

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 7 DECEMBER 2016**

COUNCILLORS

PRESENT (Chair) George Savva MBE, Vicki Pite and Peter Fallart

ABSENT

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

Also Attending: Mr Aykut Hilmi and Mrs Ingrid Hilmi, Starfish & Coffee House Limited
6 local residents (3 in support and 3 in opposition to the application)

241

WELCOME AND APOLOGIES FOR ABSENCE

Councillor Savva as Chair welcomed all those present and explained the order of the meeting.

242

DECLARATION OF INTERESTS

NOTED that there were no declarations of interest.

243

**STARFISH AND COFFEE, 92 ALDERMANS HILL, LONDON, N13 4PP
(REPORT NO. 168)**

RECEIVED the application made by Mr Hilmi, Director of Starfish & Coffee House Limited for the premises situated at 92 Aldermans Hill, London, N13 4PP.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:

LICENSING SUB-COMMITTEE - 7.12.2016

- a. This was a variation application submitted by Mr Hilmi, one of the Directors of Starfish & Coffee House Limited, who was also the Designated Premises Supervisor (DPS).
 - b. Mr Hilmi was in attendance at the meeting, as was Mrs Hilmi who was also a Director of the company.
 - c. The application sought to extend the hours of opening and licensable activities. The hours applied for were set out on page 2 of the agenda pack. The most significant latest opening hour would be to 01:30 am at weekends and sale of alcohol to cease half an hour before closing times.
 - d. The application was considered by all Responsible Authorities and no objections were made.
 - e. Representations were received from six local residents: four in objection to the application and two in support. These representations were included in Annex 04.
 - f. Mr Hilmi provided additional information, particularly in response to concerns raised by objectors, and to include additional letters of support. This information was included in Annex 07.
 - g. Concerns raised by objectors were that later hours may cause disturbance, especially to residents in the nearby old people's home, and that there may be a rise in anti-social behaviour making residents feel uncomfortable. This premises was in a residential area and these later hours would not be appropriate.
 - h. The existing conditions on the licence were set out on page 10-11 of the agenda pack. Further conditions had been proposed following the representations and were set out on page 31.
 - i. The premises was located in the Palmers Green drinking control zone but was not in a Cumulative Impact Policy area.
 - j. The sub-committee may not have regard to whether the proposals were likely to be permitted in accordance with legislation relating to planning or building.
 - k. In relation to regulated entertainment as a licensable activity, it should be noted that no licence was required for recorded or live music between 08:00 and 23:00. Information was set out on page 4.
 - l. Also in attendance at the meeting were three local residents who opposed the application (Mr and Mrs Donald and Gloria Arthur – IP3 and Mr Colin Younger – IP4) and three in support of the application (Mrs Jean Brewer, Mrs Elaine Papa and Mr Joe Papa – Annex 07).
 - m. In response to a query from the Chair, it was advised that as no representation was received from the Licensing Authority, that there had not been any incidents or licence contraventions recorded in respect of this premises.
2. The statement of Mr Aykut Sonmez Hilmi and Mrs Ingrid Hilmi, representing Starfish & Coffee House Limited, including:
- a. Their business had now been operating for one year and they had seen a high demand for hire for celebrations and parties, and popularity of music and entertainment. The annual permitted number of Temporary Event Notices (TENs) would not be enough to cover a whole year.

LICENSING SUB-COMMITTEE - 7.12.2016

- b. The busiest nights for the business were Friday, Saturday and Sunday. Takings were low during the rest of the week and the income from weekends was vital for the business to survive. This was the reason for the variation application. The demand was led by their customers and community.
 - c. At an event, live music would generally start at 7:30/8:00 pm and if the premises had to stop serving alcohol and food at 9:30pm that would not be late enough for an evening.
 - d. They ensured all staff were trained. A Think 25 scheme was in operation in relation to sale of alcohol. Signs were displayed in respect of leaving the premises quietly. The outside tables were taken in at 8:00pm and alcoholic drinks were not permitted outside after that time. Smokers had to use the outside space on the Aldermans Hill side and not Lakeside Road or near the old people's home.
3. Mr and Mrs Hilmi responded to questions, including:
- a. In response to the Chair's queries about opening hours of other nearby licensed premises, Mr Hilmi understood that Dipali Restaurant (four shops away) and Nissi Restaurant had a late licence. Ellie Green confirmed that these were the two nearest licensed restaurants, with the last alcohol sale at Dipali at 00:00 and late night refreshment until 00:30 and at Nissi the last licensable activity was 01:00 with closing at 01:30.
 - b. In response to the Chair's queries regarding hiring of the premises for parties, Mr Hilmi confirmed that he wished to have the flexibility to allow late events if there was demand, but in any case everyone would have left the premises by 01:30 at the latest. The premises had no hire rate.
 - c. The Chair asked if any complaints had ever been received about the premises. Mr Hilmi advised that there had been one complaint from the care home about disturbance from staff talking outside the restaurant as they took a cigarette break on Lakeside Road. Staff were now instructed to only smoke at the front and to take their breaks one at a time. He also kept up regular dialogue with the care home.
 - d. Councillor Pite asked about measures to limit numbers and manage the behaviour of patrons. Mr Hilmi advised that he looked after the premises each evening, with a minimum of three staff. There would always be someone controlling the door and with a guest list for events. Only up to six people were permitted to socialise at the front. The street itself was quiet. The premises was a wine bar and catered principally to mature, civil people from the local community. There had been no trouble in the past. He had had discussions with the community police. Infra-red cameras had been installed outside the premises. A resident of Fairview Court had noted that since this business had been operating there had been no drug or alcohol abuse in the vicinity, unlike before. Also, sound levels were checked every hour and the music volume controlled. The premises also operated a Think 25 scheme so that anyone who looked below that age could be challenged and there was a right to refuse sale of alcohol to anyone thought to be too drunk.

LICENSING SUB-COMMITTEE - 7.12.2016

- e. Councillor Fallart asked about the intention to stop selling alcohol half an hour before recorded music had to stop and was concerned that when people were leaving it was likely that sound would escape. Mr Hilmi gave assurance that he wished to work with the community and at the end of the evening the music was turned down and the lights switched on, and if people were slow to leave, the music was turned off completely.
 - f. In response to the Chair's queries regarding acoustic sound proofing, Mr Hilmi clarified that he had approached four major companies, and the work had now been done. A 3ft ceiling void had been filled with sound proofing material, and a rubber backing system installed for speakers, to protect the flats above. There was also plasterboard on the walls and windows and doors were kept shut.
 - g. In response to further queries, Mr Hilmi confirmed that the business employed five people. He was on the premises every weekend and took a supervisory role while staff served.
 - h. Colin Younger, noting points made about demand essentially at weekends, asked if there was room for compromise to reduce the hours applied for in the week, and commented that the other restaurants referred to only served alcohol with a full meal. Mr Hilmi advised that the premises was also in the process of applying for an A3 licence, and that hot food was served in the evenings. They worked in the same way as other restaurants. Often, customers from other restaurants came to this premises afterwards to enjoy the entertainment. This was also a reason why later hours were required. There had been some events held on weekdays, for example christening parties, until 23:00 or 23:30 and the hours sought in this application would give flexibility and give parity with other local restaurants.
4. Mr Hilmi introduced the local residents attending the meeting in support of the application:
- a. Elaine and Joe Papa lived in Lakeside Road and considered that this business had benefitted and improved the area immensely. It was described as popular and well run.
 - b. Joe Papa had had concerns when the business was originally proposed, but went to a public meeting where Mr Hilmi had addressed all concerns, and had complied fully with everything requested. He now wished for every success and continuation for the business.
 - c. Jean Brewer lived in Derwent Road, and was part of the team behind Palmers Green festival, and believed that since this café had opened it had added significant value to the community. A space was provided to promote local artists and opportunities were provided for local musicians, and it helped the community come together. She also praised the quality of the staff and trusted that they would deal with any incident very firmly.
5. The statement of Mr Colin Younger, on behalf of interested parties opposed to the application, including:

LICENSING SUB-COMMITTEE - 7.12.2016

- a. He agreed that the business made a positive contribution to the area, but was concerned at the potential effect on the public domain of granting extended hours.
 - b. When the business was first established, a letter was sent to residents in the area about what its practices would be and the hours quoted were from 09:00 to 16:30 Monday to Friday, 09:00 to 18:00 Saturday and 09:00 to 16:00 Sunday with late opening to 21:00 once a month for art exhibitions, and alcohol served from 12:00 to 16:00 every day and 12:00 to 18:00 on Saturday. This application involved a considerable extension of activity. The principal concern was the late night/early morning hours.
 - c. He was aware there had been a few licensing issues at the premises. A prosecco breakfast had been advertised before the licensed hours came into effect. The pavement had been used for a display for a car dealer event, with a car parked on the pavement as part of that display. Also, the pavement licence did not extend to seating on Aldermans Hill yet there were seats there.
 - d. A key issue was retention of the existing condition in respect of moving in the outside tables and chairs, and addition of the proposed conditions 16 and 17 proposed by local residents. Having signs displayed that customers should not take alcohol off the premises would re-inforce the staff's control. Alcohol should not be served to people sitting outside without food, as allowing customers to sit outside with drinks would make the premises more like a pub.
 - e. He accepted there had been no noise problems from the premises.
6. Mr Younger responded to questions, including:
- a. Mr Hilmi confirmed that he would be agreeable to adding another sign in respect of not taking drinks outside.
 - b. In response to the Chair's queries, Ellie Green confirmed that under the Street Trading Licence tables and chairs were permitted on Lakeside Road but not on Aldermans Hill. As part of the licensable area shown on the plan, this was part of the licensed premises.
7. The summary statement of Ellie Green that the sub-committee should take such steps as it considered appropriate for the promotion of the licensing objectives, with Members' attention also drawn to relevant policies and guidance.

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.

LICENSING SUB-COMMITTEE - 7.12.2016

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 and read the submissions from all parties, the Licensing Sub Committee (LSC) resolved to grant the application as submitted by the applicant, subject to additional conditions agreed by the applicant (Nos 13, 14, 15), additionally reducing the times for recorded music in line with the sale of alcohol, and accepting additional condition 16.

We have also heard that other food premises along Aldermans Hill operate similar hours and granting permission to Starfish & Coffee does not set a precedent. We are satisfied that both the steps taken and proposed are appropriate to promote the licensing objectives, in particular the prevention of public nuisance and prevention of crime and disorder.”

3. The Licensing Sub Committee resolved that the application be granted in full, with the exception of recorded music, as below:

- (i) Hours the premises are open to the public:
from 08:00 to 00:00 Monday to Wednesday;
from 08:00 to 00:30 Thursday;
from 08:00 to 01:30 Friday and Saturday;
from 09:00 to 00:00 Sunday.
- (ii) Supply of alcohol (on and off supplies):
from 10:00 to 23:30 Monday to Wednesday;
from 10:00 to 00:00 Thursday;
from 10:00 to 01:00 Friday;
from 09:00 to 01:00 Saturday;
from 10:00 to 23:30 Sunday.
- (iii) Live Music – Indoors:
from 11:00 to 23:00 Monday to Thursday;
from 10:00 to 00:00 Friday;
from 09:00 to 00:00 Saturday;
from 09:00 to 22:00 Sunday.
- (iv) Recorded Music – Indoors:
from 08:00 to 23:30 Monday to Wednesday;
from 08:00 to 00:00 Thursday;
from 08:00 to 01:00 Friday and Saturday;
from 10:00 to 23:30 Sunday.
- (v) Late night refreshment – Indoors:

LICENSING SUB-COMMITTEE - 7.12.2016

from 23:00 to 23:30 Monday to Wednesday;
from 23:00 to 00:00 Thursday;
from 23:00 to 01:00 Friday and Saturday;
from 23:00 to 23:30 Sunday.

NB. No changes sought to Film and Indoor Sporting Events hours – will remain as existing licence.

Conditions (in accordance with Annex 06):

- (i) Conditions 1 to 12, which are not disputed, and additional conditions 13, 14, 15, and 16.

244

MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting of Licensing Sub Committee held on Wednesday 5 October 2016.

AGREED that the minutes of the meeting of Licensing Sub Committee held on Wednesday 5 October 2016 be confirmed and signed as a correct record.