

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 7 AUGUST 2023, 7:00PM - 9:25PM

PRESENT:

Councillors: Nick da Costa, Sheila Peacock (Chair) and Reg Rice

1. FILMING AT MEETINGS

The Chair informed all present that the meeting would be filmed.

2. APOLOGIES FOR ABSENCE

None.

3. URGENT BUSINESS

None.

4. DECLARATIONS OF INTEREST

None.

5. SUMMARY OF PROCEDURE

Noted.

6. APPLICATION FOR A NEW PREMISES LICENCE AT PINK ZEBRA, 42A-44 PARK ROAD, LONDON, N8 (CROUCH END)

Daliah Barrett, Licensing Officer, introduced the report as set out in the agenda pack.

Ms Barrett advised that an email had been received from the applicant's agent, Mr Sutherland, after the publication of the agenda, which contained an acoustic noise report and a letter of support. Mr Sutherland advised that this was a letter in support of the application.

The Chair raised concerns that this evidence had not been submitted in good time. The Committee supported this view, and it was decided that the late representations would not be accepted.

Mr Sutherland, applicant representative, presented the application. The following was noted:

- the layout was shown at page 29 of the agenda pack.
- the use of the garden area had been retained as set out in condition 7.

- the sound system was a small domestic system, which would need to be completely replaced if a sound limiter was required.
- there had been a degree of engagement with residents.
- there was no access to the garden from the premises for patrons. Access was for staff only to access the storeroom.

April Smart, Noise & Nuisance Officer outlined the objection to the application:

- since January 2023, the Noise Team had received 21 complaints from 6 different complainants. 16 were regarding loud music and bass.
- A Noise Abatement Notice had been served on 25 May 2023, following a visit from a Noise Officer on 19 May 2023 at 23:25.
- A TEN had been used on 3 June 2023 for a private party, and 3 complaints were received in relation to noise.

Isabelle Langlois spoke in objection to the application:

- Since November 2022, the premises had been difficult to live near. There was constant loud people and music noise, particularly after 23:00.
- The premises were located directly next door to residential properties, and it was unfair for a 02:00 licence to be granted.

Paula Dixon spoke in objection to the application:

- The loud noise and disruption from the premises has had a significantly detrimental effect of residents' mental health.
- it was intimidating to have people gathering so closely to the entrance to residential properties.
- The premises had installed a sensor light in the courtyard over the storeroom – however this meant that there was now a light which shone into the residential properties at all hours of the night.

The Chair asked all present to sum up and advised that the Committee would retire to consider the application. A decision would be provided in writing to the applicant.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for Pink Zebra, 42A - 44 Park Road, London N8. In considering the application, the Sub-Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the section 182 Guidance, the report pack and the applicant's and objectors' written and oral representations.

Having considered the application and heard from all of the parties, the Sub-Committee decided to grant the application for a new premises licence with the conditions set out below.

Operating times:

Supply of Alcohol

Sunday to Thursday	1000 to 0000 hours
Friday and Saturday	1000 to 0100 hours

Supply of alcohol for consumption **ON** and **OFF** the premises

Late Night Refreshment

Sunday to Thursday 2300 to 0000 hours

Friday and Saturday 2300 to 0100 hours

Live Music, Recorded Music or Performance of Dance

Sunday to Thursday 2300 to 0000 hours

Friday and Saturday 2300 to 0100 hours

Hours open to the public:

Sunday to Thursday 0700 to 0030 hours

Friday and Saturday 0700 to 0130 hours

The following conditions are imposed:

THE PREVENTION OF CRIME AND DISORDER

(1) A digital CCTV system recommended to be installed in the premises complying with the following criteria:

(a) Camera(s) must be sited to observe the entrance doors from both inside and outside.

(b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

(c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if onsite.

(d) Provide a linked record of the date, time of any image.

(e) Provide HD digital quality images in colour during opening times.

(f) Have a monitor to review images and recorded quality.

(g) Be regularly maintained to ensure continuous quality of image capture and retention.

(h) Member of staff trained in operating CCTV at venue during times open to the public.

(i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g.

CD/DVD writer so that Police can make an evidential copy of the data they require.

Copies must be

available within seven (7) days to Police on request.

2. An incident log shall be kept at the premises, it will be written at the time of the incident or as near to as is reasonable, it shall be retained for a minimum period of 12 months and subject to the Data Protection Act 2018, shall be made available on request to the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

3. Save for any private pre booked function, alcohol will only be supplied for consumption on the premises to customers who are seated and served by waiting staff.

PUBLIC SAFETY

4. All access to the premises to be via the front entrance.

5. All exit routes and public areas shall be kept unobstructed, shall have non slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

THE PREVENTION OF PUBLIC NUISANCE

6. A detailed scheme of sound insulation works shall be submitted in writing and approved by the Licensing Authority. The approved works shall be provided in full prior to commencement of any regulated entertainment, and the Licensing Authority is to be notified at least 5 working days in advance of the works being completed and the premises being used for regulated entertainment, should the Premises Licence be granted.

7. A Noise Management Plan shall be submitted to the Licensing Authority and approved by them prior to commencement of any regulated entertainment which outlines all noise control measures that shall be implemented to reduce the noise impact of sources associated with the premises. The Noise Management Plan shall be subject to regular review and communicated to all staff on the premises. As part of the noise management plan no external sound equipment shall be used.

8. From 23:00 until close the maximum number of persons permitted to temporarily leave the premises to smoke immediately outside the front of the premises shall be limited to 3 persons at any one time. No drinks shall be consumed outside the premises by patrons.
9. When a private party is taking place at the premises and the premises is carrying on licensable activities after 2300 hours, at least 1 door supervisor is to be on duty .
10. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
11. Signage shall be erected inside the premises asking patrons to leave quietly.
12. Staff and door supervisors shall actively monitor and control patrons queuing, leaving and entering the premises to ensure they leave the area quickly and quietly. Staff and door supervisors shall actively discourage loitering or waiting outside the premises after closing.
13. The licence holder shall conduct regular assessments of the noise coming from the premises whilst it is open for business and shall take full steps to reduce the level of noise where it is likely to cause a disturbance to residents. A written record should be provided of these assessments in a logbook the logbook shall include the time and date of the checks, the person making them and the results including any remedial actions. This logbook must be available at all times for inspection by Council Officers.
14. Regular liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities.
15. All internal speakers shall be attached to independent wall linings and not to the ceiling.
16. The storage area shall only be used for storage and not for food preparation.
17. A direct telephone number for the Licence Holder/DPS/manager of the premises shall be publicly available at all times that the premises is open. The number is to be made available to residents and businesses in the vicinity. Any complaints shall be recorded in the incident book including the action taken by the Licence Holder/DPS/manager.
18. The use of the rear courtyard and rear alleyway shall be by staff only. Staff will not congregate, loiter, or smoke in the rear courtyard or rear alleyway.

19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

20. Signage to be clearly displayed notifying customers that it is a residential area and asking them to leave the premises quickly and quietly and to not idle engines or loiter in the surrounding area.

THE PROTECTION OF CHILDREN FROM HARM

21. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

22. This licence will not be relied upon for the purpose of providing licensable activities until the existing licence for the premises has been surrendered.

Reasons

The Sub-Committee noted with concern the proximity of the premises to the residential dwellings accessed via the rear courtyard, which is shared with the premises, and the history of complaints about public nuisance arising from people noise and loud music.

The Sub-Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors. The Sub-Committee was satisfied that the licence should be granted and that the above conditions were appropriate, proportionate and robust enough to ensure that the licensing objectives would be promoted.

The concerns about the licensing hours were noted and the hours granted have been reduced to make them more in line with the Council's policy for licensed premises in close proximity to residential dwellings. This should help to reduce the public nuisance experienced by the neighbours.

The Committee noted the representations in support of the premises and considered that residents of the properties accessed via the rear courtyard, were most likely to be affected. It found their objections very credible and their evidence was corroborated by the Noise Team.

The conditions added to the licence to promote the licensing objective of the prevention of public nuisance, include the need for soundproofing, a noise management plan and restricting the use of the storeroom to hopefully reduce staff traffic in the rear courtyard, thus reducing the transmission of music and people noise.

The Sub-Committee acknowledged that the applicant had proposed a number of appropriate conditions, agreed conditions with the noise team, and indicated a willingness to engage with the community.

Taking all of these factors into consideration the licence was granted subject to appropriate conditions.

Informative

The Sub-Committee would encourage the licence holder to engage with the community on a regular basis going forwards, with a view to addressing their concerns.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

7. NEW ITEMS OF URGENT BUSINESS

None.

CHAIR:

Signed by Chair

Date