

Decisions of the Licensing Sub-Committee

4 October 2021

Cllr John Marshall

Cllr John Hart

Cllr Claire Farrier

1. APPOINTMENT OF CHAIRMAN

The Chairman explained the procedure that would be followed at the meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

None.

5. SEVENTEEN FISH AND CHIPS 50-52 TOTTERIDGE LANE LONDON

The Sub-Committee considered an application for a New Premises Licence, under section 17 of Licensing Act 2003.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations 2005).

Prior to exclusion, parties were notified that they would be informed of the decision within 5 working days.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

8. DECISION OF THE SUB-COMMITTEE

RESOLVED to grant the application for the provision of the supply of alcohol off the Premises Monday to Sunday 12:00 hours to 20:45 hours.

The Sub-Committee considered an application for the grant of a premises licence under section 17 of the Licensing Act 2003.

The application is for the supply of alcohol for consumption on and off the premises Monday to Sunday 12:00 hours to 20:45 hours. The Premises are not currently licensed.

The Sub-Committee must consider whether or not the Applicant can positively promote the licensing objectives in the local area.

Submissions were made by Mr and Mrs Cokysar, the Applicants. Two objections were received from members of the public; the objectors were in attendance. No other representations were received from any other responsible authorities. No objections were received from the Police due to the Applicants having agreed a number of conditions prior to the hearing.

The Applicants addressed the concerns received from the objectors in respect of littering. They advised that they obtained commercial waste bins which have locks from the Council as the previous bins were standard household bins and would do their best to maintain the service road to keep free of litter. In respect of individuals loitering and street drinking, substance abuse, the Applicants advised that they would be willing to install additional CCTV to cover service road to capture any incidences of anti-social behaviour. They further advised that they intend to serve alcoholic beverages with meals which will be restricted to wine, beer and ciders.

The Sub-Committee heard from the Objectors; the first objector advised that she resided 3 meters away from the premises. She was not aware that the application for licence had been made as the residents did not receive notification. The Licensing Officer clarified that the legislation requires that notification is provided in the local newspaper and on the premises.

The first objector advised that there has been a long-standing issue with the service road where there is constant littering which has led to a serious rat infestation problem, street drinking, anti-social behaviour and personally witnessed individuals taking drugs. The service road is located behind the resident's gardens and often residents can hear foul language being used by individuals who are often street drinking. The first objector expressed concern regarding the behaviour of these individuals and their negative impact around children particularly as they have to use the service road to access the train station and local park. The objector felt that the addition of restaurant that served alcohol would exacerbate the current issues which the residents have been facing and was not needed.

The Sub-Committee made enquiries as to whether the objector reported these issues to the Council and/or their local Councillor in respect of the street drinking, waste disposal and rat infestation and the Police for the drug abuses occurring in the service road. The first objector advised the issues regarding the service road had been reported to their local Councillor however residents had not seen any resolution to the issues.

The second objector advised the Sub-Committee that she was not in favour of the Applicants being granted the licence to serve alcohol. The second objector believed that the premises being licenced to serve alcohol would cause further issues to the problems which the residents are currently facing. The second objector advised that she has three children, one of them is autistic and heavily relies on the use of her garden. The second objector advised that she frequently observes the disposal of rubbish, smoking drugs and foul language, which is heard by her children. The last incident occurred last week, where individuals were using foul language by her garden. The objector asked these individuals to not use foul language as her children were in close proximity, she was also

subjected to foul language by those individuals after she had made this request. The second objector also raised issues regarding the ownership of the service road, as they had been told conflicting information as to who is responsible for this road. The second objector felt that none of their complaints had been resolved and the service road would remain problematic due to constant littering, rat infestations and general anti-social behaviour therefore a restaurant serving alcohol would not help the area.

The Sub-Committee advised both objectors that whilst their concerns were wholly valid, regarding the issues that they have been facing in the area and the main areas of concern raised by the objectors related to protection of children from harm and public nuisance. The Sub-Committee noted that some of the representations made included matters that are outside the scope of the licensing Sub-Committee and the Applicant is reminded to ensure that they address any other requirements needed to operate the business from these premises. The Sub-Committee further advised that they relay the objectors concerns to their local councillor.

The Sub-Committee made enquiries regarding the operation of the company and what type of business was there before their occupation of the premises. The Applicants advised that they have four staff members including themselves. The premises would have five tables (two customers on each table) and could seat 10 customers. The Applicants advised that they previously owned a fish and chips shop which served alcoholic beverages with meals in Balham. The Applicants advised that the premises was a café before their occupation.

The Sub-Committee made further enquiries regarding the licensing conditions agreed with the Police, specifically *“For off-licence sales of alcohol: beer, cider or lager will not be served as single cans”* and *“the premises will operate strictly as a restaurant with the sale of alcohol only being permitted to customers taking a substantial table meal, seated at a table and with service by waiting staff only except for people collecting taking away meal”*. The Applicants advised that the reason for those agreed licence conditions is for sales via internet sites such as Deliveroo or Uber Eats and customers would only be allowed to purchase alcohol if they bought a meal. Customers would not be allowed to just purchase alcohol via the internet or in store purchase.

The Sub-Committee has considered all written and oral representations, as well as the relevant statutory legislation, statutory guidance, licensing objectives and Barnet’s Licensing Policy.

In summary, the Sub-Committee has decided, after taking into account all of the circumstances of this case and the promotion of the four licensing objectives to grant the application for the provision of the supply of alcohol off the Premises Monday to Sunday 12:00 hours to 20:45 hours.

The Sub-Committee has amended the licence condition from *“the premises will operate strictly as a restaurant with the sale of alcohol only being permitted to customers taking a substantial table meal, seated at a table and with service by waiting staff only except for people collecting taking away meal”* to ***“the premises will operate strictly as a restaurant with the sale of alcohol only being permitted to customers taking a substantial table meal, seated at a table and with service by waiting staff **only except for sales via the internet and customers collecting a substantial take away meal”*****

If issues arise regarding any of the licensing objectives, in particular in relation to noise, and anti-social behaviour, recourse is available by way of a review of the Premises licence.

Right to Appeal

Any party aggrieved with the decision of the Licensing Panel on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the Magistrate's Court within 21 days of notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 9):

None.

The meeting finished at 11.45.