

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 19 MARCH 2014**

COUNCILLORS

PRESENT Derek Levy, Toby Simon and Glynis Vince

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Dina Boodhun (Legal Services Representative), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Service), Jane Creer (Democratic Services)

Also Attending: N/A

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WELCOME AND APOLOGIES

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

866

DECLARATION OF INTERESTS

NOTED that there were no declarations of interest in respect of any of the items on the agenda.

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**GAZAN RESTAURANT, 170-172 HIGH STREET, PONDERERS END, EN3
(REPORT NO.227)**

RECEIVED applications to (1) vary the designated premises supervisor and (2) vary the Premises Licence for the premises known as and situated at Gazan Restaurant, 170-172 High Street, Ponders End, EN3.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. An email had been received by the Licensing Authority at 08:07 this morning sent on behalf of the applicant from their agent FSL consultants.
 - b. The first application, to vary the designated premises supervisor, had been withdrawn. There was therefore nothing which the Licensing Sub-Committee could determine in respect of that application. The designated premises supervisor would remain Mr Riza Demirtas.
 - c. In respect of the second application, to vary the plan of the premises and some operating hours, the operating hours part of the application was

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- withdrawn. Therefore, the Licensing Sub-Committee would purely determine the change of layout plan.
- d. As part of their submissions, conditions had been requested by the Metropolitan Police Service and by the Licensing Authority, and a condition proposed by the licence holder. These conditions, numbered 16 to 22 were set out in Annex 08 on page 65-66 of the agenda pack.
- e. At 09:00 this morning the agent Fabien had phoned the Licensing Team and said he would not be attending this hearing today. He said the manager of the premises would be in attendance, but he was not here.
2. The statement of the Chairman, confirming that the hearing had commenced as advertised and the Licensing Sub Committee agreed that this hearing should continue and would now only address the new plan of the premises.
3. The Principal Licensing Officer responded to Members' questions as follows:
- a. He advised that the resolution, if agreed, would be to grant the application as amended in full, subject to conditions in accordance with Annex 08 to the report if the Sub-Committee found it appropriate to do so.
- b. In response to queries in respect of Condition 16, it was confirmed that the condition had been offered on the application form. It was for the Licensing Sub Committee to decide if they considered that it was superseded by Condition 20 requested by the Licensing Authority.
- c. In response to queries about the wording of Condition 20, it was suggested that the first sentence should read: "A dispersal policy shall be prepared and agreed with the Head of Business Regulation at the Council, within 14 days of 19/3/14."
4. The statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. She welcomed the submission of up-to-date plans to the premises, but that it had taken six months of repeated advice and threat of prosecution to get to this stage was disappointing and concerning.
- b. The continued provision of late night refreshment while the plan was incorrect was a licensing offence, and had occurred despite letters of advice, and a LNR test purchase in January.
- c. Conditions 19 and 20 were offered by the applicant in their operating schedule. Part b) on page 28 advised that all incidents would be recorded in an incident logbook kept at the premises, and that any incidents of crime and disorder would be reported to the Police, and CCTV would be maintained and correctly operated. Part d) advised that customers would be discouraged from congregating outside the premises, and that customers leaving the premises would comply with the company's dispersal policy. Conditions 19 and 20 requested by the Licensing Authority on page 66 were re-wording of these conditions offered by the applicant.
- d. Condition 21 was requested for public safety. After speaking to the fire officer, until there was an additional fire exit provided, no more than 60

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people should be permitted inside the premises, which was felt to be a safe capacity.

e. Condition 22 was requested because this was a very residential area, and neighbouring residents had been affected in the past by noise, smoke and odour. Officers wanted to ensure that residents were not disturbed by people's noise from the use of the outer seating area.

5. PC Fisher, Metropolitan Police representative advised that he would give further details of requested Conditions 17 and 18 if Members had concerns.
6. The Chairman confirmed that no representations were made today by the applicant or representative of the applicant.
7. The Principal Licensing Officer confirmed that, taking account of the proposed amendments discussed, the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives.

RESOLVED that

1. The Licensing Sub-Committee RESOLVED that the application as amended be granted in full, subject to Conditions 1 to 15, which are not disputed, and Conditions 17 to 22.
2. The Chairman made the following statement:

“The Licensing Sub-Committee resolved that the application be granted in full in terms of the new plan of the premises.

Condition 16 as offered was deemed not to be enforceable, and was addressed by Condition 20 requested by the Licensing Authority. Therefore the Licensing Sub-Committee is imposing Conditions 17 to 22 of Annex 08 to the report, with the amended wording of Condition 20 as discussed, which would be renumbered in the issuing of the licence.

This decision is made in order to strengthen the licence and appropriately addresses the licensing objectives.”

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LA FACE, 169-171 FORE STREET, EDMONTON, N18

Licensing Sub-Committee agreed (under Section 100B(4) of the Local Government Act 1972 – as amended) to consider the following as an urgent item, in order to avoid the necessity of holding a hearing as no other parties had made representation.

1. The statement of Mark Galvayne, Principal Licensing Officer, including the following points:

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- a. An application for review of the Premises Licence held by Ms Sylvia Nalugwa Luttaya at the premises known as and situated at La Face, 169-171 Fore Street, Edmonton N18 was made by the Metropolitan Police Service, supported by a relevant representation by the Licensing Authority.
 - b. This application had been scheduled to be considered at a Licensing Sub-Committee hearing on 16/4/14.
 - c. However, yesterday all three parties (the licence holder, Police and Licensing Authority) came to an agreement on how to determine the review, in respect of amendments to the licence hours and conditions.
 - d. All agreed it was not considered necessary to hold a full public hearing in respect of the review.
 - e. On the basis that mediation had occurred and agreement had been reached, the parties had requested that the review be determined under officers' delegated powers, but this was not permitted as reviews must be determined by Licensing Sub-Committee.
 - f. It was therefore sought to determine the review as an urgent matter today. The public expense and the time involved in holding a separate hearing would thus be avoided.
 - g. No other parties could be prejudiced by determining the review today as no-one else would have been permitted to speak other than the three parties involved, who had come to an agreement.
 - h. The Licensing Sub-Committee were asked to modify the conditions of the licence as agreed by the three parties involved.
2. In response to the Chairman's query as to any legal reason that the review may not be determined today, the Legal Services representative confirmed that there were none and that the situation was as advised in relation to why the review could be determined by Licensing Sub-Committee today.
 3. In response to the Chairman's queries regarding the opportunity for parties to make representations, the Principal Licensing Officer confirmed that the 28 day period for making representations had passed, and the only representation received was from the Licensing Authority. Therefore no-one else could have spoken at a review hearing.
 4. The Licensing Sub-Committee AGREED to the request to consider the review as an urgent matter. The Chairman confirmed that the Licensing Sub-Committee today was properly constituted and that no parties would be prejudiced by determination of the review today. The Licensing Sub-Committee welcomed the agreement by the parties involved.
 5. The Chairman read the formal decision notice:

Application was made by the Metropolitan Police Service, supported by a relevant representation from the Licensing Authority, for a review of the Premises Licence (Annex 1 attached) held by Ms Sylvia Nalugwa Luttaya at the premises known as and situated at La Face, 169-171 Fore Street, Edmonton, N18.

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On 18 March 2014 the licence holder, the Metropolitan Police Service and the Licensing Authority agreed that it is appropriate, for the promotion of the licensing objectives, to modify the conditions of the licence in accordance with Annex 2 and Annex 3 (attached). Also on 18 March 2014 all parties agreed that a full public hearing was unnecessary for the consideration of this matter.

In accordance with Section 52 of the Licensing Act 2003, before determining the review, a hearing must be held to consider the application and any relevant representations.

The Licensing Sub-Committee RESOLVED that it considers the step below to be appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence (Annex 1) in accordance with Annex 2 and Annex 3 (attached).

Reasons:

As all parties had agreed to the Licensing Sub-Committee's resolution prior to the hearing, no reasons are required for the decision that we have made and there can be no appeal arising from this agreed decision.

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MINUTES OF PREVIOUS MEETING HELD ON 19 FEBRUARY 2014

RECEIVED the minutes of the meeting held on 19 February 2014.

AGREED that the minutes of the meeting held on 19 February 2014 be confirmed and signed as a correct record.

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THANKS TO CHAIRMAN

As this was the final definite meeting of the Licensing Sub-Committee of the 2013/14 municipal year, Councillor Simon recorded thanks to Councillor Levy as Chairman of Licensing Committee for all the work he had done.