4. A risk assessment must be conducted by the PLH/DPS as to what security will be needed for the amount of patrons on the premises during times of licensable activities.

5. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. All door supervisors (or marshals) shall be easily identifiable by wearing high visibility jackets or armbands.

6. Security staff will be from a SIA registered company or recognised equivalent.

7. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.

8. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

9. 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 and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

10. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that they should not consume alcohol in the street if requested to stop by an authorised person. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

11. 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.

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12. No deliveries shall be received between the hours of 19:00 and 07:00.
13. There shall be no removal of rubbish or glass bottles outside between 19.00 and 07.00.
14. The premises shall have a written dispersal policy which includes that staff shall be outside of the venue when customers leave, directing and advising patrons to leave the area in a quiet and timely fashion so there is no obstruction and disorder. All staff shall be fully trained in the policy. This training shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
15. Shutters shall be used to secure the premises when the premises is closed.
16. Under 18's shall only be permitted to remain on the premises if accompanied and supervised by an adult after 21:00 and should not remain on the premises at all after midnight.
17. A 'Challenge 25' policy shall be implemented where the only acceptable forms of identification are recognised photographic identification cards, such as a photo driving licence, passport, PASS accredited proof of age card or military ID card.
18. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol, including checking ID is authentic, and the times and conditions of the premises licence.
19. All training relating to the sale of alcohol, including checking ID is authentic, 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.
20. There shall be no entry or re-entry of patrons to the premises after midnight on Sunday to Thursday and 01:00 on Friday and Saturday, except for those who have gone to smoke in the designated smoking area.
21. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the

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premises is audible at the perimeter, measures shall be taken to reduce this i.e., turning volume down.

22. All alcohol shall be served to customers via table service by staff.

23. After 23:00, alcohol shall only be supplied to persons taking table meals for consumption by such persons as ancillary to the meal.

24. Shisha shall only be supplied to persons taking table meals by such persons as ancillary to the meal after 23:00.

25. Regulated entertainment shall not be provided in the shisha lounge after 23:00.

26. No one under the age of 18 years shall be permitted in the shisha lounge.

27. No more than 5 persons shall be permitted to smoke outside in the designated smoking area after 22:30. The designated smoking area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not cause a noise nuisance. Notices shall be displayed in the designated smoking area specifying the terms of its use and asking patrons to use the area quietly.

The Chair made the following statement:

“I would like to thank all participants for their oral and written representations. The Licensing Sub-Committee (LSC) considered all submissions and representations.

The LSC considered the objections from the Licensing Authority and from the Metropolitan police as set out in Annexes 3 and 4 respectively, based on all four licensing objectives. In making its decision the LSC took into account the promotion of the four licensing objectives:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- Protection of Children from harm

In addition, the LSC noted that the premises is surrounded by a residential area. The LSC referred to the Council's licensing policy statement at paragraph 8.4 where stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. The LSC noted that the premises, Sherekhan, is located on the corner of a residential road, in close proximity to residential properties.

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The LSC also had regard to the statutory Guidance under section 182 of the Licensing Act 2003.

The LSC considered that the premises has been open for only 5 weeks and there have been no complaints. The LSC noted that the premises seeks to offer a restaurant and Shisha lounge with a varied prestigious food menu and a drinks menu. The LSC noted that there are 15 staff employed currently and is seeking to recruit more staff.

The LSC noted and appreciated the conditions offered by the applicant, and has set out proportionate and appropriate conditions in Annex 5.

The LSC granted the application in part with the hours as set out, above.

Having heard all representations, the LSC took steps for the promotion of the licensing objectives by granting the application in part, subject to mandatory conditions, plus the conditions in Annex 5.”

The Chair thanked everyone for their time and contributions and the meeting ended at 13:54.