

**MINUTES OF THE LICENSING SUB-COMMITTEE B  
THURSDAY, 30 JULY 2009**

Councillors: Lister, Newton, Thompson

In attendance: The Applicants and their representatives, Joyce Golder (Legal Officer) , Dale Barrett (Lead Licensing Officer) , Geoffrey Parker (Police Representative), Eubert Malcolm (Noise Team Officer), Natalie Cole (Clerk)

And 30 Members of the Public

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCB01.</b>	<b>APOLOGIES FOR ABSENCE</b>  There were no apologies for absence.	
<b>LSCB02.</b>	<b>URGENT BUSINESS</b>  There was no urgent business.	
<b>LSCB03.</b>	<b>DECLARATIONS OF INTEREST</b>  There were no declarations of interest in relation to items on the agenda.	
<b>LSCB04.</b>	<b>SUMMARY OF PROCEDURE</b>  The Committee noted the summary of procedure.	
<b>LSCB05.</b>	<b>FUNKY BROWNZ, 5 TOTTENHAM LANE, LONDON N8</b>  Dale Barrett, Licensing Officer, introduced the application for a variation of a premises licence seeking to extend the supply of alcohol and to provide regulated entertainment and the facility for dancing.  The Committee noted the Police Representation, including: <ul style="list-style-type: none"> <li>• The Applicants' premises in neighbouring Borough, Barnet, had been closed due to previous incidents of public nuisance.</li> <li>• The hours applied for were excessive.</li> </ul> Interested parties questioned the Police Representative and the Committee noted the following: <ul style="list-style-type: none"> <li>• That there was no real geographical boundary outside of the premises within which premises managers were responsible for preventing public disorder. It was also not possible to prove that nuisance came from patrons from particular premises.</li> <li>• In response to comments that cars parked outside the premises would be dangerous and would obstruct emergency vehicles, the Police Representative advised that there was no evidence that any accidents had occurred as a result and the road was not particularly narrow, however, practice for emergency vehicles</li> </ul>	

**MINUTES OF THE LICENSING SUB-COMMITTEE B**  
**THURSDAY, 30 JULY 2009**

would be to avoid such roads.

- The CCTV system in the premises was adequate.

*Clerk's note: The Police Representative left the meeting at this point.*

The Committee noted the representation from the Noise Team, namely that following discussions the Applicant had agreed to some of the conditions set out on Pages 46-48 of the agenda pack, detailed in the resolution below.

The Committee noted the following comments made by interested parties in objection to the Application:

- Patrons leaving the premises would cause noise nuisance and public disorder.
- There was a risk to public security in an otherwise safe neighbourhood as alcohol triggered violence and vandalism.
- The business would not benefit the local community; an area populated with children and families.
- The limit of 15 people using the outside smoking area would be difficult to enforce.

Councillor Aitken asked for it to be recorded that he was not given the opportunity to speak, due to an advance request form not being provided.

The Committee noted the Legal Officer's comments emphasising that the premises already had a license to operate and that the Application in question was to vary the existing license.

The Committee noted the representation made by the Applicants' representative, Ms Hill, and answers to the Committee's questions, including:

- The 11 visits to the Applicants' other premises by the Police had been on one night and were in relation to a particular promoter whose group had been the cause of the problems. There had been no recorded incidents since.
- The premises would not be operating as a night-club. Although there would be a DJ from Thursday to Saturday, the premises would not include a dance-floor.
- CCTV footage would be retained for 28 days and the recorded area would not intrude on residential areas.
- Door supervision would be in place as well as supervision in the smoking area. There would, however, be no music outside in the smoking area and shisha lounge (a "chill-out" area where patrons could smoke flavoured tobacco).
- The Applicants would set a noise limit if required.
- Arrangements had been made so that patrons could use the parking areas of local businesses, 75 yards away from the premises. There was also a taxi rank next door to the premises. Signs will be erected informing patrons of these parking areas.

Committee members noted the closing statements of all interested

**MINUTES OF THE LICENSING SUB-COMMITTEE B  
THURSDAY, 30 JULY 2009**

parties and adjourned to consider the application.

**RESOLVED**

The Committee took into account the numerous and detailed representations of the residents, many of whom were present at the Hearing, the responsible authorities namely the Police and Noise Pollution Officers and the Applicants.

The Application was for a new premises licence and it was the decision of the Committee that the Applicants, subject to alterations to the Application and conditions, should be given an opportunity to operate Funky Brownz under a new premises licence.

However, there were numerous occasions throughout the Hearing when the Applicant stated that the premises would not be used as a nightclub whatsoever and indeed, when specifically asked that question by objectors, Miss Patel gave a definitive "no". Ms Hills also stated that on Sunday to Wednesdays it was the Applicants' intention to use the premises as a bar/diner with background music. A licence was not required to play background music.

Therefore, the Committee was minded to grant the following:-

Hours of Opening

Sunday to Wednesday	10:00 hrs to 01:30 hrs (the following day)
Thursday	10:00 hrs to 02:30 hrs (the following day, only if there is a pre-booked function) or 10:00 hrs to 01:30 hrs (the following day, if there is not a pre-booked function)
Friday and Saturday	10:00 hrs to 02:30 hrs (the following day)

Late Night Refreshment

Sunday to Wednesday	23:00 hrs to 01:00 hrs (the following day)
Thursday to Saturday	23:00 hrs to 02:00 hrs (the following day)

Regulated Entertainment (to include live music, recorded music, performance of dance (and anything with a similar description), provision of entertainment facilities for dancing, making music (and anything of a similar description).

Thursday	10:00 hrs to 02:00 hrs (the following day, only if there is a pre-booked function) or 10:00 hrs to 01:00 hrs (the following day, if there is not a pre-booked function)
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Friday and Saturday	10:00 hrs to 02:00 (the following day)
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There is to be no regulated entertainment

**MINUTES OF THE LICENSING SUB-COMMITTEE B**  
**THURSDAY, 30 JULY 2009**

Sunday to Wednesday

This means that there is to be no music and no dancing therefore no ability to run the venue as a night club.

For the sake of clarity there is to be no music other than background music and no dancing whatsoever on Sunday to Wednesday inclusive.

Supply of Alcohol

Sunday to Wednesday      10:00 hrs to 01:00 hrs (the following day)  
Thursday to Saturday      10:00 hrs to 02:00 hrs (the following day)

The Committee further condition as follows:

- No outside promoters will be permitted at the venue
- No adult entertainment will be permitted at the venue. There will be no display of nudity and the like at the premises irrespective of whether there is a pre-booked function or otherwise.
- No glasses will be taken outside the premises, neither to the rear nor the front of the premises.
- The garden and smokers area (as detailed on the left hand side of the plan) will have no more than 15 people in it at any one time.
- The garden and smokers area (as detailed on the left hand side of the plan) will close at 12:30 on Sunday to Thursday and half an hour prior to closing on a Thursday if there is a pre-booked function and at 1:30 hrs on Friday and Saturday.
- There is to be a minimum of 4 Security Industry Authority (SIA) registered door supervisors from 20:00 hrs to 02.30 hrs the following day on Friday and Saturday and Thursdays if there is a pre-booked function.
- No new entries of patrons to the premises will be permitted after midnight on Friday and Saturday or after midnight on Thursday if there is a pre-booked function.
- Whist CCTV has been provided in the operating schedule it must be kept for 28 days, and made available upon by the Police and/or Local Authority.
- All doors and windows will remain closed during the regulated entertainment licensed activities or in any event after 11 pm. 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.
- Entry to the premises will be restricted to particular entrance(s) whilst the premises is being used for regulated entertainment licensed activity.
- Entrance/exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via lobbied doors to minimise noise breakout.

**MINUTES OF THE LICENSING SUB-COMMITTEE B**  
**THURSDAY, 30 JULY 2009**

- Regulated entertainment shall conclude at 2 am on Thursdays, Fridays and Saturdays to prevent excessive noise breakout as the premises empties.
- The Licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property
- The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level which upon request may be agreed with the licensing authority.
- No music will be played in, or for the benefit of patrons in external areas of the premises.
- No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior of the premises or near any foyer, doorway, window or opening to the premises.
- Signs shall be displayed in the external areas/on the frontage 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 number of persons permitted to use the garden area will be restricted to 15 on a Friday and Saturday night.
- All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbour arising from noise.
- A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include where disclosed, the complainants name, location, date and time and subsequent remedial action undertaken. This record must be made available to all times for inspection by Council Officers.
- The Applicant proposes to hold regular residents meeting on the last Sunday of each month between 6 pm and 7 pm to discuss any issues arising from the use of the premises.
- Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner.
- Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.
- When the premises turn out a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.
- A licensed door supervisor will be positioned on the exit doors to ensure, as far as reasonably practicable, that patrons do not leave drinks.
- A licensed door supervisor will patrol the perimeter of the premises to prevent patrons urinating in public areas in the vicinity of the premises.
- Deliveries and collections associated with the premises will be arranged between the hours of 0800 and 1830 so as to minimise the disturbance caused to the neighbours.

**MINUTES OF THE LICENSING SUB-COMMITTEE B**  
**THURSDAY, 30 JULY 2009**

	<ul style="list-style-type: none"><li>• Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.</li></ul> <p>The residents were reminded of their right to call the licence in for review should the Applicants fail to comply with the hours and/ or the conditions of the licence granted.</p> <p>The Committee felt that the opening hours granted and the conditions attached to the licence were in line with residents' concerns.</p>	
<b>LSCB06.</b>	<b>NEW ITEMS OF URGENT BUSINESS</b>  There were no such items.	

COUNCILLOR HARRY LISTER  
Chair