

LICENSING SUB-COMMITTEE - 3.5.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 3 MAY 2023**

COUNCILLORS

PRESENT George Savva MBE (Chair), Mahym Bedekova, and Michael Rye OBE

OFFICERS: Ellie Green (Principal Licensing Officer), Victor Ktorakis (Senior Environmental Health Officer), Tayo Hasan (Legal Representative), and Harry Blake-Herbert (Governance Officer)

Also Attending: Arlene auf der Mauer (ADM Training, representing the applicant/ owner/ Toto Lounge & Bar Ltd Director, Taulant Kojnozi), Cllr Doug Taylor (Ward Councillor, representing IP1), and Derek Ewart (Police Constable).

1. WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the meeting.

2. DECLARATION OF INTERESTS

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

3. MINUTES OF PREVIOUS MEETING

AGREED the minutes of the meetings held on Wednesday 29 March 2023 and Wednesday 5 April 2023 as a correct record.

4. TROYS LOUNGE - 74 ALDERMANS HILL, LONDON N13 4PP

The Licencing Team RECEIVED a Variation of Premises Licence application from Mr Taulant Kojnozi, Director of Toto Lounge & Bar Ltd, at the premises known as and situated at Troy's Lounge, 74 Aldermans Hill, London N13 4PP.

NOTED

1. The Introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The premises located at 74 Aldermans Hill, London N13 4PP, was previously licensed as an off licence, between 21 July 2011 and 14 June 2021. During this time, the premises had a number of different licence holders and Designated Premises Supervisors. This licence

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has been suspended, due to non-payment of the annual fee, for the new licence period. This licence is still suspended, but it is legally possible for a premises to have more than one premises licence. The Licensing Team have advised the previous premises licence holder that this should be surrendered, but as of yet, no response has been received.

- b. On 13 June 2022, an application was made by Toto Lounge & Bar Ltd for a new premises licence at a premises, described as a "Restaurant Café/Coffee Shop". The director at that time was Mr Alfons Prifti. Mr Prifti was also the named DPS for this application.
- c. The new application sought: Supply of Alcohol (on supply only): 10am to 23:30 Sunday to Thursday, 10am to 00:30 Friday & Saturday; Late Night Refreshment (indoor and outdoor): 23:00 to 23:30 Sunday to Thursday, 00:30 Friday & Saturday; and opening hours: 06:30 to 00:00 Monday to Thursday, 06:30 to 01:00 Friday & Saturday, and 08:00 to 00:00 Sunday.
- d. The Licensing Authority objected seeking a reduction of hours, and conditions. The new application also attracted objections from other parties, namely eleven local residents.
- e. As a result of the outstanding representations, the Licensing Sub-Committee determined the application at a hearing on 3 August 2022. The application was granted in part, with conditions and hours as follows: Supply of Alcohol (on supply only): 10am to 23:30 daily; Late Night Refreshment (indoor only): 23:00 to 23:30 Sunday to Thursday, 23:00 to 00:00 Friday & Saturday; and opening hours 06:30 to 00:00 Monday to Friday, and 08:00 to 00:00 Saturday & Sunday.
- f. On or around the 9th of January 2023, the Licensing Team were made aware that the premises had changed its name to Troy's Lounge Bar, then on or around 23 February 2023, the Licensing Team were made aware that the premises had changed its name to Troy's Lounge.
- g. On 23 February 2023, the Licensing Team received the first variation application for premises licence LN/202200287. The applicant details were incorrect so was amended and re-submitted the same day. However, as the applicant did not meet the advertising requirements; the consultation for the variation recommenced and the last date for representation was 8 April 2023.
- h. The premises licence holder is still Toto Lounge & Bar Limited, of 74 Aldermans Hill, Palmers Green, London, United Kingdom, N13 4PP, registered Company number 13062445. On 8 August 2022, five days after the new premises licence application was granted at the hearing, the then director at the time of the new application, Mr Alfons Prifti, resigned as director of this company. The same day, current director is Mr Taulant Kojnozi, became an active director of the company. Mr Alfons Prifti is still the named DPS on this licence.
- i. This variation application seeks to formally change the name of the premises to Troy's Lounge from Toto's Lounge & Bar Ltd, and increase/ extend the hours/ times of the premises activities. Supply of Alcohol (on supply only): Current Times: Monday-Sunday 10:00- 23:30,

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Proposed Times Monday-Sunday 10:00-00:00; Opening hours: Current Times: Monday-Friday 06:30- 00:00, Saturday & Sunday 08:00-00:00; Proposed Times: Monday-Friday 06:30-00:30, Saturday & Sunday 08:00- 00:30.

- j. No regulated entertainment such as live or recorded music have been applied for in this variation, therefore only background music is permitted after 11pm.
- k. Representations were received on behalf of the Licensing Authority, Metropolitan Police, and a local resident in Grovelands Road; all of whom objected to the extension of hours, under the Prevention of Crime and Disorder and Prevention of Nuisance licensing objectives. No written representation was received from Toto Lounge & Bar Limited.
- l. The premises operates as a bar with a large seating area at the rear.
- m. If the Licensing Committee were minded to grant permission for the premises to open, and supply alcohol for longer periods, the police would ask that the proposed times in the application be shortened, and some additional/ modified/ amended conditions be added, as set out in the report.
- n. Ellie introduced the attendees, set out the running order for the meeting, and reminded each party that they would have 5 minutes each to present their representations.

2. Arlene auf der Mauer, ADM Training, representing Toto Lounge & Bar Ltd Director Taulant Kojnozi, made the following statement:

- a. She explained to the committee that her client wanted to extend the hours the premises could operate, and the times they were seeking to extend to.
- b. It was expressed that Mr Taulant Kojnozi had been unable to attend due to a family emergency and that she had substituted for him at the last minute.
- c. Arlene auf der Mauer conveyed that Mr Alfons Prifti was still the named DPS because Mr Taulant Kojnozi had been waiting to get his personal licence, which he had since got. She described that they had tried to vary this licence, but the forms/application were sent in the incorrect format, and they would reapply; it was not that attempts had not been made to change this.
- d. It was said that Mr Taulant Kojnozi had not been approached by anyone regarding complaints about noise, and that he was unsure what noise these complaints related to.
- e. Arlene questioned what anticipated crime would arise if the hours the premises operated were extended. She expressed that as and when these clarifications were made, they could perhaps take steps to mitigate these concerns/ issues; and said they had not put in any extra conditions because they did not anticipate the need for further measures.

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- f. It was pointed out that other premises along the same parade open until late, and they were unsure why they would not also be able to remain open later.

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

- a. The Chair asked why Mr Taulant Kojnozi was seeking to extend the hours the premises could operate. Arlene auf der Mauer advised that Troy's Lounge was a new business, and customers had expressed to the owner that they wanted the premises to operate for longer hours.
- b. Cllr Bedekova queried how the director claimed to have no knowledge of the complaints, when he had been made aware of the breach of the Health Act 2006, by allowing smoking in the rear area. Arlene responded that she was aware of this; she said that she had spoken to him about it, and that he felt there were many premises near/ around the area, where this was also taking place. It was reiterated that no one had approached Mr Taulant Kojnozi with noise complaints. Arlene highlighted that the first complaint referenced in the report was made in early August, and that Mr Taulant Kojnozi had only opened in September. Arlene explained that they had tried to respond to the Police's representation, but the message was always blocked/ the email would not go through. She added that when they tried to contact a police officer they had been working with on the licence/issues; the officer informed them that they had left the force. She said that they had asked for the message be passed on, and had tried to communicate with the police on several occasions, but the emails had been blocked/ not gone through. It was conveyed that Mr Taulant Kojnozi would be occupying the residential flats directly above the premises, thus reducing some of the concern about noise. Arlene pointed out that there was a park in front of, and a service road and gardens behind the premises, before any houses; thus, the only residential properties surrounding the premises were those flats above the parade of businesses. She expressed that the owner could not see how the additional hours of operation being sought would result in a big impact on noise and or crime, and that steps would be taken to mitigate these issues if they arose.
- c. Ellie Green enquired if Mr Taulant Kojnozi had, or was going to take ownership of the whole building, including the flats upstairs, to which Arlene replied that he was in the process of doing this.
- d. Cllr Rye asked how Mr Taulant Kojnozi was running the business differently to previous owners, given the history of the premises, of complaints/ concerns from residents, the police, and the Licensing Authority. Arlene responded that she did not know how well her client knew the former DPS, and that she thought he had only been willing to stay on as the DPS to help Mr Taulant Kojnozi with the takeover. She said that Mr Taulant Kojnozi had not been aware the premises was licensed before, and that upon finding out, she advised him he had not needed apply for a new licence, just transfer the old one, and

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wondered why the Licensing Authority had not flagged this up previously. Ellie Green advised that they did raise this with him at the previous hearing; that the licences were for two different business models, and there was nothing preventing two licences operating at once. Arlene added that he had no connection with the previous owners, and had not researched the history of the premises before purchasing it, but expressed that this was common, and that she advises her clients to do this research before buying.

- e. Cllr Rye queried how the extra time Mr Taulant Kojnozi was applying to operate for would enhance/ improve the business. Arlene replied that a number of Mr Taulant Kojnozi's customers expressed that they work late, and do not have many choices of places to go in the evening, and this would give them somewhere to go.
- f. The Chair enquired how they were planning to stop smoking in the rear area. Arlene responded that she had asked him to stop. The Chair conveyed that he felt this was not enough reassurance.
- g. Cllr Bedekova asked officers if anyone had been in touch with the applicant about noise complaints. Victor Ktorakis said he had spoken to the owner over the phone about noise, and Mr Taulant Kojnozi mentioned that he was aware of the complaint that had been described to him on 6th December; and they had record that he was also informed about this in November.
- h. The Chair enquired if Mr Taulant Kojnozi was present at the time the contraventions/ complaints took place. Arlene responded that on one occasion, music had supposedly been played for customers outside the front of the premises. However, Mr Taulant Kojnozi had said to her that no music had been played for customers; instead, one member of staff accidentally turned the volume up/ loud, but that this was turned down quickly and was not being played for anyone.
- i. The Chair queried if the staff needed more training. Arlene replied that they needed to be made more responsible for their own actions; that they had received training; and the member of staff had described the music incident as an accident, and was not prolonged.
- j. The Chair said Mr Taulant Kojnozi should have been present at the meeting, to which Arlene advised she had been informed that he had a family emergency.
- k. Ellie Green confirmed the Licensing Team received an email on 20th January, requesting a vary of the DPS application, but that this had not been associated with a payment, and they advised about this but had not received anything back. Arlene asked how they request the payment. Ellie responded that an email had been sent with a link to the online payment. Arlene said the forms had not been accepted. Ellie advised the application would not be accepted until a payment had been received. Arlene said she thought the application was rejected on the basis of the formatting of individual pages. Ellie replied that advise had been given with regards to both payment and how to complete/ format the application properly. Arlene responded that the intention of the owner/ director was to vary the DPS.

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4. Victor Ktorakis, Senior Environmental Health Officer, made the following statement:

- a. He pointed out that the premises was located in a heavily populated residential area, and that the Licensing Authority believe the longer hours would have a detrimental impact on neighbouring residents, particularly those living along the parade. Victor expressed the potential for greater noise nuisance from customers smoking outside and or dispersing from the premises later at night.
- b. It was conveyed that there had been several complaints received regarding noise, particularly loud music, since the business changed hands to the new owner.
- c. He explained the rear 'garden area' had been substantially enclosed to create an additional indoor seating area.
- d. Noise diary sheets submitted by complainants suggested nine instances of noise disturbance between 4 August 2022 and 31 October 2022, all of which arose following the application for a new premises licence and occurred under the management of the current premises licence holder.
- e. Reports also suggested that loud music was being played later than 23:00, and that the licence did not cover regulated activity of any kind, thus this should not be occurring.
- f. The Licensing Authority are also aware of repeated breaches of the Health Act 2006, as the Premises Licence Holder has continued to allow smoking in a smoke free premises despite several warning; and smoking had been encouraged by the provision of ash trays to the tables in the rear room. Victor described that the continued breaches undermine the licencing objectives with regards to the prevention of crime and disorder, and allowing smoking in a smoke free area was a criminal offence.
- g. He felt the repeated breaches demonstrated the premises licence holder was not competent to ensure compliance with current legislation/ guidance. Thus, the Licensing Authority's position was to object the proposed increase in opening and sale of alcohol hours, but that there were no objections to the change of the premises name.

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

- a. The Chair asked what constituted loud music. Victor responded that this was anything above ambient levels of noise, that there was not a sound/ decibel level reading that defined this, but that this could be anything which was loud enough as to disturb a normal conversation. He added the Environment Protection Act deals with noise nuisance, defined as a noise that affects the normal enjoyment of a neighbouring property.
- b. The Chair queried where the smoking outside was taking place. Victor described that the smoking that had taken place was not outside, but

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instead in the rear 'garden' area, which had become substantially enclosed (more than 50%). The Chair added his understanding that the premises had been granted permission for smoking in this outside area but not in an enclosed space, and the licence holder should not have enclosed this garden area.

- c. The Chair enquired how many times officers had witnessed breaches of the license. Victor replied that with regards to loud music, it had been substantiated once. The diary sheets had also been submitted by residents, which was common practice, to confirm a pattern, and give the licence holder an opportunity to rectify the issue. With regards to smoking, this was said to have been witnessed twice, on the first occasion Mr Taulant Kojnozi was not present, but Victor described discussing this with him; on the second occasion Mr Taulant Kojnozi was present and aware. Victor explained that they had received a formal warning, and the next step would be prosecution action.
- d. Cllr Rye asked if the licence holder had been made directly aware of noise contraventions. Victor confirmed that Charlotte Palmer had spoken to the owner in November regarding noise, and that on his licensing visit, he had also spoken to him about noise complaints.
- e. The Chair enquired if these complaints were written or received over the phone, to which Victor responded that they were diary sheets, and so written.
- f. Cllr Bedekova queried if these complaints came from one or multiple residents, to which Victor confirmed there were a number of different complainants.
- g. Arlene auf der Mauer asked about a noise complaint being received on 4th August 2022, which was before her client had opened in September. She queried how this could be their responsibility, and asked if the other noise complaints could have emanated from other/ different premises. Tayo Hasan, legal representative, advised Arlene that her questions should be directed to the Officers, and not members of the committee. Officers advised that the premises was licensed by the same company, and it was only a change in Director that had taken place; they said the company was trading before September, and a change in director was irrelevant.

6. Derek Ewart, Police Constable, made the following statement:

- a. It was highlighted that the premises were located on a busy residential street, and the proposed extension to hours would negatively impact on the community, particularly the residents living on the parade.
- b. He expressed that if the Licensing Authority were minded to grant the application, the police would ask the proposed hours the premises is open and able to supply alcohol, be reduced, and additional/ modified/ amended conditions be added, relating to training, CCTV etc., as set out in the report.

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

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- a. The Chair asked if the police had experienced any other problems on that stretch of road. Derek responded that they had received several calls, since the premises began operating with Mr Taulant Kojnozi as the licence holder. On the 30th and 31st December 2022 at 10:19pm and 01:47am, they received reports from members of the public of a noise nuisance emanating from the premises; and on 11th December 2022 the premises were visited by the local authority and there were clear breaches of smoke free regulations. Ellie Green added that there were no temporary event notices on those dates, or indeed any others, that would permit loud music that late at night.
- b. Cllr Bedekova queried on how many occasions the premises had applied for a temporary event notice, to which Ellie Green confirmed they had never applied for one, thus their licence did not cover playing any loud music beyond 23:00.
- c. The Chair asked how many temporary event notices a premises was allowed to apply for in a year. Ellie Green replied that they were allowed 21 events covering 26 days, with one event notice being able to cover up to 7 days.

8. Cllr Doug Taylor, Ward Councillor, representing IP1, made the following statement:

- a. Cllr Taylor emphasised that IP1's concerns were reflected in those of the Licensing Authority and the Police, regarding the prevention of crime, disorder and public nuisance, expressed on pages 62 and 64 of the agenda report pack, which drew out the issues.
- b. Cllr Taylor also pointed out page 33, which detailed the decision of the sub-committee regarding the licence holders previous/ original application, which reflected the concerns at the time, and that these concerns still remain now.

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

- a. Cllr Bedekova asked if Cllr Taylor had received any other complaints from residents as a Ward Councillor, to which Cllr Taylor advised he had not since August, and was just representing IP1.
- b. Arlene auf der Mauer queried why residents did not raise their concerns with Mr Taulant Kojnozi. Cllr Bedekova advised that residents often went to the Local Authority to make a complaint about a premises as opposed to the owner and that this was common/ reasonable practice. Cllr Taylor responded that in general terms residents were sometimes concerned about conflict created by direct interventions, and it was not unusual for residents to approach the Council, hence the Licensing Authority anonymise names and addresses as standard practice, as they recognise and understand these concerns. He asked given the nature of the issues, to what extent has the applicant made

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attempts to engage with residents about the issues in a proactive way, rather than just being reactive.

- c. Cllr Bedekova enquired if Cllr Taylor had received complaints from residents as a Ward Councillor about any of the ongoing issues discussed since August. Cllr Taylor advised that since August and the previous committee meeting to discuss the premises, he had not been contacted specifically about further concerns.

10. The following closing summaries/ points were made:

- a. Ellie Green took the committee through the various options available to them when deciding on the outcome of the application.
- b. Victor Ktorakis highlighted that with regards to the operating times of other premises in the area; Starfish and Coffee, while permitted on the licence to remain open until 01:30 am, were very rarely open until those hours, and just used them for ad hoc events, so that they did not have to apply for temporary event notices as often. Victor made clear that the other premises closing this late were restaurants, not bars, and operated in very different ways.
- c. Cllr Taylor highlighted that if the committee were minded to extend the hours, IP1 had asked that this be restricted to the weekend nights only.

The Chair thanked everyone for their time and adjourned the meeting whilst the committee went away to deliberate. Derek Ewart, Police Constable, informed the committee that he would not be able to return/ attend to hear the committee's decision. The Panel retired, with the legal representative and committee administrator, to consider the application further, and then the meeting reconvened in public.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that the application be **REFUSED**.

The Chair made the following statement:

“After considering the application and hearing the evidence of the parties in this hearing, the Licensing Sub-Committee are not persuaded to extend the proposed hours because of the impact on the local community, potential impact of crime and disorder in the area, noise pollution, preventing the residents from enjoying the amenities of their home, and the premises licence holder is breaching the Health Act 2006 by allowing smoking.

The Licensing Sub-Committee do not object to the changing of the name of the premises to Troy's Lounge.”

Additionally, the Chair advised that:

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'It would be helpful if the applicant abide with the present licensing objectives and the law of Health and Safety Act 2006 is adhered to.

The Licensing Sub-Committee was concerned to hear that events took place without a temporary events licence, and therefore it would be in the best interest of the applicant to apply for one accordingly, if needed in the future.

It would also be helpful if there was clarity with the status of the Designated Premises Supervisor, and that they were on site, as to the premise concerned.'

The Chair thanked everyone for their time and brought the meeting to a close at 12:03.