

**Licensing Sub Committee C - 1 October 2020**

Minutes of the meeting of the Licensing Sub Committee C held by Zoom on 1 October 2020 at 6.30 pm.

**Present:**      **Councillors:**      Michelline Safe-Ngongo (Chair), Troy Gallagher and Gary Poole.

**Councillor Michelline Safi Ngongo in the Chair**

**75      INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Michelline Safi-Ngongo welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced himself, the applicant and the interested parties. The procedure for the conduct of the meeting was outlined.

**76      APOLOGIES FOR ABSENCE (Item A2)**

None.

**77      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**78      DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**79      ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**80      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 23 January 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**81      ADMAS CAFE, 162 SEVEN SISTERS ROAD, N7 7PT - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that complaints had been received that the premises had not been operating within Covid-19 guidelines, including operating outside of curfew hours at the weekend. Licensing officers had made daytime visits and considered that the premises had been compliant with Covid-19 guidance on these occasions. The licensing officer had visited on Wednesday 30 September and noted that the CCTV was working but only recording for 36 hours. Images from other CCTV nearby indicated that people were leaving the premises just before 4am on Sunday morning the previous weekend. As the premises was unlicensed the case

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would be passed to the Environmental Health team. It was considered that enough evidence had been received to open a compliance case.

In response to questions, the licensing officer stated that alcohol had been in the fridge during a licensing inspection but it had since been removed. The fridge had been full in August 2020. Officers had visited before 10pm on three occasions and the premises had not been open. The initial application had been made in June 2020 and the alcohol in the fridge was found in August 2020.

A local resident raised concerns that the premises was used as a restaurant but half of the space available contained a snooker table. The kitchen at the rear of the premises did not have proper ventilation as would be required for a food premises. The resident indicated his representation in the papers and the Sub-Committee noted the points raised.

In response to questions, the resident stated that the premises would certainly increase public nuisance. He had not spoken to the owner. He stated that the applicant had said it was a restaurant but the frontage was obscured by a plastic screen and seemed unwelcoming. He was concerned that the local pub noise was confined to inside the pub premises as it had no windows at the rear but the noise from Admas Cafe could spill out and disturb residents. He had not been approached by the applicant to discuss any issues.

The applicant's agent stated that this was a small premises with seating for 20 people with alcohol on sale and served ancillary to food. This would not be a bar and music would be background only. There was a snooker table on the premises in a separate room and the door to this would be locked at all times during the licence hours. This was a condition that had been agreed with the police. The premises was in a cumulative impact zone and conditions had been agreed. The applicant had managed another premises in Seven Sisters Road and there had been no issues with it. There were no representations from the responsible authorities and four resident objections. The premises would close at 11.30pm. It was commented that one toilet was adequate for 20 customers. Only four customers would be allowed to smoke outside and with no drinks. The premises would not be adding to issues on match days as it was a seated café. He was not aware of any noise or anti-social behaviour complaints being made. The planning issue was now dealt with as the use fell within the new use class E. The alcohol found in the fridge had been the applicant's own for personal consumption. There were no empty bottles or evidence that the alcohol had been sold. The applicant had been to the wholesaler and put the alcohol in the fridge. This had not been repeated. The café had been open during the Covid period for deliveries but not for dining service. The notice regarding the application was displayed legally. The licensee stated that he was not cooking at the premises but would be bringing food from another premises. The licensee explained that over the past weekend he had six people in the premises late into the evening as they were changing the legs on a table. They had closed the shutters at the front in line with the 10pm curfew.

In response to questions, the licensee stated that CCTV had not been set for recording for one month. This had now been fixed. He apologised that he had not checked this previously. In response to a question regarding staying open during lockdown, the licensee stated that he had not had many people in the premises, 6 people in total. The table was heavy and he needed assistance to change the legs. At 10 pm the premises was closed, the shutter was closed and they did not sell anything after this time. He stated that he brought alcohol to the fridge and it only contained about five cans of Guinness and nine bottles of Becks. The fridge was not full. Regarding the fridge containing alcohol he stated that he had bought the alcohol from Asda for a party and didn't finish all the alcohol so placed it in the fridge to take home later. The party had been held in Finsbury Park with children; about 12 people.

The licensing officer stated that the fridge had been full of cans of Guinness and bottles of Becks. He looked at a photo that had been taken on his phone and advised the Sub-Committee that he could see at least 30 drinks.

The proposed conditions stated 'The premises shall only operate as a café/restaurant which provides food in the form of substantial meals that are prepared on the premises.' In response to questions, the licensee stated that the meals served would be snacks and hot drinks. Food would not be cooked in this premises but at his brother's Eritrean restaurant on Blackstock Road. He served sandwiches and frittata as snacks and would serve Eritrean meals for lunch and dinner. He would send a menu if it was required.

In summary, the resident stated that he was concerned that half of the space would be taken up by a snooker table and it was not realistic for it to be a restaurant. He hoped that this would be dealt with during deliberation. The applicant's agent clarified that there was a snooker room that was not part of the café and was a separate room.

### **RESOLVED**

That the application for a new premises licence, in respect of Admas Café, 162 Seven Sisters Road, N7 7PT, be refused.

### **REASONS FOR DECISION**

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises falls within the Holloway Road and Finsbury Park cumulative impact area. Licensing Policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will

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normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Four local resident objections had been received. There had been no representations made by the responsible authorities, but the Sub-Committee received an update from the Licensing Officer. The Licensing Officer stated that recent complaints had been received regarding the operation of the premises in breach of the Covid-19 restrictions.

The Sub-Committee was not satisfied with the evidence submitted by the applicant. There were concerns about his credibility as a premises licence holder and his ability to deliver the high standards of management required by Licensing Policy 8. The Sub-Committee was not satisfied with the applicant's explanation regarding the presence of alcohol in the premises' fridge. There was a clear disparity between his account and the photographic evidence submitted by the Licensing Authority. The Sub-Committee was also not satisfied with the applicant's explanation regarding the presence of people at the premises at 4.00am, well in excess of the Covid-19 curfew of 10.00pm.

The Sub-Committee noted that the conditions consistent with the premises operating schedule set out that all food provided shall take the form of a substantial meal, prepared on the premises. The conditions also set out that the supply of alcohol shall only be to a person ancillary to their meal. The Sub-Committee noted that the applicant was proposing a café operation with sandwiches, and some food prepared off the premises. The Sub-Committee was not persuaded that the applicant would be serving substantial meals and therefore there was an inconsistency regarding the nature of the premises and the associated sales of alcohol.

The Sub-Committee considered Licensing Policy 3, and decided that the grant of the application would undermine the Licensing Objectives. The Sub-Committee concluded that the applicant had failed to demonstrate that the licensing objectives to prevent public nuisance and crime and disorder would be promoted. The applicant had put forward and agreed relevant conditions but the Sub-Committee was not satisfied that he would comply with these.

In accordance with Licensing Policy 8, the Sub-Committee concluded that the non-compliance associated with the premises and the inadequate explanations provided by the applicant would not see the high standards of management required by the Licensing Authority upheld.

The Sub-Committee concluded that it was reasonable and proportionate to refuse the application.

**82**      **KELLY'S CAFE, 200 NEW NORTH ROAD, N1 7BJ - NEW PREMISES LICENCE**  
**(Item B2)**

The Sub-Committee noted that this application was adjourned at the request of the applicant.

The meeting ended at 7.35 pm

**CHAIR**