

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 3 AUGUST 2022**

COUNCILLORS

PRESENT Esin Gunes (Chair), Edward Smith and George Savva MBE
(Cabinet Member for Social Housing)

ABSENT None

OFFICERS: Ellie Green (Principal Licensing Officer), Antonia Mankanjuola
(Legal Services), Suzanne Connolly (Governance Officer)

Also Attending: Mr Alfons Prifti (Applicant), Mr Fabien Simms, FSL Business
Consultants, on behalf of the applicant
Interested Party (referred to as IP3) on behalf of local
residents objecting
Councillor Doug Taylor (Palmers Green Ward Councillor),
Councillor Sabri Ozaydin

1 WELCOME AND APOLOGIES FOR ABSENCE

Councillor Gunes as Chair welcomed all attendees to the meeting, and explained the order of the meeting.

2 DECLARATION OF INTERESTS

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

3 TOTO LOUNGE & BAR LTD, 74 ALDERMANS HILL, LONDON, N13 4PP

RECEIVED the application for a new premises licence at the premises known as Toto Lounge & Bar Ltd, situated at 74 Aldermans Hill, London, N13 4PP.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The premises had held a premises licence previously, for a convenience store, although this licence is currently suspended due to non-payment of annual fees. The licence holder of that licence is completely different to the applicant for this new application, which is Toto Lounge & Bar Ltd. The only director of this company is Mr Alfons Prifti, who is also the proposed Designated Premises Supervisor with this application.

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- b. The new application is for a Restaurant Café and Coffee Shop seeking supply of alcohol on supply and late-night refreshment until midnight latest. The full timings and activities now sought are set out in Table 3 of the report, see the table in the Supplementary Report, namely:

Table 3

<i>Activity</i>	<i>Proposed Times</i>
Supply of Alcohol (on supply only)	10am to 23:30 daily
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 23:00 to 00:00 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Friday 08:00 to 00:00 Saturday & Saturday

- c. The Police did not make any representation to this application.
- d. The Licensing Authority objected to the full hours sought, and an agreement to the times and conditions has now been made so that representation is now withdrawn. The final agreed conditions between the applicant and the Licensing Authority are set out in Annex 9 of the report.
- e. The only outstanding representations are from Other Persons, namely 11 local residents who have also objected to the application in its entirety. Those representations are set out in Annex 5, from page 49 of the report.
2. The statement of Mr Alfons Prifti (applicant) made by Mr Fabien Simms of FSL Consultants on behalf of the applicant:
- a. The reduced hours proposed had been agreed.
- b. The primary objective of the business was to provide coffee and a high-quality range of produce. It will be a sit-down café/restaurant and not a bar/nightclub as suggested by the interested parties. The sale of alcohol would be only for on-sales.
- c. It will be waiter service and open to all members of the public. The aim is not for customers to get intoxicated and any that do will be removed from the premises.
- d. The premises will benefit the community and have no detrimental impact on the area. Issues with other businesses in the area are not to do with this application.
- e. Customers come through the main door and the outside rear area holds around 20 customers. The premises is a small and intimate venue.
- f. Each complaint had been considered and no concerns or representations were made from the police or noise nuisance team. Mr Prifti had never been in trouble with the law and the allegations made were unfounded.
3. In response, the following comments and questions were received:

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- a. Cllr Savva raised concerns about litter, noise and staff training. Mr Prifti stated that he had already been keeping the front of the shop clean, even though the business was not yet trading. In relation to staff training, the condition around this had already been agreed. Staff would receive regular training and records would be kept.
 - b. Cllr Smith asked if cooked food would be served. Mr Prifti confirmed that food such as pastries and paninis would be warmed up, however there was not a fully functioning kitchen to prepare fully cooked meals.
 - c. It was questioned and then confirmed that the condition in annex 9 point 9 had been agreed by the applicant.
 - d. In response to questions about chairs and tables on the pavement at the front of the shop, it was confirmed this was not planned and a new licence would need to be applied for to allow this.
 - e. It was highlighted that the noise team had served a section 60 notice. Mr Simms stated it was a warning about building noise and once it was received the applicant resolved the issue which was a one-off occasion by a tiler. The IP disagreed and said the noise continued.
 - f. In response to Cllr Taylor's query, the applicant was not aware of any breaches to planning permission. The structure at the rear was owned and retained by the landlord. The legal representative advised it was not relevant to this application.
 - g. There was a discussion related to an extension to the rear of the property. Mr Simms clarified that it was not extension but works to the garden which were all completed in accordance with building regulations. A slanted cover had been installed to cover a seated area in the garden. The work to the garden had taken around two months, on and off.
4. The statement from IP3 on behalf of interested parties/residents:
- a. There were already multiple bars and coffee shops in the area and adding to this would create more issues with parking and litter. The builders had left rubbish and were working out of hours creating a noise nuisance. Eleven complaints were made to the council. It was felt there had been zero respect to the residents.
 - b. There were issues with the building height, cut wires, blocked ventilation and concerns about behaviour towards women.
 - c. Cllr Taylor drew attention to Annex 5 of the report detailing IP representations. There were many incidents of noise and issues with trust.
5. In response, the following comments and questions were received:
- a. It was questioned if music was permitted within the licence. Ellie Green advised that rules state if alcohol is permitted then live and recorded music can be played between 8am and 11pm. This application does not seek music on the licence.

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- b. In regard to the prevention of nuisance, it was felt building works did not meet conditions and there was a lack of concern for neighbours.
 - c. The applicant clarified that the noise issue was due to a tiler cutting tiles out of hours which was dealt with promptly. All work was now complete, and he wished to start his business.
 - d. IP3 felt that residents' complaints were not dealt with and referred to emails with Mr Islam. Ellie Green confirmed that a section 60 notice was served and sent to the applicant by recorded delivery. The applicant confirmed he received this and followed it up as was concerned about a £20,000 fine. Ellie Green advised that prosecution would take place if the noise continued; there were no further records after the notice was issued.
 - e. IPs had referred to the premises as a bar and Mr Simms wished to clarify that it was not a bar and therefore negative comments associated with bars cannot be attached. Cllr Taylor highlighted that the name contained the word "bar" which was confusing. Mr Prifti was considering this.
 - f. It was noted that a lot of building work had been taking place in the area, included the rear of the premises which were not linked to this application. IP3 appreciated this, however, lives very nearby and can tell where the noise is coming from, for example noise on a Sunday morning at 6.30am in May 2022. Mr Prifti stated that at that time of day it would only be him working and he denies it.
 - g. Mr Prifti confirmed there would be no shisha in the rear garden.
 - h. Regarding opening hours, Ellie Green provided details of opening and closing times for similar businesses in the area, which were broadly in line with this application.
6. The summary statement of Ellie Green, Principal Licensing Officer:
- a. Having heard these representations from both parties, it is now for the Committee to consider whether the new premises licence application is appropriate, and in support of the licensing objectives.
 - b. The licensing sub-committee must decide whether to:
 - grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - exclude from the scope of the licence any of the licensable activities to which the application relates;
 - Or, reject the application in full.

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

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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 Chair made the following statement:

“The Licensing Sub-Committee (LSC) having considered written and oral submissions made by the Licensing Authority, the Applicant and the Interested Parties (IPs) has decided to grant the application in part. The LSC was concerned to restrict noise nuisance in a mainly residential area and has resolved to include a condition 9b which would restrict access to the garden area to 23.00 hours from Monday to Sunday. Therefore, drinks will not be served to customers in the rear garden area after 22:30 and customers shall not be allowed to use the rear garden area of the premises after 23:00 hours on Monday to Sunday. This will promote the licensing objectives of the Prevention of Public Nuisance.

The LSC has considered the statutory guidance and the London Borough of Enfield’s Policy Statement in making its decision and has made its decision in promoting the four licensing objectives and in particular that of the Prevention of Crime and Disorder and Prevention of Public Nuisance.”

3. The Licensing Sub-Committee resolved to grant the application in part.

4 MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the meetings held on 6th October 2021, 20th October 2021 and 27th April 2022 as a correct record.