

**MINUTES OF THE LICENSING SUB-COMMITTEE A
MONDAY, 7 MARCH 2011**

Councillors Adamou, Demirci (Chair) and Reid

Also Present: Councillor Peacock

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCA02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no items of urgent business.</p>	
LSCA04.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCA05.	<p>LA BARCA, 685 HIGH ROAD, TOTTENHAM, N17 8AD</p> <p>The Licensing Officer, Dale Barrett, presented the report on an application for a premises licence variation at La Barca, 685 High Road, Tottenham, London N17 8AD. It was reported that representations had been received from the Police, which had been withdrawn following agreement by the applicant to the conditions recommended, and also from the Noise Team. A letter of representation received from an interested party had been withdrawn and was therefore not considered at the hearing. A letter received in respect of Building Control issues was for the attention of the applicant, but did not constitute a formal representation for the consideration of the Committee. The Committee noted that the Restaurant Condition on the existing licence was to be carried over to the new licence, if granted, and would require alcohol to be sold only as ancillary to table meals.</p> <p>Derek Pearce, Enforcement Response Team Leader, reported that the noise team representation focussed on the risk of nuisance resulting from Regulated Entertainment at the premises, particularly given the structure of the premises and the large windows at the front. Mr Pearce reported that, following discussion with the applicant's representative, it had been agreed that a number of the conditions put forward by the noise team could be withdrawn as not being appropriate in respect of this particular application. It was reported that the applicant's representative had offered an additional condition that any live music would cease at 0000. The Committee was advised that they should</p>	

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consider the representations regarding how the premises would operate in determining whether they felt that conditions in respect of a lobbied entrance and SIA-registered door supervisors would be appropriate in the context of this application, and would also need to consider the operating hours they felt would be reasonable, given the other conditions put forward to address the issue of noise nuisance.

In response to questions from the Committee, Mr Pearce advised that the premises was not an ideal location for Regulated Entertainment due to the design and structure of the premises. It was felt that a noise limiter would go a long way to reduce the risk of noise nuisance, however this would need to be monitored by the licensee and it would also be necessary to ensure that the system was not circumvented. The Committee asked about the suggested condition regarding appropriate delivery times, in response to which Mr Pearce suggested that there could be a degree of flexibility around this and that it would be for the Committee to make a decision on what they felt would be acceptable. In response to questions from the applicant's representative, Mr Pearce reported that the main concern of the noise team was noise breakout, and that it should be possible for the licensing objectives to be upheld if a noise limiter were appropriately installed and operated, although it was noted that this might result in the music having to be set at a relatively low volume.

The applicant's representative, David Dadds, addressed the Committee. Mr Dadds advised that the dance area was very small, and that the maximum capacity of the premises would only be around 50-60 people. It was reported that a noise limiter would be installed and set at a level that it would not cause a noise nuisance even when the front door was open. It was reported that any events in the evenings would largely be private functions, and that SIA-registered doormen would therefore not be required. Mr Dadds reported that the premises was not intended to be run in the style of a nightclub, as evidenced by the condition that alcohol would only be sold ancillary to food, and it was important to support premises such as these, which added value to the local community. It was noted that no objections had been received from local residents. Mr Dadds advised the Committee that any live music would be restricted to a maximum of three performers, and would cease at midnight.

Mr Dadds offered an additional condition that the external area at the rear of the premises would not be used after 2100 hours, and that there would be no Regulated Entertainment at any time in the external area. Mr Dadds advised that the applicant would work closely with the Council and their noise consultants to ensure that there were no issues in respect of noise breakout from the premises.

Mr Dadds called Cllr Sheila Peacock, Local Ward Councillor, as a witness. Cllr Peacock advised the Committee that she knew the area very well and had contact with a local resident and businessman, who had no concerns whatsoever about the manner in which the premises had been run. Cllr Peacock reported that she had held her surgeries in the premises on occasion and that the premises was well-managed. Mr

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Dadds reported that such a premises should be supported and that, with the conditions put forward, the licensing objectives would be upheld if the licence were granted. Mr Dadds requested that the Committee grant the licence as requested.

In response to questions from the Committee, Mr Dadds advised that, for private parties, all recorded music would be run through the noise limiter and there would be no facility to circumvent this system. The Committee asked about the previous occasion when the Enforcement Team had attended the premises, in response to which Mr Dadds reported that the applicant had not been aware at that time that a licence was required for private events, that he had immediately complied with the requests of the enforcement officers, was very apologetic and had immediately applied for an appropriate licence to rectify the situation. It was reported that Temporary Event Notices had been obtained for any subsequent events, and there had been no unauthorised licensable activity at the premises since the first occasion. In response to a question regarding the setting of the noise limiter, Mr Pearce reported that it would be desirable for the Noise Team to be invited to attend when the limiter was set but that in any event the applicant's noise consultant would provide the Council with a full report for approval.

In response to questions from the Committee regarding operating hours, Mr Pearce reported that the later the operating hours, the more risk there was of noise nuisance being caused, however it was a matter for the Committee to determine whether the conditions put forward would sufficiently address this risk and to decide on appropriate hours. Mr Dadds requested that the hours be granted as applied for.

The Committee adjourned to deliberate their decision.

RESOLVED

The Committee considered the application and all relevant representations. For clarification, this did not include the written representation on pages 50-53 of the agenda pack, which had subsequently been withdrawn. The Committee also took into account the Section 182 Guidance and the Council's Statement of Licensing Policy. Particular focus was placed on the objective of Public Nuisance. The Committee noted in particular the structural suitability of the premises and the proximity of residential properties.

The Committee decided to grant the application, with modified conditions to those requested, namely:

Provision of Regulated Entertainment: Recorded Music

Monday to Thursday:	1000 to 0000 hours
Friday:	1000 to 0200 hours
Saturday:	1100 to 0200 hours
Sunday:	1200 to 0000 hours
Christmas Day and Good Friday:	1200 to 0000 hours

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Provision of Regulated Entertainment: Live Music

Saturday: 1100 to 0000 hours
Christmas Day: 1200 to 0000 hours

Provision of Regulated Entertainment: Performances of Dance,
Provision of facilities for making music, Provision of facilities for dancing

Saturday: 1100 to 0200 hours
Christmas Day: 1200 to 0000 hours

Late Night Refreshment

Monday to Thursday: 2300 to 0030 hours
Friday and Saturday: 2300 to 0200 hours
Sunday: 2300 to 0000 hours
Christmas Day and Good Friday: 2300 to 0000 hours

Supply of Alcohol

Monday to Thursday: 1000 to 0000 hours
Friday: 1000 to 0200 hours
Saturday: 1100 to 0200 hours
Sunday: 1200 to 0000 hours
Christmas Day and Good Friday: 1200 to 0000 hours

Opening Hours

Monday to Thursday: 1000 to 0030 hours
Friday: 1000 to 0230 hours
Saturday: 1100 to 0230 hours
Sunday: 1200 to 0000 hours
Christmas Day and Good Friday: 1200 to 0000 hours

All the conditions put forward in Part P of the application are imposed.

The agreed conditions put forward by the Police in the agenda pack are imposed.

Finally, the following conditions are imposed;

- All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.
- All speakers are mounted on anti-vibration mountings to prevent

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	<p>vibration transmission of sound energy to adjoining properties.</p> <ul style="list-style-type: none"> - The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property. This includes both live and recorded music. - All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager. Live performances that cannot be routed via the in-house sound limiter will have their noise levels monitored by the Licensee to ensure that no nuisance is caused. - The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level agreed with the licensing authority. - No music will be played in, or for the benefit of patrons in external areas of the premises. - Signs shall be displayed requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours. - The exterior area shall not be accessible to patrons after 2100 hours, subject to emergency access requirements. - No regulated activities may be conducted in the exterior area at any time. - Deliveries and collections associated with the premises will be arranged between the hours 0700 and 2000 Monday to Saturday, so as to minimise the disturbance caused to the neighbours. 	
LSCA06.	ITEMS OF URGENT BUSINESS	
	There were no new items of urgent business.	
LSCA07.	EXCLUSION OF PUBLIC AND PRESS	

JAYANTI PATEL

Chair

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