

Licensing Sub Committee D - 6 February 2020

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 6 February 2020 at 6.30 pm.

Present: **Councillors:** Satnam Gill, Nick Wayne and Kadeema Woodbyrne.

Councillor Nick Wayne in the Chair

85 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Nick Wayne welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

86 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Joe Caluori and Paul Convery.

87 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Kadeema Woodbyrne substituted for Councillor Joe Caluori and Councillor Satnam Gill substituted for Councillor Paul Convery.

88 DECLARATIONS OF INTEREST (Item A4)

None.

89 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

90 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on the 3 December 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

91 NEW ROSE PUBLIC HOUSE, 84-86 ESSEX ROAD, N1 8LU - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that additional papers from the applicant had been circulated. He reported that representations on pages 41 and 42 had not been withdrawn. The interested party who had submitted the representation on page 44 was present at the meeting. The interested party regarding the representation on page 40 had withdrawn all concerns except for those regarding the rear garden. He had stated that the proposed closing time of 9pm for the rear garden was better but it should preferably not be used at all.

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The noise officer reported that the conditions with the applicant were mainly agreed apart from 15/16 and 17 on the tabled paper from the noise team. She stated that Essex Road was noisy but as you moved behind the premises, away from the main road, it became a quiet residential area with few cars. Noise from the patrons would be dominant and would cause a nuisance. Regarding proposed condition 16, it was stated that 9pm was a compromise. Customers would need supervision and could disturb residents. Regarding the front area, she had agreed an 11pm clearing time. She stated that conditions 16 and 17 had not yet been agreed and she raised concerns about BBQ smells creating a public nuisance so near residential properties.

The applicant stated that the issue for both parties was the difference in time between 9 or 10pm for the garden at the rear. The timing for the beer garden was already existing at 10pm and had received no complaints. If complaints were made, then the hours could then be reconsidered. The beer garden was not a large space.

The legal officer advised that, as this was a variation application, it could be argued that it may not be reasonable to reduce the closing time in the rear garden by one hour. The rear garden was not on the existing plan, however, this was not a statutory requirement unless there was a bar in the garden. The Sub-Committee could decide if it was reasonable and proportionate to amend the timing on the rear garden.

The applicant stated that there was no evidence that the rear garden had caused any problems. It had been used before September and the noise team would have been aware of issues if there had been any. If complaints were received the premises could be reviewed.

It was noted that the main concern for the resident who lived near to the premises was the use of the garden. The resident in attendance at the meeting had stated that the garden had been used previously.

In response to questions, it was noted that the beer garden had been previously used for a considerable period of time and there had been no evidence submitted that it would cause a problem before 10pm. It was noted that the new licensee had moved in during October 2019. The noise officer disputed that the garden had an established use. This was a densely occupied and quiet area and she would be concerned if the rear garden was used seven days a week.

In summary, the noise team asked that the rear garden be closed at 9pm or not used at all. She agreed that the outdoor curtilage at the front be used until 11pm. The licensee reported that the dining room was at the rear of the premises and it was expected that diners would use the rear area to go outside rather than the front area which was noisier.

Following a short adjournment, the Sub-Committee returned to clarify which conditions should be considered during deliberation. For ease, it was agreed that the conditions detailed in the proposed operation schedule as tabled by the applicant be used. These would be interleaved with the agenda papers.

RESOLVED

- 1) That the application for a premises licence variation, in respect of New Rose Public House, 84-86 Essex Road, N1 8LU be granted to allow:-
- the sale of alcohol, on & off the premises on Monday to Wednesday from 11am to 11pm, Thursday from 11am to midnight, Fridays and Saturdays from 11am until 2am and on Sunday from 12 noon to 11pm.
 - Recorded music and live music from Monday to Wednesday from 11am – 11pm, on Thursday from 11am until midnight, on Fridays and Saturdays from 11am to 2am and on Sundays from 12 noon to 11pm.
 - Late night refreshment on Thursday from 11pm to midnight and Friday and Saturday from 11pm until 2am.
 - The opening hours of the premises on Monday to Wednesday from 8am to 11:30pm, on Thursday from 11am to 12.30 am, Friday and Saturday from 8am to 2.30am and on Sunday from 8am to 11pm.
 - To amend the layout plan to include rear area and upstairs function room.
 - Conditions as detailed on the operating schedule as circulated shall be applied to the licence with the following amendment to condition 23.
 - The rear yard area shall be taken out of use by 21:00 on Sunday to Thursday and 22:00 on Friday and Saturday. Any outside furniture in the rear yard area shall be fitted with rubber pads to the bottom of the legs to minimise noise when moved.
 - Additional condition 27. The side doors to Popham Street shall be closed at all times apart from use as an emergency exit and notices shall be displayed on those doors to that effect.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

Local resident objections had been received. One representation had been made by a responsible authority and that was from the Noise Team.

The Sub-Committee noted that the additional hour sought was only one half an hour extra on Sundays. The Sub-Committee noted that the Noise Team and the applicant had agreed new conditions for the licence. The only point of disagreement was the use of the rear garden until 10pm.

An existing licensing condition permitted use of the outdoor curtilage until 2200.

The Noise Team expressed concern about potential noise from the use of the outside area. The Sub-Committee considered the fact that although the use of the outside areas may well disturb neighbours, no evidence was provided to the Sub-Committee that there was or had been a nuisance caused by the use of the outside rear area.

The Sub-Committee was satisfied that the granting of the variation with the conditions attached would not negatively impact on one or more of the licensing objectives.

It also concluded that the variation of the permitted hours of use for the rear and front of the premises was a proportionate and reasonable decision to ensure the promotion of the licensing objectives.

92 **SINGHSBURYS, SEVEN SISTERS RD, N7 6AN - PREMISES LICENCE REVIEW (Item B2)**

The licensing officer reported that there had been no submissions in advance from the licensee. A layout plan of the premises was circulated with the agenda.

The licensing authority stated that no application had been made for a special treatment licence and legal proceedings would commence. The review was supported by the police, public health, community safety and trading standards. The premises were in a very poor state of repair. Despite numerous attempts to engage the licensee since April 2019 there had been no response.

Photos were tabled indicating that stock had been removed and the premises had been tidied up. The police officer advised that he had visited the premises on Monday 3 February and he had not considered much had changed in the premises at the time.

He stated that although he couldn't comment on the building work that had reportedly taken place, however items were still available on the counter in large quantities.

The police officer stated that all engagement efforts had failed. The licensee had no willingness to resolve issues. Although the premises could not be linked to specific crimes it was considered that the stock held should not be in licensed premises and management standards fell short.

The trading standards officer reported that there had been no engagement from the licensee. A warning letter had been sent after illicit alcohol had been found on display in the premises. At a further visit, more alcohol had been found. Standards of management were lacking and trading standards supported revocation or a suspension with modification of conditions.

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The officer from public health stated that the premises were only 350m away from Better Lives recovery service. The people in treatment at this service should not have easy access to high strength alcohol or drug paraphernalia.

The community safety officer stated that there were significant challenges in the Finsbury Park/ Nags Head area relating to drug use/anti-social behaviour and homelessness. There had been partnership working between the police, the Council and local business to improve the safety and welfare of residents. They would have concerns about a premises that was selling high strength alcohol and drug paraphernalia.

The licensee's representative stated that there had been no items sold from the premises that was not legally allowed to be sold. Invoices were available for the goods. Items had been purchased from a cash and carry which had no English writing on. He had taken pictures and had shown these to the responsible authorities. He stated that substantial changes had taken place at the premises and paraphernalia had been moved away from the children's area. The licensee had been in trade since 2006 and was not given the time required to make changes. He proposed a DPS change and stated that things had changed quite a bit. He stated that he proposed eight conditions as the way forward. Improvements had started and pictures and invoices were available.

In response to a question about engagement, the licensee's representative stated that there was to be a meeting in May that was cancelled. The licensing authority stated that there had been no response from the licence holder regarding this meeting. The licensing team had written several times and had received no response. On visits to the premises the licence holder had not been in the shop and staff were not forthcoming. It was stated that products were still in the premises on Monday 3 February and there had been no engagement until this week and in response the licensee's representative stated that changes were made in November 2019. The licensee stated that photographs of improvements had been taken in November 2019. The police stated that when he visited on Monday 3 February, odorisers were still on display on the counter and the licensing officer stated that he had photographs dated 11 December which showed crack pipes in the window. The Chair asked if the licensee could find photographs on his phone and asked when they were taken. The licensee showed two photographs from his phone dated 12 January. He stated that he could not find others. In response to a question regarding the cannabis products he was selling, the licensee stated that he was not harming anyone. He was not selling to those under 18 years. He had not attended a number of meetings with council officers and he stated that this had maybe have been because of family issues. He was made aware about the illicit alcohol but Trading Standards had found more when they revisited the premises. He had not submitted an application for a special treatment licence. The licensee stated that he had now applied. He had decided that he was not a suitable person to be the designated premises supervisor as he did not have the time to run the premises but he had not resigned. He did have someone in mind. He had decided this in December 2019.

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In summary, the licensing officer reported that of the four premises that needed to apply for a special treatment licence in the area, he had been the only person not to respond or apply.

The police stated that there had still been cannabis grinders on the shelves when they had visited on Monday. He stated that there was very poor management and the licensing objectives were not being promoted. Conditions had been proposed and this reflected how unconditioned the licence had become.

The trading standards officer stated that invoices had been produced now but this was too little too late. If the licensee had engaged, the licence would not have reached a review stage. When the team send out a letter about illicit alcohol they would not expect twice as much illicit alcohol on a second visit. On visits, the licensee had not been at the premises and had not contacted officers afterwards

The officer from public health raised concerns that the premises was in an area where there was a vulnerable population with drug and/or alcohol needs.

The licensing authority stated that too little had been done and it was far too late. All conditions proposed had been detailed in the correspondence from the police and had not been put forward by the licensee. There had been a lack of responsibility

The licensee's representative stated that things were moving forward. The designated premises supervisor was to be changed. He stated that if the meeting in May had happened the review would not have been held. He stated that there had been a lack of communication. Conditions proposed were agreed.

RESOLVED

That the premises licence in respect of Singhsbury's, 29 Seven Sisters Road, N7 6AN, be revoked.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

This was an application to review the licence by the Licensing Authority. The application was supported by the Metropolitan Police, Trading Standards, Public Health and the Community Safety Team.

No representations were received from members of the public. The licensee made oral submissions through his representative and himself at the hearing.

The Sub-Committee considered the fact that there had been repeated breaches of the licence conditions and that despite repeated warnings been operating a special treatment business without a licence. The premises had on numerous inspections

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been found to have dangerous wiring, high strength alcohol and crack pipes were on display for sale. This all being within an area with a high level of drug and alcohol addiction and abuse.

The Sub-Committee considered that the licensee had failed to engage with the Council since April 2019 being the date when the council had been actively endeavouring to interact with the licensee in an attempt to remedy the problem set out above and in the papers.

The Sub-Committee concluded that there were serious management issues with the business and were of such a serious nature that the licensing objectives were being undermined with potential for serious harm to members of the public. The Sub-Committee was not satisfied with the responses of the licensee and found him not to be credible in his submissions, specifically in relation to the photographs presented by him at the hearing and the visits at the premises when high strength alcohol/legality of the stock was found.

Taking all the above mentioned factors into account the Sub-Committee concluded that revocation of the licence was the reasonable and proportionate decision in order to promote the licensing objectives.

The meeting ended at 9.00 pm

CHAIR