

Decisions of the Licensing Sub-Committee

6 June 2018

Members Present:-

Cllr John Marshall (Chairman)

Cllr Claire Farrier

Cllr Zakia Zubairi

Also in attendance

Mr Baljeet Virdee - HB Public Law
Mr Dan Pattenden – Licensing Officer
Ms Tracy Scollin – Governance Officer

1. ABSENCE OF MEMBERS (IF ANY)

None.

2. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor John Marshall be appointed as Chairman.

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

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

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

5. NEW PREMISES LICENCE FOR CAFÉ ROSA, 72 BALLARDS LANE, FINCHLEY, LONDON, N3 2BU.

The Committee considered an application for a New Premises Licence under Section 17 of the Licensing Act 2003.

The Committee heard a submission from the Licensing Officer and representations from the applicant's agent and a resident.

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).

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. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

This is an application for a licence made under section 17 of the Licensing Act 2003 in relation to **Café Rosa, 72 Ballards Lane, Finchley, London N3 2BU** (the “Premises”).

The application is for the supply of alcohol for consumption on the Premises during the hours 10:00 to 23:00 Monday to Sunday and for the Premises to be open to the public between 07:00 to 23:30 Monday to Sunday.

The Premises themselves are a cafe based on the ground floor of a terraced block, with other businesses on the ground floor and what appears to be residential flats above them.

The Premises are not currently licenced and the Sub-Committee notes that the licence application includes a plan of the Premises, shown at page 36 of the Report. This shows that the Premises and the licenced area of the same only includes the internal area and not any outside area.

The photos submitted by one of the objectors shows tables outside the Premises that are used by customers of the same.

Following discussions between the Applicant and the Metropolitan Police the Applicant has agreed to include additional conditions in his application, which are set out in Annex 2 to the Report.

No representations were received from any of the responsible authorities but two objections have been received from people living in flats in the building above the Premises. One of the objectors was in attendance at the hearing.

Both objectors allege a past and ongoing nuisance in the form of cigarette smoke from customers of the Premises as they sit outside the Premises, with the cigarette smoke drifting in to their building and homes.

They say this cigarette smoke is causing them to suffer regular coughs and chest complaints, both for themselves and their children who also reside in their homes. They also complain about cigarette butts being constantly left outside the entrance to their building.

It was also stated that customers of the Premises often impede the entrance to the objectors' building and there are often numerous people sitting around the outside tables. The Sub-Committee was informed that there has on occasion been up to 10 people sitting around the outside tables and the objector has had to ask people to move so as not to impede their front door so they can get in.

The objectors also object to an extension of the Premises opening hours and for permission to sell alcohol on the Premises, which they feel will increase the nuisance

caused by cigarette smoke and the levels of nuisance, both noise and general, from the Premises and its customers.

In response, the Applicant has stated that the café has been operating for around 10 years although he himself has only been running the business from December 2017.

He has stated that his intention is for alcohol only to be served with food and he has also confirmed that he is happy to accept a condition to that effect. He is not proposing to sell alcohol to people who are not eating, or to change the Premises to a bar or club. He has also stated that prior to his application the applicant was unaware of the issues raised by the objectors as they had not previously been mentioned to him.

The applicant has stated that he will ask his staff to extend the area where they sweep up outside the Premises, to include the area outside the entrance door to their building.

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

Taking all things in to account, the Sub-Committee considers the granting of this application would not be contrary to the licensing objectives and has decided to grant this application with the conditions agreed with the Metropolitan Police and with the following additional conditions:

- 1) Alcohol can only be served to seated customers who have ordered a meal; and
- 2) Alcohol may not be taken outside the Premises either by customers or to serve customers who may be seated outside.

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

None.

The meeting finished at 12.35 hrs